CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

FIFTY-NINTH CONGRESS, FIRST SESSION,

ALSO

SPECIAL SESSION OF THE SENATE.

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CONGRESSIONAL RECORD

AND

APPENDIX,

FIFTY-NINTH CONGRESS, FIRST SESSION.

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gerous drugs, whose contents are unknown to the public. Note the following from the Druggists' Circular:

We can not see that the proprietor of a nostrum is a being superior to an educated physician or an educated druggist. Unfortunately he is held by the law as in some way superior, inasmuch as he is left free to distribute remedies in a wholesale and dangerous manner without the trouble of having to secure a license for himself. The public buy immense quantities of proprietary medicines which, unknown to them, contain narcotics, under the delusive notion that they will cure them of some ill. They have no idea that there is the slightest danger attached to their use. They actually do find in them some degree of comfort and a momentary support to their strained nerves. This accentuates their delusive hopes and keeps them using these drugs until they become moral and physical wrecks.

When temperance people have succeeded in rescuing a drunkard from the thraldom of strong drink how terrible is the end when some alcohol-charged secret medicine lures him back again to his old habit. Who can tell how many such relapses are due to this very cause?

The temperance war against proprietaries is not so much because they contain alcohol as because of the deception which is practiced upon the users in leading them to believe that they are not using alcohol. It is this ignorance of the taker that makes the putting of alcohol into proprietary medicines, when undeclared, a crime.

Mr. Chairman, the superintendent of one of the largest Keeley institutes in this country told me not long ago that his institution had more relapses among his patients brought about by the use of drugs than from any other known cause. This bill, if enacted into law, will put the public on guard by letting them know the exact amount of dangerous drugs in every package of medicine.

Many of these so-called "patent medicines" or nostrums cost the manufacturer almost nothing, and yet the poor, unsuspecting person, groping for hope and searching for something that he thinks will help him, pays for these worthless drugs hundreds of times more than they are really worth. Often these nostrums are extravagantly advertised as great cure-alls, when in fact they are absolutely worthless and pure frauds on the public, and are oftentimes seriously harmful to the taker. There is one widely advertised medicine, which is claimed to cure blood poison, Bright's disease, consumption, cancer, dropsy, malaria, rheumatism, weak eyes, etc., in fact, nearly every ill that flesh is heir to, from alpha to omega in the catalogue of diseases. It has been analyzed and found to contain nothing that its manufacturers claimed for it. It consists of a watery solution of sulphurous and sulphuric acid, colored with some vegetable coloring matter. This medicine can not possibly cure the diseases it claims to cure, and is not only worthless, but dangerous, and several deaths have been produced by its use. It is said to cost about 7½ cents per barrel, and is sold to the public for $1 per bottle.

The credulity of the colored population of America has been appealed to by speciously advertised medicines promising to straighten their hair and whiten their faces, and the poor negro, who needs his money, has been duped into buying these worthless lotions and salves.

There is another widely advertised medicine, which claims to cure inflammation of the liver, intestines, rectum, bladder, female organs, and also Bright's disease, not to mention catarrh. This medicine contains about 73 per cent water, about 26 per cent alcohol, and about three one-hundredths per cent of nonvolatile matter. About the only medicinal properties in this medicine besides the alcohol are the small proportion of cubebs and cardamom. Whatever medical virtue this remedy may have lies in the alcohol, which is sometimes a good medicine, but never for constant use, and certainly not for all the ills which this medicine claims to cure.

There is another nostrum which is claimed to be a wonderful bust developer. Pictures are printed as "before and after" using. An analysis of this "wonderful" nostrum showed that it contained 8 per cent alcohol, sweetened with saccharine, colored with caramel, and has in it a very small amount of plant extract. It is well known that this nostrum is absolutely worthless as a tissue builder or developer, and although it is claimed to have originated in Mexico any competent chemist can prepare it.

There are many nostrums claiming to restore lost manhood. One of these cures has been analyzed, and showed that it contained 80 per cent vaseline and 20 per cent of a waxy substance, this mixture being combined with some kind of an oil. This remedy is absolutely worthless as a cure for anything like lost manhood.

There is a certain medicine advertised to cure rheumatism, and it is claimed that it is composed of very rare and costly ingredients, one of which is worth $40 per ounce. An analysis showed that the remedy was worthless and the scheme a downright fraud.

A remedy whose chief ingredient was red pepper has been extensively advertised and sold as a cure for consumption.

Not only do many of these nostrums contain absolutely worthless ingredients, but many of them contain dangerous and seductive narcotics.

Dr. Lyman F. Kebler, chief of division, Bureau of Chemistry, United States Department of Agriculture, says:

Some nostrums are being advertised as free from narcotics and other dangerous habit-forming agents, such as opium, morphine, cocaine, chloral hydrate, heroin, etc. Numerous examinations show that these representations are frequently incorrect. Another class, commonly called "soothing sirups," for good reasons is silent on the subject of narcotics. Their efficacy is usually in proportion to the amount of opium, or some derivative of opium, present. Some are known to contain one or the other of these dangerous drugs. Yet not a single one of them makes public the fact that such dangerous drugs are present, and the infants of our country are constantly being "doped" with them, not so much by the mothers themselves as the nurses in whose care these children are intrusted, the object of the nurse being to quiet the child, so that she will be inconvenienced as little as possible with her charge.

It is a well-known fact that one of these soothing sirups has caused the death of a number of infants in the last few months. There are something like fifty of this class of remedies being sold to the public every day. Some of these "baby cures" have two different styles of wrappers, one for America and one for England. In this latter country the manufacturers of these drugs are required to print "poison" on each bottle or package.

In a recent article in the Ladies' Home Journal I find the following facts set forth:

In one of our cities a small box containing samples of a widely advertised tablet was thrown into the front yard of a home. The box contained six colored tablets resembling candy, the circulars stating that the tablets were for many diseases and "perfectly harmless," even so much "that a child could take them without bad effects." In one home a child did eat four of the tablets—the little thing was playing in the yard when the medicine was thrown in—and within a few hours convulsions gripped her and she was dead. The tablets were analyzed and found to contain a strong proportion of strychnine.

A widely advertised whooping-cough cure, claimed to be "absolutely harmless," was administered to a child recently, and within five minutes the child's respiration fell from twenty to four per minute, and required great medical skill to revive it to its normal condition.

This remedy contained an alarming proportion of morphine.

A mother recently told this story at a public hearing:

There was distributed not long ago on the streets of our city samples of a certain "patent medicine." My son obtained the same, and being troubled with one of the diseases for which it was recommended, imagined the "medicine" relieved him. He bought bottle after bottle until he became a slave to it. The effects were something terrible. He lost his appetite completely, his cheeks became sunken, and his eyesight impaired. He was a perfect wreck. He would walk the streets all night, and upon his return next day would tell us all sorts of imaginary stories about adventures and terrible accidents. He shunned all his companions and wanted to be strictly alone. We then began to suspect something wrong, and cut off his allowance. But that did no good, as he sold his clothes to obtain the drug, and borrowed money where he could. One morning when he came home he told me he was followed all night, and that he was going to kill himself——

It is useless to continue this recital, for every physician will immediately recognize the symptoms of cocaine addiction. And yet we are told that the percentage of cocaine in some of these patent medicines is so small that no possible harm can come of it.

Recently a patent-medicine concern advertised that they had concluded to give the public the contents of their medicines, and assumed to print the formula on the package. Several different herbs were mentioned, and at the end of this enumeration are the three letters "e t c." A board of pharmacy analyzed this medicine and discovered that the "etc." covered 3.76 per cent of cocaine—death-dealing, habit-forming cocaine.

The head of the New York City health department recently wrote a protective association that he desired to call attention to the fact that a much-advertised article, ———, contained a large percentage of cocaine, saying that a pitiable case had come under his knowledge recently of a former bright lawyer with whom he had done business. The lawyer had had a bad cold for a long time, and had tried many remedies to stop it. One day he saw an advertisement of this cure, and took it. He now says he knows the stuff is killing him, but that he can not stop using it.

Many consumption cures contain drugs in the form of opium, morphine, cocaine, and chloroform, which not only do not stop the progress of the disease, but ofttimes hasten it. Mr. Samuel Hopkins Adams, writing in Collier's Weekly, says of these consumption cures:

The chloroform temporarily allays the cough, thereby checking nature's method of throwing off dead matter from the lungs; the opium drugs the patient into a deceived cheerfulness. The combination is admirably designed to shorten the life of any consumptive who takes it steadily. Of course there is nothing on the label of the bottle to warn the purchaser.

One consumption cure is known to contain chloroform and

prussic acid, and there is no warning on the bottle that it contains deadly poisons.

Morphine is the important constituent of a famous cough sirup. In Cincinnati the death of a little child was caused by a dose of cough sirup. Another case of poisoning from this cough sirup is registered in Indiana. The child died in convulsions after seventy-two hours; it had taken an overdose. The mother no doubt had left the bottle lying around carelessly, because there was nothing to indicate that it contained a terrible poison. Another cough sirup is known to contain morphine and hydrocyanic acid. Another widely advertised consumption "cure" contains 16 per cent alcohol, with a slight suggestion of strychnine. Another one, upon analysis, was found to contain alcohol, chloroform, and opium.

Mr. Adams, in Collier's, gives the names and places of residence of twenty-two persons whose deaths were produced by the taking of headache medicines, or "bracer" patent medicines, containing acetanilid. All these deaths occurred between October 16, 1903, and August 15, 1905. Mr. Adams says, in speaking of nostrums:

Depending as they do upon the lure of some subtle drug, concealed under a trade-mark name, or some opiate not readily obtainable under its own label, these are the most dangerous of all the quack medicines, not only in their immediate effect, but because they create enslaving appetites, sometimes obscure and difficult of treatment, most often tragically obvious. Of these concealed drugs the headache powders are the most widely used. Recent years have added to the mortality records of our cities a surprising and alarming number of deaths from heart failure. In the year 1902 New York City alone reported deaths as a result of this cause 1.34 to every 1,000 of population; that is, about six times as great as the typhoid-fever death rate. It was about that time that the headache powders were being widely advertised, and there is every reason to believe that the increased mortality which is still in evidence is due largely to the secret weakening of the heart by acetanilid.

Last October Supt. W. H. Hawkins, of the American Detective Association, bought from a druggist in Indiana a dose of headache powders. He boarded a car for Marion, Ind., and before he had proceeded far he dropped dead in the car, and the coroner's verdict was that his death was produced by the poison contained in the headache powder.

Yet there is a widely advertised headache cure whose principal constituent is this dangerous habit-forming drug. The public would not use them so much nor so recklessly if they were only informed that these remedies contained the poisons they do. The "patent-medicine" vender could not flourish if the medicines which he sold were not constantly used by the patients, and this is the secret as to why cocaine, opium, and morphine are so commonly used in these medicines. Their effect is immediate, but soon wears off, and as soon as it wears off there is a demand from the patient's system for another dose of the same medicine. The manufacturer, therefore, carefully conceals the presence of this seductive drug, which is usually the basis of his fortune.

Young babies who are constantly given soothing sirups containing these opiates have implanted in them a taste and thirst for the soothing effect of these drugs, and ofttimes become in their adult life confirmed opium fiends. The proprietor of a San Jose (Cal.) drug store wrote Collier's Weekly the following letter:

I have a good customer, a married woman, with five children all under 10 years of age. When her last baby was born, about a year ago, the first thing she did was to order a bottle of ——— soothing sirup, and every week a bottle was bought at first, until now a bottle is bought every third day. Why? Because the baby has become habituated to the drug. I am not well enough acquainted with the family to be able to say that the weaned children show any abnormality of health due to the opium contained in the drug, but the after effects of opium have been thus described. * * * Another instance, quite as startling, was that of a mother who gave large quantities of soothing sirup to two of her children in infancy; then, becoming convinced of its danger, abandoned its use. These children in middle life became neurotics—spirit and drug takers. Three children, born later and not given any drugs in early life, grew up strong and healthy.

I fear the children of the woman in question will all suffer for their mother's ignorance, or worse, in later life, and have tried to do my duty by sending word to the mother of the harmful nature of the stuff, but without effect.

More cocaine lurks in catarrh powders than in any other class of medicines. The cocaine fiend is known to lose his physical and mental vitality, as well as all his moral restraint. A gentleman writing in the Chicago Tribune some time ago said that he began taking a catarrh cure three years ago, and that the longing for the drug had grown so potent that he suffered without it. He followed the directions at the first, then increased the dose until he bought it by the dozen bottles. A 14-year-old boy in Illinois not long ago became a confirmed slave to cocaine from the use of a certain catarrh cure. In Chicago not long ago working girls were noticed after working hours congregating at a drug store, and each bought a package of a certain catarrh cure. Only a certain brand was acceptable to them. The fact aroused some suspicion, and upon examination and analysis the "cure" was found to contain a large proportion of cocaine, and its sale was prohibited. After its sale was prohibited these same girls offered as much as $1 premium for the brand which had been removed, and which contained 4 per cent of cocaine.

It is asserted that more alcohol is consumed in the United States in patent medicines than is sold direct by regularly licensed dealers, not including ales and beer.

Dr. E. G. Janeway, of New York City, one of the most celebrated physicians in America, wrote me on February 16, 1906, saying:

It stands to reason that people who are opposed to the taking of alcoholics, narcotics, and medicines of this nature should be made aware that under the guise of a tonic or a soothing medicine, free from any harmful ingredient, they are taking the substance they dread, whose effects it may be have previously been baneful to them. It seems to me that the common sense which is the attribute of the Members of the House of Representatives will place this matter rightly.

Dr. W. Gilman Thompson, president of Cornell Medical College, in New York City, wrote me February 15, 1906, and said:

Very many instances of serious drug habits and alcoholism acquired through the use of such unlabeled remedies have come to my personal knowledge, as they have to that of almost every physician. Not long ago I saw a fatal case of chlorate of potash poisoning, acquired by taking, in ignorance of the danger, an unlabeled cough medicine. Our hospitals and asylums could furnish a long list of patients whose lives may have been ruined or destroyed through the ignorant use of nostrums, proprietary and patent medicines, which bear no warning of their deleterious effects when used too long or in overdosage. The evil has enormously increased in recent years, and unless controlled by legislation such as that contemplated in your bill will continue to extend.

Dr. C. L. Dana, of New York City, wrote me on February 21, 1906, saying:

The feeling is that this kind of legislation will be of great use if there is any provision for seeing that it is properly enforced in that the printed label is correct.

We physicians see people who acquire drug habits by taking secret preparations, and a measure which makes them open will be of great benefit.

Dr. Richard H. Lewis, president of the National Conference of State and Provincial Boards of Health of North America, wrote me on February 20, 1906, on the subject of compelling publicity in regard to patent medicines, and said:

To my mind the reasons for its passage are overwhelming, viewing it from the standpoint of the welfare of our people. The injurious effects mentally, morally, and physically of the intemperate use of alcohol or the habitual use of narcotic drugs are simply incalculable, and this being admitted by all, it is unnecessary to dwell upon it. All right-thinking men, I am sure, desire to prevent their improper use. Unfortunately it is a fact that many indulge knowing what they are doing, but a very much larger number are seduced into the habit unwillingly. The innocent use of secret remedies containing these beguiling elements by tens of thousands of good, conscientious people, who would recoil and avoid it if they knew what they were doing, is one of the most common methods by which the habit is induced. This is especially true of our women. The nervous constitution of women is such that they crave the temporary relief to their many aches and pains that alcohol and narcotics bring more than men, and for the same reason their resisting power is less. Deceived by the advertisements or the advice of friends who have tried them they begin the use, unknowingly, of "dope," under the name of what is claimed to be a harmless medicine, and are lost. In this way thousands of the wives and mothers of our country are debauched; their vitality, physically and morally, is sapped; their husbands and children are worse than neglected, and misery unspeakable is the lot of their homes. But it does not end there, for the children of the victims of alcohol or narcotics are often defective. There is no end to the trouble, immediate and remote.

The only argument against the bill is a purely commercial one, but, as I understand it, it does not aim to interfere with the legitimate aspect of any business, but merely requires that purchasers shall know exactly what they are buying, and that millions of our people shall not be deceived into habits destructive of both soul and body to put more dollars into the already overflowing pockets of a handful of men. How any man having at heart the good of his fellow-man can hesitate as to his vote on such a bill is more than I am able to see.

Messrs Sharp & Dohme, manufacturing chemists of Baltimore, Md., wrote me on February 26 of this year as follows:

The reason that we publish the formula of every preparation that we make is that the physicians for whose patronage we cater are ethical, and as such have the right to know every ingredient in any preparation that we offer to them through the drug trade. We have no secrets. Our work is along scientific lines, and every step in the manufacture of every preparation bearing our label is carefully recorded and is open for inspection any time.

Messrs. E. R. Squibb & Sons, of New York City, one of the most reputable drug manufacturing concerns in the world, wrote me on March 26, 1906, on this subject, and said:

This house is, and always has been, opposed to secrecy and quackery in medicine. We manufacture upward of 3,000 products, and we place upon the label of each of these full information as to the source, quality, constitution, therapeutic indications, and dose; all of fully disclosed formula. We make no secret preparations. We believe that no manufacturer has the moral right, and should not have the legal right, to foist upon the general public medicines of secret composition, the consumer being in ignorance of what he is taking and being therefore often rendered a slave to some habit-forming drug. No restrictions can be too severe for the protection of the people in this regard. It should not be possible for the unsuspecting public to be

induced by false and misleading advertisements to consume medicinal preparations of whose true nature they are in ignorance.

No reputable manufacturer should object to giving information regarding the character and composition of his products. Narcotics and similar potent remedies have a legitimate place in medicine, but it is in the hands of the duly qualified practitioner, not in secret remedies for popular sale where their presence is generally, if not always, unsuspected. The people have an inherent right to dose themselves if they please, but they should know what is in the medicines they use.

It may be argued that legislation of this character should be left to each individual State. I believe in States rights as thoroughly as does any member of this committee, but I do not think that great principle applies in the least in discussing a measure of this nature. I know that is the argument which will be made by the opponents of this class of legislation. Yet when they are confronted with similar legislation in the various States they will appear before the committees and oppose those bills on the ground that such legislation to be fair and just should be national and therefore uniform, and not compel the manufacturers of medicines to have a different label for each of the different States. This was the argument made by these patent-medicine manufacturers during the last session of the Maine legislature and in others. Their principal argument was that such a law should not be passed by the various States, but that in order to secure uniformity it should be enacted by the National Congress. I submit, Mr. Chairman, that it is evident to all parties concerned that such a law as is proposed should be made to apply to every State alike. Then the manufacturer will have but one label to place on all his medicines of a particular class.

Mr. Chairman, I challenge any man to produce one good, just reason why this bill should not be passed. On the other hand, there are scores of unanswerable reasons why it should become a law. The public is entitled to be protected at your hands from the terrible dangers lying in many so-called "patent medicines," and I trust that no Member of this House will so far forget the good of his constituents as to vote against this bill.

Mr. KAHN. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from California [Mr. KAHN] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 19, after line 22, insert:

"But this act shall not be so construed as to prohibit the use of borax or boric acid as preservatives when the borax used does not exceed 1 per cent or the boric acid one-half of 1 per cent: *Provided*, That the quantity of borax or boric acid used shall be plainly stated on the label."

Mr. MANN. Mr. Chairman, I call for a vote.

Mr. KAHN. Mr. Chairman, I want to make one observation.

Mr. MANN. Well, if the gentleman does, I will make another one, and he will not get a vote.

Mr. KAHN. I want to make this observation: That the gentleman in charge of the bill has constantly stated that the object of this bill is to have plainly stated upon the label the ingredients of the article which is contained in the package to be sold. Now, this amendment provides that borax may be used as a preservative, provided the label so states. I can see no reason why the gentleman should have any objection to that amendment.

Mr. MANN. I can see no reason why the amendment should prevail.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Georgia [Mr. ADAMSON], which was in effect a substitute.

The question was taken; and the Chair announced that the noes seem to have it.

Several MEMBERS. Division, Mr. Chairman.

Mr. HENRY of Texas. I ask that the substitute be read. [Cries of "No!" "No!"]

The CHAIRMAN. The amendment has been read once, but the time has expired. If the gentlemen call for a reading they are not likely to get a vote.

Mr. HENRY of Texas. Mr. Chairman, I ask unanimous consent that the time be extended long enough to read the amendment.

The CHAIRMAN. You can not extend the time.

Mr. MANN. Regular order, Mr. Chairman. [Cries of "Vote!" "Vote!"]

The House divided; and there were—ayes 44, noes 118.

So the amendment was rejected.

The CHAIRMAN. Under the special order of the House the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. CURRIER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 88, and had directed him to report the same back with a substitute and sundry amendments thereto, with the recommendation that the amendments to the substitute be agreed to, that the substitute as amended be agreed to, and that the bill as amended do pass.

Mr. MANN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MANN. As I understand the rule which was adopted in reference to this bill, it is not necessary to ask for the previous question in order to shut off further debate. Is that correct?

The SPEAKER. The rule says that a vote shall be immediately taken. The question is on agreeing to the amendments to the substitute. Is a separate vote demanded on any of the amendments? If not, the vote will be taken on the amendments to the substitute in gross.

No separate vote was demanded.

The question was taken on the amendments to the substitute in gross; and they were agreed to.

The SPEAKER. The question is on agreeing to the substitute as amended.

The question was taken; and the substitute as amended was agreed to.

Mr. BURGESS. A parliamentary inquiry, Mr. Speaker. It is in order to move to recommit this bill with instructions?

The SPEAKER. The Chair's recollection is, and his recollection is reenforced, that under the special order a motion to recommit is not in order.

The bill was ordered to a third reading; and it was accordingly read the third time.

The SPEAKER. The question is on the passage of the bill.

Mr. HENRY of Texas. I call for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 241, nays 17, answered "present" 9, not voting 112, as follows:

YEAS—241.

Adams	Esch	Kitchin, Wm. W.	Richardson, Ala.
Alexander	Fassett	Klepper	Richardson, Ky.
Allen, N. J.	Finley	Kline	Rives
Babcock	Fitzgerald	Knapp	Roberts
Bankhead	Fletcher	Lacey	Robertson, La.
Bannon	Flood	Lafean	Robinson, Ark.
Barchfeld	Floyd	Lamar	Rodenberg
Bartholdt	Fordney	Lamb	Rucker
Bates	Foss	Landis, Chas. B.	Ryan
Beidler	Foster, Ind.	Landis, Frederick	Samuel
Bennet, N. Y.	French	Lawrence	Sherman
Bennett, Ky.	Fulkerson	Lee	Sibley
Birdsall	Fuller	Lilley, Conn.	Sims
Bishop	Gaines, W. Va.	Lilley, Pa.	Slayden
Bonynge	Gardner, Mass.	Lindsay	Small
Boutell	Gardner, Mich.	Lloyd	Smith, Cal.
Bradley	Gardner, N. J.	Loud	Smith, Ill.
Brick	Gilbert, Ind.	McCarthy	Smith, Iowa.
Broussard	Gilbert, Ky.	McCleary, Minn.	Smith, Md.
Brownlow	Gill	McGavin	Smith, Samuel W.
Brundidge	Gillett, Mass.	McKinley, Ill.	Smith, Pa.
Buckman	Goebel	McKinney	Smyser
Burke, Pa.	Goldfogle	McLachlan	Snapp
Burke, S. Dak.	Goulden	McMorran	Southwick
Burnett	Graff	McNary	Sperry
Burton, Del.	Graham	Macon	Stafford
Burton, Ohio	Granger	Madden	Stanley
Butler, Pa.	Greene	Mahon	Steenerson
Calderhead	Gudger	Mann	Sterling
Campbell, Kans.	Hale	Marshall	Stevens, Minn.
Campbell, Ohio	Hamilton	Martin	Talbott
Capron	Haskins	Michalek	Tawney
Chapman	Haugen	Miller	Taylor, Ala.
Clark, Fla.	Hay	Minor	Taylor, Ohio
Clark, Mo.	Hayes	Mondell	Thomas, N. C.
Cockran	Henry, Conn.	Moon, Tenn.	Thomas, Ohio
Conner	Hepburn	Morrell	Tirrell
Cooper, Wis.	Hermann	Mouser	Townsend
Coudrey	Higgins	Murdock	Tyndall
Cousins	Hill, Conn.	Murphy	Underwood
Cromer	Hinshaw	Needham	Volstead
Crumpacker	Hoar	Norris	Wachter
Currier	Holliday	Olcott	Wallace
Curtis	Hopkins	Olmsted	Wanger
Cushman	Houston	Otjen	Watkins
Dale	Howard	Overstreet	Watson
Dalzell	Howell, N. J.	Padgett	Webb
Darragh	Howell, Utah	Parker	Webber
Davey, La.	Hubbard	Parsons	Weeks
Davis, Minn.	Huff	Patterson, N. C.	Weems
Dawes	Humphrey, Wash.	Patterson, S. C.	Wharton
Dawson	Hunt	Payne	Wiley, Ala.
De Armond	Jenkins	Perkins	Wiley, N. J.
Denby	Johnson	Pollard	Wilson
Dickson, Ill.	Jones, Va.	Pou	Wood
Dixon, Ind.	Jones, Wash.	Prince	Woodyard
Dixon, Mont.	Kahn	Pujo	Young
Draper	Keifer	Rainey	Zenor
Driscoll	Kennedy, Nebr.	Ransdell, La.	
Dunwell	Kennedy, Ohio	Reeder	
Ellis	Kinkaid	Rhodes	

NAYS—17.

Adamson	Garrett	Kellher	Smith, Tex.
Aiken	Gillespie	Moore	Williams
Bartlett	Henry, Tex.	Russell	
Burleson	Hill, Miss.	Sheppard	
Candler	Humphreys, Miss.	Sherley	

ANSWERED "PRESENT"—9.

Burgess	Livingston	Sparkman	Sullivan, Mass.
Gaines, Tenn.	Southard	Spight	Wadsworth
Gregg			

NOT VOTING—112.

Acheson	Deemer	Knopf	Powers
Allen, Me.	Dovener	Knowland	Randell, Tex.
Ames	Dresser	Law	Reid
Andrus	Dwight	Le Fevre	Reynolds
Beall, Tex.	Edwards	Legare	Rhinock
Bede	Ellerbe	Lever	Rixey
Bell, Ga.	Field	Lewis	Ruppert
Bingham	Flack	Littauer	Schneebeli
Blackburn	Foster, Vt.	Little	Scott
Bowers	Fowler	Littlefield	Scroggy
Bowersock	Garber	Longworth	Shackleford
Bowie	Garner	Lorimer	Shartel
Brantley	Gillett, Cal.	Loudenslager	Slemp
Broocks, Tex.	Glass	Lovering	Smith, Ky.
Brooks, Colo.	Griggs	McCall	Smith, Wm. Alden
Brown	Gronna	McCreary, Pa.	Southall
Burleigh	Grosvenor	McDermott	Stephens, Tex.
Butler, Tenn.	Hardwick	McKinlay, Cal.	Sullivan, N. Y.
Byrd	Hearst	McLain	Sulloway
Calder	Hedge	Maynard	Sulzer
Cassel	Heflin	Meyer	Towne
Chaney	Hitt	Moon, Pa.	Trimble
Clayton	Hogg	Mudd	Van Duzer
Cocks	Hughes	Nevin	Van Winkle
Cole	Hull	Page	Vreeland
Cooper, Pa.	James	Palmer	Waldo
Davidson	Ketcham	Patterson, Tenn.	Weisse
Davis, W. Va.	Kitchin, Claude	Pearre	Welborn

So the bill was passed.

Mr. SULLIVAN of Massachusetts. I should like to inquire if the gentleman from Virgina [Mr. GLASS] has voted?

The SPEAKER. He has not.

Mr. SULLIVAN of Massachusetts. Then I withdraw my vote, and answer "present."

The Clerk announced the following pairs:

For the session:

Mr. SOUTHARD with Mr. HARDWICK.

Until further notice:

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. WELBORN with Mr. GUDGER.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. HITT with Mr. LEGARE.

Mr. DOVENER with Mr. SPARKMAN.

Mr. VREELAND with Mr. GREGG.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. REYNOLDS with Mr. WEISSE.

Mr. HEDGE with Mr. SPIGHT.

Mr. DAVIDSON with Mr. GRIGGS.

Mr. BROOKS of Colorado with Mr. HEFLIN.

Mr. HUGHES with Mr. REID.

For this day:

Mr. PALMER with Mr. SOUTHALL.

Mr. PEARRE with Mr. VAN DUZER.

Mr. FOSTER of Vermont with Mr. PAGE.

Mr. BEDE with Mr. BRANTLEY.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. GRONNA with Mr. GARBER.

Mr. ACHESON with Mr. BELL of Georgia.

Mr. BINGHAM with Mr. BYRD.

Mr. BROWN with Mr. FIELD.

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. KETCHAM with Mr. LEVER.

Mr. SULLOWAY with Mr. ELLERBE.

Mr. WADSWORTH with Mr. DAVIS of West Virginia.

Mr. COOPER of Pennsylvania with Mr. MCLAIN.

Mr. KNOWLAND with Mr. RHINOCK.

Mr. COCKS with Mr. JAMES.

Mr. MCCALL with Mr. SULZER.

Mr. LITTAUER with Mr. RUPPERT.

Mr. LITTLEFIELD with Mr. SULLIVAN of New York.

Mr. COLE with Mr. BEALL of Texas.

Mr. DEEMER with Mr. GARNER.

Mr. ANDRUS with Mr. HEARST.

Mr. BOWERSOCK with Mr. BOWERS.

Mr. MCCREARY of Pennsylvania with Mr. CLAYTON.

Mr. CALDER with Mr. BUTLER of Tennessee.

Mr. CHANEY with Mr. LEWIS.

Mr. DWIGHT with Mr. LITTLE.

Mr. SCHNEEBELI with Mr. PATTERSON of Tennessee.

Mr. GROSVENOR with Mr. TOWNE.

Mr. HOGG with Mr. MAYNARD.

Mr. LAW with Mr. RIXEY.

Mr. LOUDENSLAGER with Mr. SMITH of Kentucky.

Mr. MOON of Pennsylvania with Mr. MEYER.

Mr. SCOTT with Mr. RANDELL of Texas.

Mr. WALDO with Mr. TRIMBLE.

On this vote:

Mr. MUDD with Mr. BURGESS.

Mr. HULL with Mr. BOWIE.

Mr. GLASS (for) with Mr. SULLIVAN of Massachusetts (against).

Mr. GAINES of Tennessee. Mr. Speaker, I did not hear my name called either time. I am paired, but I would have voted "aye" if I had not been paired. I desire to be recorded as "present."

The result of the vote was announced as above recorded.

On motion of Mr. MANN, by unanimous consent, the title was amended as recommended by the committee.

On motion of Mr. MANN, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. MANN. I ask unanimous consent to insert in the RECORD a letter which I send to the Clerk's desk.

The SPEAKER. Is there objection?

There was no objection.

The letter is as follows:

CORONER'S OFFICE, CUYAHOGA COUNTY,
Cleveland, Ohio, June 20, 1906.

JAMES R. MANN, *Washington, D. C.*

DEAR SIR: In accordance with your request I send you a copy of my verdict in the Irma Vargo Kopp's "Baby's Friend" case, together with a statement of the case based on the testimony taken at the inquest.

For two nights prior to March 26, 1906, Irma, the two months' old daughter of Mrs. Arma Vargo, an Austrian woman, residing at No. 35 Cumberland street, in this city, down stairs, had been unable to sleep. Therefore, at about 5 p. m. on March 26, the worried mother, knowing that Mrs. Leszak, a neighboring woman, who lived upstairs in the same house, always kept in her apartments a preparation known as Kopp's "Baby's Friend," which she gave to her older children for ailments, sent her little son to Mrs Leszak to borrow some of the preparation. Mrs. Leszak cleansed out a small bottle and then filled it from her large bottle of Kopp's "Baby's Friend," and gave it to Mrs. Vargo's son. Mrs. Vargo gave her baby a teaspoonful of the preparation at 7 p. m. She never dreamed that such a small quantity would hurt her infant in any way, but almost immediately after being given the dose the baby sank into a deep sleep or stupor from which she never revived. Right after being given the dose the baby shivered and then fell into the stupor. At 8 p. m. the mother became so alarmed at the long-continued sleep of the baby and her looks, and, being unable to arouse the child, took her to a doctor's office near by. The doctor was unable to arouse the baby, who was taken home by the mother. At 8.30 p. m., there being no change for the better in the baby's condition, the mother summoned the doctor, who came to the house at once. The doctor again departed without being able to bring the child out of the stupor. The baby's body was very cold. This condition continued until morning. The baby was blue and her body very cold. The doctor announced to the mother that the baby was dying and could not live an hour longer. The baby died at 10 a. m.

The doctor at once reported the case at my office, and I began an investigation. I was greatly interested in the case, because I had an almost similar case on April 5, 1905. The other case was as follows:

Mr. E. P. Swan, of No. 1227 Lexington avenue, this city, had received a small vial of Kopp's "Baby Friend" by mail as a sample. Up until evening of April 3, 1905, his 5-weeks-old baby had been in good health. At 8.30 p. m. on April 3 the baby was taken with colic. The father at once thought of the "Baby Friend" sample, and gave the infant 6 drops of the preparation at that time. At 12.30 a. m. that same night he gave the baby 3 drops more. The baby sank into a comatose condition, with stertorous breathing, dilated pupils, a bluish countenance or pallor. Early in the morning the parents summoned O. H. Boulee, who, after an examination, declared that the baby was evidently suffering from the effects of opium poison. He prescribed the usual antidote, with negative result. He then left the house, and half an hour later the baby was dead.

After the death of Irma Vargo, I purchased a bottle of Kopp's "Baby Friend" and requested the city chemist, Mr. William Pate, to make an analysis of it. Before this analysis could be made, Mr. Pate was called to England because of the death of his father there, and this has delayed my getting the analysis. However, Mr. Pate has returned to Cleveland, and I expect a report from him at any time.

In addition to taking testimony and investigating the case from all angles, I did some private experimental work with Kopp's "Baby Friend." First, I gave a 6-days-old puppy 30 drops of the preparation. The pup never awakened from the deep sleep that overcame him at once. I gave a 2-weeks-old kitten 20 drops. She promptly went to sleep for four hours. Next day I gave her 30 drops, and she went to sleep forever. I also tried the preparation on two kittens 6 weeks old. Each slept from four to six hours after doses of 15 to 20 drops.

If the above information will be of any use to you in your investigations, I will be greatly pleased.

Yours, truly,

L. E. SIEGELSTEIN, M. D.

THE STATE OF OHIO,
Cuyahoga County, ss:

Be it remembered that on the 27th day of March, A. D. 1906, information was given to me, L. E. Siegelstein, M. D., coroner of said county, that the dead body of a girl, supposed to have come to her death from violence, had been found at No. 35 Cumberland street, in the city of Cleveland, Ohio, county aforesaid, on the 27th day of March, 1906.

I visited the place and found the said dead body at 35 Cumberland street. After viewing the same, and inquiring into the circumstances that caused the death of the said person, I summoned the following persons, to wit, Irma Leszak and Anna Vargo, to appear before me at my office, county morgue, 312 Lake street, at 9 o'clock a. m., on the 3d day of April, 1906. In obedience to said summons, the said persons appeared and were sworn by me as witnesses.

I then proceeded to inquire in what manner, and by whom, the said person came to her death. Their testimony was taken by me and reduced to writing, and subscribed to by the several witnesses, and the same is hereto attached and fully appears, I having heard the testimony. I also carefully examined the said dead body on the 28th day of March, 1906, find as follows, to wit:

I, L. E. Siegelstein, M. D., coroner of said county, having diligently inquired, do true presentment make in what manner Irma Vargo, whose dead body was found by me at above place on the 28th day of March, 1906, came to her death. The said Irma Vargo was single, about 2 months of age, a resident of Cleveland, Ohio, and a native of United States of America, had hazel eyes, black hair, and no beard and no mustache, fair complexion, and was about — feet 20 inches in height, and of small weight, and was ——— by occupation, with the following marks and wounds upon her body: None.

Upon full inquiry concerning all the facts, I find that the said Irma Vargo came to her death, on the 27th day of March, 1906, at about — o'clock, at No. 35 Cumberland street, situated in the city of Cleveland, county and State aforesaid, from morphine poisoning, which was caused by a teaspoonful of a preparation sold under the name of "Kopp's Baby Friend," which her mother gave the said Irma Vargo about 6 p. m. on March 26, 1906.

[SEAL.] L. E. SIEGELSTEIN, M. D., *Coroner.*

MESA VERDE NATIONAL PARK.

The Speaker laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *June 23, 1906.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 3245) creating the Mesa Verde National Park.

The SPEAKER. Is there objection to the request?

There was no objection.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I submit a conference report on the naval appropriation bill, to be printed in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

LEAVE TO EXTEND REMARKS.

Mr. BARTLETT. Mr. Speaker, I ask permission to extend my remarks in the RECORD upon the pure-food bill.

The SPEAKER. Is there objection?

There was no objection.

RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent to present now and consider immediately the report of the conferees upon the disagreement between the two Houses on the bill known as the "rate bill."

The SPEAKER. The gentleman from Iowa asks unanimous consent to report at this time the conference report on the rate bill, and to consider it at this time. Is there objection?

Mr. COCKRAN. I should like to ask what the question is?

The SPEAKER. The gentleman from Iowa [Mr. HEPBURN] asks unanimous consent to report the agreement between the House and Senate conferees upon the so-called "rate bill," and to consider it at this time. Is there objection?

Mr. UNDERWOOD. One minute. I should like to ask the Speaker to let the statement be read to the House, so that we may understand what it is.

The SPEAKER. That would be a matter of consideration. Of course, it would have to be read if consideration is consented to.

Mr. UNDERWOOD. But, Mr. Speaker, we do not like to consent to a proposition when we do not know what we are consenting to. I will ask the gentleman to let the statement be read.

Mr. HEPBURN. The only request is for consideration; we do not ask you to consent to the report.

Mr. WILLIAMS. The gentleman from Iowa can make a short statement giving the substance of the conference report.

Mr. HEPBURN. The only possible contest that I know of would be over the pass proposition and the proposition with regard to sleeping-car companies. In regard to the latter the provision of the Senate is retained. In regard to the other we agree to the amendment of the Senate with an amendment that prohibits the issuance of a pass to any Federal, State, Territorial, county, or municipal officer excepting in the case of the Federal officers, or employees that are employed in the Post-Office Department. There is no prohibition other than that upon the issuance of passes.

Mr. UNDERWOOD. Will the gentleman allow me to ask him a question?

Mr. HEPBURN. Certainly.

Mr. UNDERWOOD. Are sleeping cars and express companies included in the terms of the bill?

Mr. HEPBURN. Yes.

Mr. UNDERWOOD. Is the word "transportation," the phrase put in in the former report, stricken out?

Mr. HEPBURN. It is.

Mr. GAINES of Tennessee. I would like to ask the gentleman what words are employed to exclude Members of Congress from the use of passes?

Mr. HEPBURN. It does not exclude Members of Congress by name. It prohibits the issuance of passes to Federal, State, county officers, etc.

Mr. GAINES of Tennessee. That phrase would catch them whether they were State or Federal officers?

Mr. HEPBURN. Yes.

Mr. RICHARDSON of Alabama. I desire to ask the gentleman if present consideration means that we are to be allowed any discussion?

The SPEAKER. The House under the request can consider or postpone it. The only effect is that it dispenses with the rule that requires a conference report to lie over one day and be printed in the RECORD.

Mr. HENRY of Texas. How much time is to be devoted to the consideration?

The SPEAKER. All that the House desires to devote to it. It is within the control of the House, just like any other conference report or any other business.

Mr. FITZGERALD. Mr. Speaker, if objection is made, will the report be printed in the RECORD and come up on Monday?

The SPEAKER. The Chair can not state when it will be printed or when it will be reported. The Chair has not the information or belief when the report will be made.

Mr. WILLIAMS. Mr. Speaker, I understand that there is no intention on the part of the gentleman from Iowa or of the committee to shut off the House from any rights under the regular rule. The only thing that is asked is to waive the rule of lying over twenty-four hours and printing in the RECORD. Now, this is a great measure, and I speak as a Democrat, for we have had our share in it most creditably from the beginning, and want to have our share in it creditably now. Being good legislation, we are anxious that it should be adopted as soon as possible and go upon the statute books. I for my part have no objection to the request for unanimous consent. [Applause.]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the statement be read instead of the report.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "On and after January first, nineteen hundred and seven, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than one hundred nor more than two thousand dollars, and any officer or person in the service of the United States, or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses, or who solicits or accepts for himself any such free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert: "*Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier;'" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In lines 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out ": *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert "as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House recedes from amendments 1, 2, 3, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46.

The Senate recedes from amendments 39, 45, 48, 49, 50, and 51, and the House recedes from all other amendments with amendments.

Amendment No. 1, from which the House recedes, is the one which brings pipe lines within the provisions of the act.

Amendment No. 2, from which the House recedes, is the one that provides that the term "common carrier" shall include express companies and sleeping-car companies.

Amendment No. 3 is simply the insertion of quotation marks.

Amendment No. 4 is the one relating to passes. The entire matter incorporated in the bill by the Senate is stricken out and there is substituted instead a provision prohibiting the issuance of free transportation to any officer of the Federal Government, except those in the postal service, of any State, county, municipality, or township, and otherwise it does not restrict the issuance of passes.

Amendment No. 5, as passed by the Senate, provided that after May 1, 1908, no common carrier could transport any commodity produced by itself, excepting from the provisions "timber, and the manufactured products thereof." As agreed to in conference the words "common carrier" are stricken out and the word "railroad" is substituted in lieu thereof.

Amendment No. 6 made provision for the compulsory installation of switch connections with rail where application was made therefor and the Interstate Commerce Commission deemed the installation sufficiently important to warrant the same, the installation to be done at the expense of the applicant. As agreed to in conference, the amendment is broadened so as to require the compulsory installation of a connecting switch, not merely with a present or prospective shipper, but with any lateral or branch line of railroad.

Amendment No. 7 provided that equally good service and accommodations be given to all persons paying the same compensation for interstate transportation of passengers. This is the amendment commonly known as the "Jim Crow" amendment. From it the Senate receded, and it goes out.

Amendments 8, 9, 10, and 11 cover, together, the question of filing and publicly posting the schedules of rates, fares, charges, and so forth. These amendments are largely phraseological for the reason that they were covered in different words by provisions of the bill which passed the House, and which are stricken out in amendment No. 25, from which the House recedes. The amendment as agreed to in conference enlarges somewhat the provision as it passed the House by providing for the publication and posting of joint rates where the joint rate is made up of rail and pipe, or rail and water, and also provides, where no through rail and water rate is provided, where such a route exists, that so much of the rate as is covered by rail shall be posted.

Amendment No. 12 is a phraseological amendment using the word "all" instead of "the," and does not change the meaning or intent of the provision.

Amendment No. 13 includes "storage charges" amongst the items for which the published and posted rates shall provide.

Amendments 14, 15, and 16 together, all relate to the posting and filing of the contents of the schedules, and are simply intended to make more definite the meaning of the enactment.

Amendment No. 17 is the insertion of the word "kept," so that it will require the schedules to be kept posted.

Amendment No. 18 is a requirement that all of the provisions of the section shall apply to all traffic transportation and facilities defined in section 1 of this act. It is enlarged by making it applicable to the entire act.

Amendment No. 19 uses the word "filed" for "established." It is a phraseological amendment.

Amendment No. 20, in place of the words "public notice," provides that notice shall be given to the Interstate Commerce Commission as well as being published.

From amendment No. 21 the House receded, because so much of the provision as was stricken out by the Senate was covered by the amendment No. 27 inserted by the Senate, and which will hereafter be explained, and this amendment also carries new matter, to which the House conferees, agreed, that where a joint rate is provided the carrier other than the initial carrier shall give notice of concurrence therein, and the names of all parties to it shall be stated.

From amendment No. 22 the House receded because this matter was covered by amendment No. 8, which is in the bill and which is hereinbefore explained.

Amendment No. 23, made necessary by striking out the part contained in amendment No. 22, is simply the insertion of the word "such."

Amendment No. 24 is simply a phraseological change.

Amendment No. 25 was stricken out for the reason that the provisions therein contained were covered by amendments 8, 9, 10, and 11, heretofore explained, and by amendment No. 27, hereinafter explained.

Amendment No. 26 was stricken out for the reason that it refers to the filing of schedules and tariffs, and so forth, and is covered by the other provisions of the bill herein explained.

Amendment No. 27 takes the place of amendments 21 and 26, which have been stricken out, and provides that no carrier shall engage in transportation of either persons or property until the rates, fares, and charges required to be filed and published have been so filed and published, and this section also provides that there shall be no discrimination in charges between different persons as to passengers or property, or between different points or different articles, and expressly forbids rebating in any manner whatever, and its operation is enlarged by making the provisions applicable to the entire act rather than to one section thereof, as was the case when the amendment passed the Senate. The word "shall" in this amendment is changed from following the word "carrier" in the first line thereof to follow the word "act." It is simply phraseological.

Amendment No. 28 provides that the President in time of war may call upon any carrier to give preference to the transportation of troops or munitions of war. The amendment as it passed the Senate provided this should be done upon the representation of the President of the need therefor. As agreed to in conference, this is stricken out, so that it provides that it shall be done upon a demand of the President.

The House receded from its disagreement to amendment No. 29, with an amendment striking from the bill the proviso at the end thereof. This amendment is a reenactment of section 1 of the Elkins Act, with certain additions relating to violations of the act and punishments therefor, and also forbids rebates or considerations. The proviso was stricken out as being thought that this provision might relieve those who had already infringed the act from prosecutions therefor where there was pending litigation in reference thereto. The agreement also provides for striking from the provision in the three places where it appears the words "and willfully," so that the amendment shall provide that no person who "knowingly" offers, grants, etc., shall be guilty as in the amendment provided.

From amendments Nos. 30 and 31 the House recedes. These amendments strike from the bill the words "in its judgment" and "fairly remunerative" in enacting in reference to the determination of rates by the Commission.

From amendment No. 32 the House receded. This provision as the House passed it was that the order should go into effect thirty days after notice to the carrier, and the amendment inserted by the Senate, which has been agreed to, provides that the order of the Commission, except for the payment of money, shall take effect within such reasonable time, not less than thirty days, as shall be stated by the Commission in the order, and remain in effect for not exceeding two years. The provision of this amendment takes the place of amendment No. 38, on page 24 of the printed bill, which is stricken out by the Senate, and to which the House conferees consented.

Amendments Nos. 33 and 34 are phraseological and do not change the meaning or the intent of the bill.

Amendment No. 35 strikes out the word "portion" and uses in its stead the words "just and reasonable proportion," incorporating in the bill the expression "just and reasonable," which, of course, was the thought of the framers thereof.

Amendment No. 36 makes clear that it was the intent of the lawmaking power that the provisions should apply to the water connections of carriers.

Amendment No. 37, as changed by the conferees, strikes out the word "accrued" and inserts after the word "claims," in lieu thereof, after line 26, page 33 of the printed bill, the words "accrued after the passage of this act." The amendment is intended to provide that all claims which have heretofore accrued may be sued upon within one year after the passage of this act, and not thereafter.

Amendment No. 38 is a provision stricken from the bill, as explained in amendment No. 32.

Amendment No. 39: The Senate struck out the word "regularly" and inserted in lieu thereof the word "lawfully." From this amendment the Senate receded, restoring the word "regularly" in the bill.

Amendment No. 40 inserts the words "against the Commission," in reference to suits brought to suspend or annul an order of the Commission. It does not change the meaning of the bill as it passed the House, but makes it more clear.

Amendments Nos. 41 and 42 are known as the "court provision" amendments, and expressly provide for reviews of the orders of the Commission by the courts.

Amendment No. 43 provides that no injunction or interlocutory order restraining the operation of the order of the Commission shall be granted except after five days' notice to the Commission, and it also provides for appeals from such orders directly to the United States Supreme Court, and limits the time within which such appeals can be taken to thirty days from the entry of the order.

Amendment No. 44 strikes from the bill the provision that an order of the Commission complied with for three years shall not thereafter be enforced. This subject is covered by amendment No. 32 hereinbefore explained.

Amendment No. 45 provided certain additional exceptions to those specified in amendment No. 4, as to the persons to whom free transportation might be issued. From this amendment the Senate receded, so that the provision in amendment No. 4 covers all there is in the bill in relation to free transportation.

Amendment No. 46 merely inserts the quotation marks.

Amendment No. 47 is that which is known as the original carrier's liability provision. As agreed to in conference it is changed so as to provide that the holder of the original receipt or bill of lading must be the lawful holder, the word "lawful" being inserted, and that such holder may collect from the initial carrier for any loss sustained on any road carrying the property, and the further provision that the initial carrier can recover from the carrier upon whose lines the loss was made. As passed by the Senate it provided that this recovery might be made when the loss was through the negligence of the subsequent carrier. The words "through whose negligence" are stricken out and the words "on whose lines" are substituted, so that the liability of the carrier to the shipper and of the subsequent carrier to the original carrier are made the same. A provision was also added to this amendment providing that the receipt for payment obtained by the original carrier from the shipper, or the judgment obtained by that shipper against the carrier, or a transcript thereof, is competent evidence in a proceeding to compel the subsequent carrier to refund to the initial carrier for the loss it made good to the shipper.

Amendment No. 48: The Senate receded from restoring the matter passed by the House which it had stricken out. This is the provision increasing the membership of the Commission to seven and increasing the salary of the Commissioners to $10,000.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to ask the gentleman from Iowa what penalty is imposed for the issuance or use of free passes?

Mr. HEPBURN. I will read the provision:

The House recedes from its disagreement to the amendment of the Senate numbered 4, and agrees to the same with an amendment as follows: Strike out all of said amendment and insert "On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and, except as herein provided, no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than $100 nor more than $2,000; and any officer or person in the service of the United States or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses or who solicits or accepts for himself any such free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with nations and among the States,' approved February 19, 1903, and amendments thereof;" and the Senate agree to the same.

Mr. UNDERWOOD. Mr. Speaker, I would like to ask the gentleman from Iowa [Mr. HEPBURN], as the House has had no chance to read the bill, as to whether any new legislation has been inserted by the conferees that was not in dispute between the two Houses?

Mr. HEPBURN. None at all.

Mr. FITZGERALD. Mr. Speaker, if I understand the last amendment correctly, it permits the prohibited officials to solicit passes for others than themselves.

Mr. HEPBURN. It says nothing about that.

Mr. FITZGERALD. But it expressly prohibits them from soliciting passes for themselves.

Mr. HEPBURN. Yes.

Mr. FITZGERALD. So it permits them to solicit passes for others.

Mr. HEPBURN. Well, that is a construction that the gentleman may put upon it if he chooses.

Mr. TALBOTT. Is there any limitation in the law as agreed upon by the conferees as to the class of employees that shall receive passes or can receive them?

Mr. HEPBURN. The only exception to the general prohibition is that persons in the service of the Postal Department may receive passes.

Mr. TALBOTT. How about the railroad employees?

Mr. HEPBURN. Oh, there is nothing prohibiting them from receiving passes.

Mr. TALBOTT. Nothing to prohibit any class of employees of railroads from receiving passes?

Mr. HEPBURN. No.

Mr. OLMSTED. Unless they hold public office.

Mr. TALBOTT. Can a track hand have a free pass?

Mr. HEPBURN. Everybody that the railroad cares to give to, excepting these officers who are named.

Mr. TALBOTT. That is all I want to know about it.

Mr. KEIFER. Suppose a Member of Congress is the regular attorney of a railroad company; can he as attorney obtain and use a pass?

Mr. HEPBURN. I should think he could as soon as he ceased to be a Member of the House of Representatives. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, I would like to ask the gentleman to yield for a moment. As this pass amendment now stands, does it not leave it open for the railroads to issue passes to shippers over the railroads to rival merchants in certain towns and localities?

Mr. HEPBURN. I think it does.

Mr. HENRY of Texas. Can they not issue passes to delegates going to conventions, and can they not issue passes to members of the families of the officials named in the amendment?

Mr. HEPBURN. I think so.

Mr. HENRY of Texas. Then I think that the pass amendment fails in its object, and is worse than nothing in that form.

Mr. JONES of Washington. In amendment No. 5, put in by the Senate, it did not apply to the carrying of timber and manufactured products thereof. What action did the conferees take with reference to that?

Mr. HEPBURN. We agreed to that with an amendment striking out the words "common carrier" and inserting the word "railways," so that the prohibition is upon a railway and not upon a common carrier.

Mr. JONES of Washington. Are the words "except timber and manufactured products thereof" left in the bill?

Mr. HEPBURN. Yes.

Mr. GRAHAM. How about the pipe-line provision?

Mr. HEPBURN. I have just explained that.

Mr. GRAHAM. I did not understand the gentleman.

Mr. HEPBURN. We substituted for "common carrier" the word "railway."

Mr. HENRY of Texas. I want to ask one more question. Under the law as it existed prior to this amendment which is now proposed were not passes prohibited under the interstate-commerce act to shippers over the railways?

Mr. HEPBURN. Well, that is a disputed question, and I do not care to attempt to answer it now.

Mr. HENRY of Texas. Has not the Attorney-General so held; and if so, is it not the effect of this amendment to repeal that law?

Mr. HEPBURN. It was the purpose of the conferees, as far as they could, to remedy what has been alleged to be the great evil of the pass—the influence it had upon those who represented the power of the people. It is to do away with the evil effect upon the officers of the Government, and we do not attempt in any way nor could the conferees, perhaps—I am not sure about that—have changed the law in the direction that the gentleman has just referred to.

Mr. HENRY of Texas. As I understand it, the Interstate Commerce Commission has ruled that passes could not be issued under the law as it has existed heretofore. The effect of this amendment in the bill is to repeal that provision of the interstate-commerce law, is it not?

Mr. HEPBURN. I do not know whether the Interstate Commerce Commission has so held or not. I know that if they did so hold, that it had no restraining influence whatever upon the railways, and that the issue of passes was solely determined by the will and pleasure of the passenger officers of the various railways.

Mr. HENRY of Texas. At any rate, it makes that legal which was heretofore believed to be illegal.

Mr. HEPBURN. I am not discussing that matter, and have no opinion to express upon it now.

Mr. HENRY of Texas. That is the question I would like to have an opinion on before I vote on that amendment, if I could.

Mr. McCALL. Mr. Speaker, I would like to ask the gentleman whether it is not now illegal, under existing law, to issue passes to Members of Congress?

Mr. HEPBURN. Well, I am not prepared to say that. There are too many gentlemen now in my presence who have them in their pockets to justify me in making a statement that they are guilty of a violation of the law.

Mr. McCALL. I was not desirous to arouse the consciences of those gentlemen.

Mr. HEPBURN. Perhaps I should have said too many of "us," not of "them." [Laughter.]

Mr. McCALL. What I desired to say was that it is clear to my mind that it is illegal to issue passes to Members of Congress under the existing law. Now, it seems to me that the provision that the House conferees insisted on before of entirely refusing to allow passes to be issued—I would except employees of railroads—was very much better than the provision in this bill. The provision in this bill makes it lawful to issue passes to Members of Congress from now until the 1st of January, and to issue them to all other officers and agents of the Government until that date, and after that time those alone are prohibited, but passes can be issued to everybody else. Now, it occurs to me that the provision which the House conferees secured in the bill before, with the exception of employees of railroads, doing away practically entirely with passes except as to those, would be a much better provision than the one that is now reported.

Mr. HEPBURN. I might say here that the conferees did secure an agreement that they thought was very much better than this. That was discussed incidentally in the House, and while there was no vote upon it, there was such a reprobation of it that the conferees did not see fit to expose themselves again to that kind of suppressed censure.

Mr. McCALL. Will the gentleman permit me? I understood that reprobation especially applied to the employees of the railroads. I did not understand that there was any criticism excepting in that particular.

Mr. HEPBURN. So far as one of the conferees was concerned, he at least was unable to see any reason why a pass should be given to an employee of a railroad company that would not obtain and be cogent in the case of any other person who asked a pass, excepting the fact that there was an organized body of more than a million of voters. That is the only reason we can see why the one appeal for a pass rather than the other——

Mr. COOPER of Wisconsin. Will the gentleman permit a question?

Mr. HEPBURN. Certainly.

Mr. COOPER of Wisconsin. Right in that connection I would like to ask the gentleman if he can not see any difference between the right of a railroad employee to a pass and that of another person. Suppose a railroad engineer has a leg cut off by a wreck. He is too seriously wounded to be taken to his home. Do you not think that the members of his family ought to be allowed to be transported to him free of charge?

Mr. HEPBURN. Mr. Speaker, there is a case that would appeal to my sympathy. If I was authorized to issue passes, and yielded to those sympathies, I would undertake to issue that pass; but if I were to pass upon the question as a matter of right, I would say there is no difference in that case than any other case.

Mr. COOPER of Wisconsin. Let me put another case——

Mr. HEPBURN. I would say that when the payments of salary are made to the railway employee that ends the obligation to the railway employee, but appeals may be made to sympathy and to the kindlier feelings. [Applause.]

Mr. COOPER of Wisconsin. Will the gentleman permit another question?

Mr. HEPBURN. Yes.

Mr. COOPER of Wisconsin. In coming over the Pennsylvania Railroad——

Mr. HEPBURN. A question.

Mr. COOPER of Wisconsin. They were making a great cut-off, and there was a large number of men employed at that point——

Mr. HEPBURN. A question, if you please. I yielded for a question and not for a speech or a statement.

Mr. COOPER of Wisconsin. Does the gentleman think that the Pennsylvania Railroad Company ought to have the right to transport fifty or a hundred workmen to the place where they are making this cut-off and keep and board them there without paying their fare over that line?

Mr. HEPBURN. Oh, no; I do not think anything of the kind.

Mr. COOPER of Wisconsin. Do you not think they ought to have a pass to go there?

Mr. HEPBURN. I do not think anything of the kind. I have no doubt at all that would be cared for by the contract for their employment, just as I think, further, that every railroad employee can have, if he desires to have it, that kind of a contractual relation with the carrier that will give him that transportation.

Mr. COOPER of Wisconsin. How can he force that contractual relation? An ordinary railroad brakeman is perfectly powerless.

Mr. HEPBURN. I do not think they are powerless at all. I realize the fact that when they want a 20 per cent advance in wages they know how to get it.

Mr. COOPER of Wisconsin. Do you think it is better, as a matter of ordinary justice and fair play, that we should require these great corporations, or rather permit them, to transport their workmen, or that we should tell brakemen to get together and force a corporation in their contracts?

Mr. HEPBURN. No, sir. And therefore we have provided in this amendment that the railways can transport their employees and their families whenever and wherever they choose.

Mr. COOPER of Wisconsin. Now, there is one more question I would like to ask of the gentleman. I understood the gentleman to say that the conferees had changed the words "common carriers" to "railroads."

Mr. HEPBURN. The gentleman understood correctly.

Mr. COOPER of Wisconsin. And has stricken out "common carrier" wherever it appears in the bill?

Mr. HEPBURN. Oh, no, sir; not wherever it appears in the bill; where it appears in one place in the bill.

Mr. COOPER of Wisconsin. What place?

Mr. HEPBURN. In the fifth amendment.

Mr. COOPER of Wisconsin. The relevancy of the question arises from this fact: The Senate amendment provided that the term "common carrier" as used in this act should include express companies and sleeping-car companies. Now, has that been changed in any way, so that——

Mr. HEPBURN. It has not, sir.

Mr. COOPER of Wisconsin. And are express companies and sleeping-car companies both included in the bill?

Mr. HEPBURN. Yes, sir.

Mr. COOPER of Wisconsin. As common carriers?

Mr. HEPBURN. As common carriers.

Mr. COOPER of Wisconsin. And subject to the law relating to the Interstate Commerce Commission?

Mr. HEPBURN. Oh, well, I am not disposed to subject myself to a catechism.

Mr. COOPER of Wisconsin. Mr. Speaker, one moment.

The SPEAKER. Does the gentleman from Iowa [Mr. HEPBURN] yield to the gentleman from Wisconsin [Mr. COOPER]?

Mr. HEPBURN. I do not. I yield to my colleague [Mr. RICHARDSON].

Mr. COOPER of Wisconsin. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Would a motion be in order at this time that this go over until Monday, and that the conference report be printed, so that we may have a chance to read it.

The SPEAKER. It would not. The gentleman from Iowa has the floor.

Mr. RICHARDSON of Alabama. Mr. Speaker, in connection with what the gentleman from Iowa [Mr. HEPBURN] has so correctly stated about the opinion of one of the conferees of the House on the subject of the antipass provision that was brought in here at first in the first conference, and which excluded employees and their families from free transportation, he will agree with me that in that matter that there was one of the conferees, and that was myself, who protested in the conference against that antipass amendment as it was, and reserved the right to protest against it on the floor of the House upon the ground and on the objection that employees of railroads and their families ought not to be excluded from free transportation over those roads where their husbands and sons were actively employed. He will agree with me that I did that?

Mr. HEPBURN. Yes; on the other report.

Mr. RICHARDSON of Alabama. Yes. In this present pass amendment I fully concur with the conferees, and shall cheerfully vote for the same. The House conferees heretofore submitted an antipass amendment including everybody. That was condemned.

Mr. DRISCOLL. I would like to ask the gentleman if he thinks the bill as now reported will accomplish as much as the bill when it came from the Senate toward crushing out the evil of free passes or free transportation? In other words, have not the conferees of the House made the bill worse than it was when it came from the Senate, and will it not accomplish less in effecting the purpose desired?

Mr. HEPBURN. I think not.

Mr. DRISCOLL. It seems to me it is not nearly as good.

Mr. HEPBURN. There was, I say, a prohibition with exceptions, as nearly as we could estimate, that covered ten or fifteen millions of people—passes covering ten or fifteen millions of people.

Mr. DRISCOLL. And now it covers all the people except officeholders?

Mr. HEPBURN. It exempts all the people except officeholders, for the reason that the claim has always been that the evil of the pass comes through the officers who received it. Now, under that provision there were twenty members of the Senate that could have passes; there were fifty or sixty Members of this House who could have passes.

Mr. KEIFER. Yourself included.

Mr. HEPBURN. Myself included. We thought it better to cut them off, and we have done it.

Mr. DRISCOLL. Is it not a bad law which, while it does not permit officeholders all along the line to take passes for themselves, yet allows them to get them for their friends and those who are useful to them?

Mr. HEPBURN. Oh, well, we could not enter into a question of that character; but we were trying to exclude the officeholders, and we have done it.

Mr. RICHARDSON of Alabama. Is it not true that there were those who contended that the Young Men's Christian Association should have passes, and that there were a great many other gentlemen who do not believe in Young Men's Christian Associations wanted them, and we did not believe that they ought to have them.

Mr. HEPBURN. That was stricken out in the Senate amendment.

Mr. RICHARDSON of Alabama. Yes; it was stricken out by the great body of the Senate, and the House conferees have agreed to it.

Mr. OLMSTED. If I correctly understand your bill as now agreed upon, there is contained a certain prohibition on the issuance of passes. I do not understand——

Mr. COCKRAN. I make the point of order that this is a very important proceeding, and we ought to have order.

Mr. OLMSTED. I am asking this question about the pass prohibition that is in the report of the conferees. As I understand, it contains a certain prohibition upon the issuance of passes. I do not understand that, in terms at least, it repeals the act that prohibits or forbids passes. Am I correct?

Mr. HEPBURN. No; I think that you are not correct. I do not know that there are any prohibitions upon the railways; certainly there are none that are effective that I know of. There is no statute prohibiting the pass taking that is so universally indulged in. I assume not. Now, then, we have this provision in here: "And except as herein provided, no common carrier shall be prohibited from granting any free tickets or pass for carriage," to anyone, provided they are not enumerated in the amendment.

We have done that. And of course it is given to somebody. But, Mr. Speaker, there was a general complaint a little while ago that passes might be given to shippers. I want to call attention to the provision of the bill in regard to discriminations; and if that should be in the nature of a discrimination, if it should be in the nature of a rebate, it is prohibited by this law.

Mr. LACEY. I should like to ask the gentleman a question.

Mr. WILLIAMS. Will the gentleman yield to me?

Mr. HEPBURN. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, as I understand this conference agreement, it merely forbids officials of the Federal Government, except those who are in the postal service, from receiving passes. Now, as I understand the object and intent of that legislation, it is to get rid of the idea or the fact, whichever it may be, wherever it may prevail, that officials of the Federal Government are influenced in their official capacity by this power of the railroad to give them free passes. I do not take much stock in that myself, though I am one of those who never had a pass or free ticket in his life. I think the man who would be influenced by a pass would be so cheap to bribe that the road could easily buy him for less if they wanted him, and probably would buy him very quick at that. The reason of the proposed legislation is to dissipate that impression or fact, if it be a fact, of corporate influence with public servants. That seems to be the intent. If it is, then the provision as written here does not succeed in its purpose. If you say

that the gentleman from Alabama [Mr. RICHARDSON] shall be punishable if he travels upon a pass himself, but would not be punishable if he solicited and used a pass for his brother-in-law and wife and three, four, five, or six children, or for somebody else that was useful to him in politics, then you have done away with the mere mite and you have left the great beam.

It seems to me that when we come to vote upon this particular part of the report that we ought to enlarge it, first, by striking out the language "except as herein provided no other prohibition of passes shall exist." Because to leave that I have just read would leave this condition of things: Say that in Mississippi, for example, a legislator or the governor is forbidden to ride on a pass, not merely in the State, but anywhere. Then comes Congress, by reason of the interstate-commerce act with this language in it, and repeals that much of the Mississippi law. I merely use that as an illustration. Take the law in Mississippi or in any other State. Then it seems to me we ought to add, by way of instructions or by way of an amendment rather, this much more to the language agreed on in this conference report, "and any person herein forbidden to use a pass who uses, solicits, or accepts for himself or for anybody else any such free pass or free transportation shall be deemed guilty of a misdemeanor," and so forth. And in the upper part of the same provision the punishment ought to be extended to the railroads, not only for giving the official a pass for himself, but anybody else. Now, if it is wrong to accept a pass from a railroad—and this law says it is, and, in my opinion, the law is right, if for no higher reason than that public servants' reputations ought to be, like that of Cæsar's wife, above suspicion, and ought to be such that even muck rakers can not point to them and say they are subject to suspicion—if it is right to forbid a Senator or a Member of the House of Representatives himself to use a pass for that reason, then it certainly is futile, it seems to me, to stop there and not go further and forbid him to solicit or accept passes to be used by anybody.

Mr. UNDERWOOD. Will the gentleman from Mississippi allow me to ask him a question? I agree with what the gentleman has said about the pass question fully, but I want to ask my friend from Mississippi how are we going to get to vote on that question on this report? We have got to vote it up or down, to vote for the whole proposition or against the whole proposition.

Several MEMBERS. We can vote it down.

Mr. WILLIAMS. I understand the House is exactly in the situation that it would have been if this conference report had been printed in the RECORD, laid over until Monday, and the House had then proceeded to act upon it.

The SPEAKER. The gentleman is correct.

Mr. WILLIAMS. Now, if that is the case, then, if the conferees have returned a report upon several independent propositions, has not the House the right to a separate vote upon each proposition?

The SPEAKER. Oh, no. The question is upon agreeing to the conference report, and that question is not divisible.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. If the House, for the purpose of disagreeing with one of the items, should vote down the report, then it could consider each proposition separately, and concur in all of the report except this one proposition?

The SPEAKER. Answering the parliamentary inquiry, if the conference report is voted down, then the Senate amendments to the House bill are undisposed of, as fully as they were when they were first disagreed to.

Mr. KEIFER. And we are just where we were before.

Mr. UNDERWOOD. If my friend from Mississippi will allow me to make this suggestion, there are many of us on this side of the House who do not agree with the pass amendment as brought in here, but agree with the gentleman from Mississippi. Yet we do not want to vote against this conference report, and I suggest to the gentleman, in our name, that he ask unanimous consent that we may consider this pass amendment separately.

Mr. WILLIAMS. Yes; I will do that. I do not think it would take up much of the time of the House, and I think the House should consider it. Mr. Speaker, I ask unanimous consent that it be in order that an amendment be offered to concur in item No. 4 with amendments as indicated by me——

The SPEAKER. Oh, but the gentleman sees at once that this is a conference report, which stands as a unit. The effect of the report is to dispose of all matters of disagreement between the House and Senate, and there is but one possible disposition to be made of it.

Mr. WILLIAMS. I understand that.

The SPEAKER. And that is to reject it or agree to it.

Mr. WILLIAMS. But, Mr. Speaker, while I understand that, I think I also understand—though I may misapprehend; and the Speaker knows better than I—that there is nothing the House can not do by unanimous consent.

I am not moving anything. I am submitting a request for unanimous consent that a certain motion be dealt with by the House, as if in order. The motion, if passed, would leave us, as regards the Senate, not just where we were at first, but in agreement about everything except this one thing of which an exception is made in the motion.

The SPEAKER. Oh, yes——

Mr. KEIFER. It can not do a thing that would be ineffective.

The SPEAKER. If the gentleman will indulge the Chair, a proposition like unto that which he makes for unanimous consent would, if agreed to, be barren; or if it had any effect at all it would be equivalent to a rejection of the report; but if it served no other useful purpose, it might give somebody the opportunity to claim that if he were the Lord he would do this, that, or the other.

Mr. WILLIAMS. Mr. Speaker, one word. The Speaker, perhaps, did not understand the nature of the request, which was for unanimous consent to offer a resolution accepting the conference report, except this item.

The SPEAKER. And that would be equivalent to rejecting the conference report.

Mr. WILLIAMS. That would be equivalent to rejecting so much of it.

Mr. BURLESON. And would send it back to conference——

Mr. WILLIAMS. Send it back to conference for that much.

Mr. GAINES of Tennessee. Mr. Speaker, were we not promised that we would have full opportunity for consideration of these amendments, and how are we to obtain that if this report is to be voted upon as a whole?

The SPEAKER. Oh, the gentleman should ask the Chair something easy. [Laughter.]

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. I have often heard the Speaker say that an elephant can be brought into the House by unanimous consent. Now, is this antipass amendment a white elephant? And if it can be brought in by unanimous consent, why can not one be taken out by unanimous consent?

The SPEAKER. That is not a parliamentary inquiry, or a proper one, at least. To put it as mildly as the Chair can express himself, the argument is one that the Chair will not further characterize. This is a proposition that the Senate is interested in as well as the House, a proposition to close the matters in difference, and the only way to close them is by adopting the conference report or by rejecting the conference report, and put all the Senate amendments in difference again.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I understand that the Speaker declines to put the request for unanimous consent, because he says it is out of order. If it is not out of order, I ask that it be put to the House.

The SPEAKER. The Chair will state that in the judgment of the Chair the gentleman asks something which the House has not the power to do in the present stage of this measure. If it has any effect at all, it would be equivalent to rejecting the report.

Mr. HEPBURN. Mr. Speaker, I ask for the previous question on the adoption of the report.

Mr. COCKRAN. Will the gentleman from Iowa yield to me for a question?

Mr. COOPER of Wisconsin. I rise, Mr. Speaker, to ask the gentleman from Iowa a question.

Mr. HEPBURN. I will yield to the gentleman from Wisconsin.

Mr. COOPER of Wisconsin. When the gentleman replied to a question by some Member—I have forgotten now who it was—I understood the gentleman to say that the term "common carrier" had been changed to "railroad." Now, that is an important matter, and I would like to ask the gentleman if he will refer to it.

Mr. WANGER. That is amendment No. 5.

Mr. HEPBURN. That is amendment 5, line 20, page 5. The provision in the bill reads, "From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or District of the United States to any

other State, Territory, or District of the United States, or to any foreign country, articles or commodities other than timber and manufactured products thereof," etc.

Mr. COOPER of Wisconsin. I ask the gentleman from Iowa if that is the only place in the bill or in the amendments where the words "common carrier" have been changed to "railroad?"

Mr. HEPBURN. That is the only one.

Mr. COOPER of Wisconsin. I want to ask the gentleman another question. Is it true that under the pass amendment as agreed upon by the conferees passes can be issued to anybody, including officials of the Government, of a State, or of any municipality, up to the 1st of January next?

Mr. HEPBURN. Yes.

Mr. COOPER of Wisconsin. So that during all of the coming campaign anybody can ask for passes and get them?

A MEMBER. You can ask for them, but you won't get them. [Laughter.]

Mr. HEPBURN. Except as otherwise provided by law.

Mr. COCKRAN. Mr. Speaker, I desire to ask the gentleman from Iowa in reference to that part of the report that touches the question of judicial review. In the language, as read by the Clerk, it seemed to indicate that courts were given the power to review generally all the acts of the Commission.

Mr. HEPBURN. There has been no change whatever upon that subject by the conferees. There was no discussion upon the subject.

Mr. COCKRAN. The provision as it now stands, as I understand it, does not undertake to extend the power of the court review or do anything except to declare that action shall be brought in the courts.

Mr. HEPBURN. The report deals not at all with that subject. There was nothing in conference upon that subject.

Mr. COCKRAN. So that the provision remains exactly as it passed the Senate?

Mr. HEPBURN. Yes.

Mr. LACEY. Mr. Speaker, I understood the gentleman to say a while ago that there was a paragraph there that interfered with the giving of transportation under any circumstances to the shipper. Is that broad enough to prevent giving transportation to the shipper of live stock?

Mr. HEPBURN. I think not.

Mr. RICHARDSON of Alabama. Mr. Speaker, I want to ask the gentleman from Iowa if it is not a fact that if the previous question which he has asked for is adopted, it will exclude all debate?

The SPEAKER. It will.

Mr. RICHARDSON of Alabama. Is it not a fact that the distinguished gentleman from Ohio, General GROSVENOR, the other day stated, when the matter of the first conference report was brought in, that there should be an opportunity given to the Members of this House to discuss that conference report or any item in it, and to pass on each item? I remember that, and so far as I am concerned, being one of the House conferees, I want to carry out and fulfill the obligation, and I think we ought to do it.

Of course we are now met with the information that in order to carry out the promised pledge or assurance of either the gentleman from Ohio [Mr. GROSVENOR] or the gentleman from Pennsylvania [Mr. DALZELL] that we must vote down the conference report. The importance attached to the promise of both of these distinguished gentlemen was that, with the Speaker, they constitute the majority of the Rules Committee, and it is now fully in their power to enforce their pledges. This conference report was to have come up next Monday by agreement. For one I say now that I never would have consented to have this report of the House conferees brought up here so suddenly this evening in opposition to a substantial agreement that this report should be submitted next Monday unless it had been with the understanding outlined and assured by Mr. GROSVENOR, of Ohio, and Mr. DALZELL, of Pennsylvania, that it would be carried out.

The gentleman from Pennsylvania [Mr. DALZELL] repeated that assurance, and I think that, with as important a conference report as this is, after the great deliberation which has been given to it for more than four weeks, the Members of this House ought to have an opportunity to pass upon it, consider, and discuss it. I know what the ordinary rule as to conference reports is, but there are exceptions to all rules. I stand for the implied agreement of Mr. GROSVENOR and Mr. DALZELL, the gentlemen from Ohio and Pennsylvania.

Mr. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. HEPBURN. I yield to the gentleman from New York.

Mr. DRISCOLL. Mr. Speaker, following up what the gentleman from Alabama [Mr. RICHARDSON] has just said, when this matter was before the House the last time and was to be submitted again to the conferees, the gentleman from Ohio [Mr. GROSVENOR] had the floor. I asked him then if, when the report was brought back to the House and the House was not satisfied with any particular amendment or any particular part of it, we could get a chance to vote on each amendment. He said yes, very easily. Mr. GROSVENOR is now not present, and I wish either the Speaker, who is a member of the Committee on Rules, or the gentleman from Pennsylvania [Mr. DALZELL], who is also a member of the Committee on Rules, would tell us how to do that easily.

Mr. DALZELL. Why, Mr. Speaker, nobody, neither the gentleman from Ohio [Mr. GROSVENOR] nor myself undertook to say that any Member of this House could not exercise his right to demand the previous question at any time. If the House wants further debate on this matter, it can vote down the previous question and debate it until it is ready to order the previous question. Nor did the gentleman from Ohio [Mr. GROSVENOR] nor myself say that there was any way to discuss the individual items of the conference report except by voting down the report, and amending the same.

Mr. CLARK of Missouri. Mr. Speaker, if the gentleman will yield, I would like to ask what the sense was in the gentleman from Ohio [Mr. GROSVENOR] or the gentleman from Pennsylvania [Mr. DALZELL] making any promise to the House if it only implied that which the gentleman just now announced, that we all knew before that we always could do.

Mr. DALZELL. We did not make any promise to the House.

Mr. CLARK of Missouri. The promise of the gentleman from Ohio [Mr. GROSVENOR] was that we should have full opportunity on every one of these amendments.

Mr. DALZELL. So the gentleman would, if the House will vote down the previous question.

Mr. CLARK of Missouri. Of course, but how can we get enough votes to do that?

Mr. DALZELL. Does the gentleman from Missouri mean to say that having served in this House as long as he has, he believes the gentleman from Ohio [Mr. GROSVENOR] had any power, by promise, to change the parliamentary rules of the House?

Mr. CLARK of Missouri. No; but I undertake to say this, that when the gentleman from Ohio [Mr. GROSVENOR], one of the Committee on Rules, comes in here and makes a positive statement to induce this House to vote in a certain way, that the gentleman from Ohio [Mr. GROSVENOR] and the men for whom he speaks ought to stand by that promise. [Applause.]

Mr. HEPBURN. Mr. Speaker, it will be remembered that promises, whatever they were, or statements, whatever they were, were with reference to these two matters respecting the railway employees and the Pullman cars. They were the only subjects of disagreement at all.

Mr. DALZELL. The only subjects.

Mr. PAYNE. Mr. Speaker, will the gentleman yield to me?

The SPEAKER. Does the gentleman yield?

Mr. HEPBURN. I yield to the gentleman from New York.

Mr. PAYNE. Mr. Speaker, did not both the gentleman from Ohio, Mr. GROSVENOR, and the gentleman from Pennsylvania, Mr. DALZELL, say that if these amendments came in in a different shape from what they are now they both would help to vote down the conference report and have a vote in the House, and was not that the way that they explained it then to the House? Every man in the House who has served here one term, who knows the rules of the House, knows that they provide that a conference report coming from the Senate as well as the House can not be amended in the House unless you get the unanimous consent of the Senate as well as of the House. It seems to me that this is so rudimentary that no man ought to be deceived who had served even thirty days in the House.

Mr. HEPBURN. Mr. Speaker, I demand the previous question.

Mr. WILLIAMS. Of course we have to get the unanimous consent, but we should start it here in the House.

Several MEMBERS. Regular order!

The SPEAKER. The question is on ordering the previous question.

Mr. BARTLETT. Mr. Speaker, I want to ask the gentleman from Iowa if he will not yield to me for a moment?

Mr. HEPBURN. I decline to yield.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 140, noes 97.

Mr. GILLESPIE. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 122, nays 90, answered "present" 9, not voting 158, as follows:

YEAS—122.

Alexander	Fletcher	Kline	Roberts
Babcock	Fordney	Knapp	Rodenberg
Barchfeld	Foss	Lacey	Sherman
Bartholdt	Foster, Ind.	Lafean	Sibley
Bates	French	Landis, Chas. B.	Smith, Cal.
Birdsall	Fuller	Landis, Frederick	Smith, Ill.
Bishop	Gaines, W. Va.	Lilley, Conn.	Smith, Iowa
Boutell	Gardner, Mass.	Loud	Smyser
Bradley	Gardner, Mich.	McCarthy	Snapp
Brick	Gardner, N. J.	McCleary, Minn.	Southwick
Buckman	Gilbert, Ind.	McKinley, Ill.	Sperry
Burke, Pa.	Goebel	McKinney	Steenerson
Burke, S. Dak.	Graff	McMorran	Sterling
Campbell, Kans.	Hale	Madden	Stephens, Minn.
Campbell, Ohio	Hayes	Mahon	Tawney
Capron	Henry, Conn.	Mann	Taylor, Ohio
Coudrey	Hepburn	Martin	Thomas, Ohio
Cousins	Hermann	Michalek	Tirrell
Cromer	Hill, Conn.	Miller	Townsend
Currier	Holliday	Mondell	Volstead
Curtis	Howell, N. J.	Mouser	Wachter
Cushman	Howell, Utah	Needham	Wanger
Dale	Hubbard	Norris	Watkins
Dalzell	Huff	Olmsted	Watson
Dawes	Humphrey, Wash.	Payne	Weems
Dawson	Jones, Wash.	Pollard	Wiley, N. J.
Denby	Kahn	Prince	Wilson
Dickson, Ill.	Keifer	Reeder	Wood
Dunwell	Kennedy, Nebr.	Rhinock	Woodyard
Esch	Kennedy, Ohio	Rhodes	
Fassett	Kiepper	Rives	

NAYS—90.

Adamson	Fitzgerald	Lawrence	Ryan
Aiken	Floyd	Lee	Sheppard
Allen, N. J.	Garrett	Lloyd	Sherley
Bankhead	Gill	McCall	Sims
Bartlett	Gillespie	McLain	Small
Bennet, N. Y.	Goulden	McNary	Smith, Samuel W.
Bonynge	Greene	Macon	Smith, Tex.
Broussard	Hamilton	Marshall	Stafford
Burgess	Hay	Meyer	Stanley
Burleson	Henry, Tex.	Moon, Tenn.	Sullivan, Mass.
Burton, Del.	Higgins	Moore	Taylor, Ala.
Burton, Ohio	Hill, Miss.	Murdock	Thomas, N. C.
Calderhead	Hinshaw	Murphy	Tyndall
Candler	Hoar	Olcott	Underwood
Clark, Fla.	Houston	Otjen	Wallace
Clark, Mo.	Howard	Padgett	Webb
Cockran	Humphreys, Miss.	Parsons	Webber
Cooper, Wis.	Hunt	Patterson, N. C.	Weeks
Davey, La.	Johnson	Patterson, S. C.	Wiley, Ala.
De Armond	Jones, Va.	Richardson, Ala.	Williams
Dixon, Ind.	Kelliher	Robinson, Ark.	Zenor
Driscoll	Lamar	Rucker	
Finley	Lamb	Russell	

ANSWERED "PRESENT"—9.

Gaines, Tenn.	Jenkins	Morrell	Southard
Graham	Lilley, Pa.	Pou	Sparkman
Gregg			

NOT VOTING—158.

Acheson	Davis, W. Va.	Ketcham	Randell, Tex.
Adams	Deemer	Kinkaid	Ransdell, La.
Allen, Me.	Dixon, Mont.	Kitchin, Claude	Reid
Ames,	Dovener	Kitchin, Wm. W.	Reynolds
Andrus	Draper	Knopf	Richardson, Ky.
Bannon	Dresser	Knowland	Rixey
Beall, Tex.	Dwight	Law	Robertson, La.
Bede	Edwards	Le Fevre	Ruppert
Beidler	Ellerbe	Legare	Samuel
Bell, Ga	Ellis	Lever	Schneebeli
Bennett, Ky.	Field	Lewis	Scott
Bingham	Flack	Lindsay	Scroggy
Blackburn	Flood	Littauer	Shackleford
Bowers	Foster, Vt.	Little	Shartel
Bowersock	Fowler	Littlefield	Slayden
Bowie	Fulkerson	Livingston	Slemp
Brantley	Garber	Longworth	Smith, Ky.
Broocks, Tex.	Garner	Lorimer	Smith, Md.
Brooks, Colo.	Gilbert, Ky.	Loudenslager	Smith, Wm. Alden
Brown	Gillett, Cal.	Lovering	Smith, Pa.
Brownlow	Gillett, Mass.	McCreary, Pa.	Southall
Brundidge	Glass	McDermott	Spight
Burleigh	Goldfogle	McGavin	Stephens, Tex.
Burnett	Granger	McKinlay, Cal.	Sullivan, N. Y.
Butler, Pa.	Griggs	McLachlan	Sulloway
Butler, Tenn.	Grosvenor	Maynard	Sulzer
Byrd	Grosvenor	Minor	Talbott
Calder	Gudger	Moon, Pa.	Towne
Cassel	Hardwick	Mudd	Trimble
Chaney	Haskins	Nevin	Van Duzer
Chapman	Haugen	Overstreet	Van Winkle
Clayton	Hearst	Page	Vreeland
Cocks	Hedge	Palmer	Wadsworth
Cole	Heflin	Parker	Waldo
Conner	Hitt	Patterson, Tenn.	Weisse
Cooper, Pa.	Hogg	Pearre	Welborn
Crumpacker	Hopkins	Perkins	Wharton
Darragh	Hughes	Powers	Young
Davidson	Hull	Pujo	
Davis, Minn.	James	Rainey	

So the previous question was ordered.

The Clerk announced the following additional pairs:

For balance of the day:

Mr. VAN WINKLE with Mr. RANSDELL of Louisiana.

Mr. HAUGEN with Mr. SMITH of Maryland.

Mr. HASKINS with Mr. ROBERTSON of Louisiana.

Mr. DRAPER with Mr. RICHARDSON of Kentucky.

Mr. GILLETT of Massachusetts with Mr. LIVINGSTON.

Mr. DARRAGH with Mr. RAINEY.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. SLEMP with Mr. GLASS.

Mr. DAVIS of Minnesota with Mr. WILLIAM W. KITCHIN.

Mr. CRUMPACKER with Mr. GOLDFOGLE.

Mr. CONNER with Mr. FLOOD.

Mr. ALLEN of Maine with Mr. BURNETT.

Mr. BROWNLOW with Mr. BRUNDIDGE.

Mr. FOWLER with Mr. BOWIE.

Mr. JENKINS with Mr. TALBOTT.

Mr. COOPER of Pennsylvania with Mr. LINDSAY.

Mr. WHARTON with Mr. PUJO.

Mr. LITTLEFIELD with Mr. SULZER.

Mr. ADAMS with Mr. GRANGER.

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. GRAHAM with Mr. PAGE.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

For the session:

Mr. HULL with Mr. SLAYDEN.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER pro tempore (Mr. WATSON). For what purpose does the gentleman from Tennessee rise?

Mr. GAINES of Tennessee. I want to ask if the gentleman from Maine [Mr. POWERS] has voted; if not, I wanted to be recorded as "present."

The SPEAKER pro tempore. Mr. POWERS did not vote.

Mr. GAINES of Tennessee. Then I desire to withdraw my vote of "no" and vote "present."

The SPEAKER pro tempore. Call the gentleman's name.

Mr. GAINES's name was called, and he answered "present."

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question now is on the adoption of the conference report.

The question was taken; and the Chair announced that the ayes appeared to have it.

Mr. WILLIAMS. Division! Mr. Speaker, in order to save the time of the House, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 215, nays 4, answered "present" 8, not voting 153, as follows:

YEAS—215.

Adamson	Dickson, Ill.	Hunt	Olmsted
Aiken	Dixon, Ind.	Johnson	Otjen
Alexander	Dunwell	Jones, Va.	Padgett
Allen, N. J.	Esch	Jones, Wash.	Parker
Babcock	Fassett	Kahn	Parsons
Bankhead	Finley	Keifer	Patterson, N. C.
Bannon	Fitzgerald	Kelliher	Patterson, S. C.
Barchfeld	Fletcher	Kennedy, Nebr.	Payne
Bartholdt	Floyd	Kennedy, Ohio	Perkins
Bartlett	Fordney	Klepper	Pollard
Bates	Foss	Kline	Pou
Bennet, N. Y.	Foster, Ind.	Knapp	Prince
Birdsall	French	Lacey	Reeder
Bishop	Fuller	Lafean	Rhinock
Bonynge	Gaines, W. Va.	Lamar	Rhodes
Boutell	Gardner, Mass.	Lamb	Richardson, Ala.
Bradley	Gardner, Mich.	Landis, Chas. B.	Rives
Brick	Gardner, N. J.	Landis, Frederick	Roberts
Broussard	Garrett	Lawrence	Robinson, Ark.
Buckman	Gilbert, Ind.	Lee	Rodenberg
Burgess	Gill	Lilley, Conn.	Rucker
Burke, Pa.	Goebel	Lilley, Pa.	Russell
Burke, S. Dak.	Goulden	Lloyd	Ryan
Burleson	Graff	Loud	Sheppard
Burton, Del.	Granger	McCarthy	Sherley
Burton, Ohio	Greene	McCleary, Minn.	Sherman
Calderhead	Hale	McKinley, Ill.	Sims
Campbell, Kans.	Hamilton	McKinney	Small
Campbell, Ohio	Haugen	McLain	Smith, Cal.
Candler	Hay	McMorran	Smith, Ill.
Capron	Hayes	McNary	Smith, Iowa
Clark, Fla.	Henry, Tex.	Macon	Smith, Md.
Clark, Mo.	Hepburn	Madden	Smith, Samuel W.
Cockran	Hermann	Mahon	Smith, Tex.
Cooper, Wis.	Higgins	Mann	Smyser
Coudrey	Hill, Conn.	Marshall	Snapp
Cousins	Hill, Miss.	Martin	Southwick
Cromer	Hinshaw	Meyer	Spight
Currier	Hoar	Michalek	Stafford
Curtis	Holliday	Miller	Stanley
Cushman	Houston	Mondell	Steenerson
Dale	Howard	Moon, Tenn.	Sterling
Dalzell	Howell, N. J.	Moore	Stevens, Minn.
Davey, La.	Howell, Utah	Mouser	Sullivan, Mass.
Dawes	Hubbard	Murdock	Tawney
Dawson	Huff	Needham	Taylor, Ala.
De Armond	Humphrey, Wash.	Norris	Taylor, Ohio
Denby	Humphreys, Miss.	Olcott	Thomas, N. C.

Thomas, Ohio	Wachter	Webber	Wilson
Tirrell	Wallace	Weeks	Wood
Townsend	Wanger	Weems	Woodyard
Tyndall	Watkins	Wiley, Ala.	Zenor
Underwood	Watson	Wiley, N. J.	The Speaker
Volstead	Webb	Williams	

NAYS—4.

Driscoll	Gillespie	McCall	Sibley

ANSWERED "PRESENT"—8.

Gaines, Tenn.	Gregg	Morrell	Southard
Graham	Jenkins	Murphy	Sparkman

NOT VOTING—153.

Acheson	Davis, W. Va.	Ketcham	Ransdell, La.
Adams	Deemer	Kinkaid	Reid
Allen, Me.	Dixon, Mont.	Kitchin, Claude	Reynolds
Ames	Dovener	Kitchin, Wm. W.	Richardson, Ky.
Andrus	Draper	Knopf	Rixey
Beall, Tex.	Dresser	Knowland	Robertson, La.
Bede	Dwight	Law	Ruppert
Beidler	Edwards	Le Fevre	Samuel
Bell, Ga.	Ellerbe	Legare	Schneebeli
Bennett, Ky.	Ellis	Lever	Scott
Bingham	Field	Lewis	Scroggy
Blackburn	Flack	Lindsay	Shackleford
Bowers	Flood	Littauer	Shartel
Bowersock	Foster, Vt.	Little	Slayden
Bowie	Fowler	Littlefield	Slemp
Brantley	Fulkerson	Livingston	Smith, Ky.
Broocks, Tex.	Garber	Longworth	Smith, Wm. Alden
Brooks, Colo.	Garner	Lorimer	Smith, Pa.
Brown	Gilbert, Ky.	Loudenslager	Southall
Brownlow	Gillett, Cal.	Lovering	Sperry
Brundidge	Gillett, Mass.	McCreary, Pa.	Stephens, Tex.
Burleigh	Glass	McDermott	Sullivan, N. Y.
Burnett	Goldfogle	McGavin	Sulloway
Butler, Pa.	Griggs	McKinlay, Cal.	Sulzer
Butler, Tenn.	Gronna	McLachlan	Talbott
Byrd	Grosvenor	Maynard	Towne
Calder	Gudger	Minor	Trimble
Cassel	Hardwick	Moon, Pa.	Van Duzer
Chaney	Haskins	Mudd	Van Winkle
Chapman	Hearst	Nevin	Vreeland
Clayton	Hedge	Overstreet	Wadsworth
Cocks	Heflin	Page	Waldo
Cole	Henry, Conn.	Palmer	Weisse
Conner	Hitt	Patterson, Tenn.	Welborn
Cooper, Pa.	Hogg	Pearre	Wharton
Crumpacker	Hopkins	Powers	Young
Darragh	Hughes	Pujo	
Davidson	Hull	Rainey	
Davis, Minn.	James	Randell, Tex.	

So the conference report was agreed to.

Mr. COOPER of Wisconsin. Mr. Speaker, I desire to change my vote. I voted "no," supposing that I would have a chance to defeat that pass amendment. I do not want to be recorded as opposing the bill.

The SPEAKER. Call the gentleman's name.

The Clerk called the name of the gentleman from Wisconsin, and he voted "aye."

Mr. GAINES of Tennessee. Is the gentleman from Maine, Mr. POWERS, recorded as voting?

The SPEAKER. He is not.

Mr. GAINES of Tennessee. Then I desire to change my vote from "aye" to "present."

The SPEAKER. Call the gentleman's name.

The Clerk called the name of the gentleman from Tennessee, and he voted "present."

The result of the vote was announced as above recorded.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below.

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate—to the Committee on the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by the acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 20321. An act to provide for the traveling expenses of the President of the United States;

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas;

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River;

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North;

H. R. 16290. An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March 3, 1879;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States."

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HILL of Connecticut, for the remainder of the session, on account of important business.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 6 o'clock and 16 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV the following executive communication was taken from the Speaker's table, and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Commissioners of the District of Columbia, submitting an estimate of appropriation for payment of judgments against the District of Columbia—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House joint resolution (H. J. Res. 178) providing for the improvement of the harbor at South Haven, Mich., reported the same without amendment, accompanied by a report (No. 5000); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

He also, from the same committee, to which was referred the House joint resolution (H. J. Res. 179) providing for the improvement of a certain portion of the Mississippi River, reported the same without amendment, accompanied by a report (No. 5001); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBINSON of Arkansas: A bill (H. R. 20379) amending an act conferring jurisdiction upon the United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.—to the Committee on the Judiciary.

By Mr. LIVINGSTON: A bill (H. R. 20380) to establish a subtreasury at Atlanta, Ga.—to the Committee on Ways and Means.

By Mr. HEPBURN: A bill (H. R. 20381) to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction—to the Committee on Interstate and Foreign Commerce.

By Mr. McNARY: A joint resolution (H. J. Res. 180) amending an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," approved June —, 1906—to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Ohio: A resolution (H. Res. 606) directing the Clerk of the House to pay to Harry West a certain sum of money for extra services as janitor to the Committee on Rivers and Harbors—to the Committee on Accounts.

By Mr. BENNET of New York: A resolution (H. Res. 607) requesting certain information from the Secretary of the Navy—to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BENNETT of Kentucky: A bill (H. R. 20382) granting an increase of pension to George W. Garrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20383) granting an increase of pension to Robert H. Brammer—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20384) granting an increase of pension to Mary Wilson—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 20385) for the relief of A. L. Hays—to the Committee on Claims.

By Mr. DUNWELL: A bill (H. R. 20386) to remove the charge of desertion from the naval record of Herbert W. George—to the Committee on Naval Affairs.

By Mr. HASKINS: A bill (H. R. 20387) granting an increase of pension to Harriet B. Nichols—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 20388) for the relief of Edward W. Whitaker—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 20389) granting an increase of pension to John Conner—to the Committee on Invalid Pensions.

By Mr. CHARLES B. LANDIS: A bill (H. R. 20390) granting an increase of pension to James A. Darrough—to the Committee on Invalid Pensions.

By Mr. LEVER: A bill (H. R. 20391) granting an increase of pension to Mary Jane Meldrein—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: A bill (H. R. 20392) granting a pension to John E. Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 20393) granting a pension to Daniel Moran—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 20394) granting a pension to John Whidden—to the Committee on Pensions.

Also, a bill (H. R. 20395) granting an increase of pension to William Leggett—to the Committee on Pensions.

Also, a bill (H. R. 20396) granting an increase of pension to Edward C. McGeachy—to the Committee on Pensions.

Also, a bill (H. R. 20397) granting an increase of pension to John F. Thompson—to the Committee on Invalid Pensions.

By Mr. WILEY of New Jersey: A bill (H. R. 20398) granting a pension to Isabel Clary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20399) to remove the charge of desertion from the record of James Clary, or Cleary—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER: Petition of Springville Canning Company, Springville, N. Y., and of New York State Canned Goods Packers' Association and Hamburg (N. Y.) Canning Company, for the pure-food bill without requiring that the weight or measure of canned-goods' packages appear thereon—to the Committee on Interstate and Foreign Commerce.

By Mr. AMES: Petition of citizens of Massachusetts, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. BARCHFELD: Petition of Republican county committee, county of New York, for the defeat of the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Paper to accompany bill for relief of Robert H. Brammer and George W. Garrett—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of several thousand citizens of New York, against the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of Republican county committee of New York County, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. BURNETT: Paper to accompany bill for relief of Adelia Converse—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. L. Hayes—to the Committee on Claims.

By Mr. CAMPBELL of Ohio: Petition of citizens of Van Wert County, Ohio, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. DUNWELL: Petition of Central Federated Union, New York, against passing the Littlefield pilotage bill as a rider to ship-subsidy bill—to the Committee on the Merchant Marine and Fisheries.

By Mr. FLETCHER: Petition of Chicago Federation of Labor, against bill H. R. 18752 (Pearre bill)—to the Committee on the Judiciary.

By Mr. FULLER: Petition of Mid-Continent Oil Producers' Association, against pipe-line clause in rate bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of District Assembly No. 49, Knights of Labor, against immigration bill (S. 4403)—to the Committee on Immigration and Naturalization.

By Mr. GRAHAM: Petition of Republican county committee, of New York County, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. KELIHER: Petition of Common Council, city of Boston, for the defeat of the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of citizens of Boston, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of National American-German Alliance, for the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. LEVER: Paper to accompany bill for relief of Mary Jane Meldrein—to the Committee on Pensions.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Daniel Moran—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of John E. Caldwell—to the Committee on Pensions.

By Mr. SIBLEY: Petition of producers and independent refiners of petroleum, protesting against the pipe-line clause in rate bill—to the Committee on Interstate and Foreign Commerce.

SENATE.

MONDAY, *June 25, 1906.*

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

On request of Mr. HALE, and by unanimous consent, the reading of the Journal of the proceedings of Saturday last was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, with an amendment; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H. R. 19749) to prescribe the duties of deputy collectors of customs; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; and

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the House had agreed to the

report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes; further insists upon its disagreement to the amendment of the Senate numbered 13, upon which the committee of conference were unable to agree; agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. DAVIDSON, Mr. ROBERTS, and Mr. BURNETT managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington; in which it requested the concurrence of the Senate.

The message further returned to the Senate, in compliance with its request, the bill (S. 3245) creating the Mesa Verde National Park.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska; and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

LIST OF CLAIMS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to transmit to the Senate a schedule of all claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowance of those heretofore reported to Congress at the present session; also a list of judgments rendered by the Court of Claims not heretofore reported to Congress.

LIST OF JUDGMENTS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered against the United States by the circuit and district courts of the United States under the provisions of the act to provide for bringing suits against the Government of the United States, approved March 3, 1887.

INDIAN DEPREDATION CLAIMS.

Mr. HALE submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Attorney-General be directed to transmit to the Senate a list of judgments rendered by the Court of Claims in favor of claimants in Indian depredation cases requiring an appropriation by Congress not heretofore reported at the present session.

FINDINGS OF COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Hiram Baldwin, Joseph De France Baldwin, and Richard Robert Baldwin, heirs of Robert Bradley, deceased, *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

PETITIONS.

Mr. PLATT presented sundry petitions of citizens of Corning, N. Y., praying that the clause providing for an educational test of immigrants be included in the so-called "immigration bill;" which were ordered to lie on the table.

Mr. WHYTE. I present a petition of the Board of Trade of Baltimore, Md., praying for the enactment of legislation relative to the increase of the number of enlisted men in the Coast and Field Artillery of the United States. As this subject is now before the Committee on Military Affairs, I move that the petition be referred to that committee.

The motion was agreed to.

PROJECTED INTERCONTINENTAL RAILWAY.

Mr. CULLOM. I present a communication from Hinton Rowan Helper, of Washington, D. C., relative to the construction of a projected intercontinental railway through the three Americas. I move that the communication be printed as a document.

The motion was agreed to.

JOHN BRADY.

Mr. MORGAN. I present a letter from Elliot Woods, superintendent of the United States Capitol building and grounds, relative to the claim of John Brady, an employee in his office. This subject will be under consideration by the Committee on Appropriations, and I move that the letter be referred to that committee without printing.

The motion was agreed to.

CONSIDERATION OF UNOBJECTED HOUSE BILLS.

Mr. GALLINGER. Mr. President, I rise to request that after the routine morning business, not to interfere with appropriation bills, time be given for the consideration of unobjected House bills on the Calendar.

Mr. HALE. Not to interfere with appropriation bills or conference reports.

Mr. GALLINGER. Not to interfere with appropriation bills or conference reports.

The VICE-PRESIDENT. The Senator from New Hampshire asks unanimous consent that after the close of the routine morning business to-day the Senate shall proceed to the consideration of unobjected House bills on the Calendar, that agreement not to interfere with appropriation bills or conference reports. Is there objection? The Chair hears none, and it is so ordered.

REPORTS OF COMMITTEES.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 46) to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

A bill (S. 61) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904;

A bill (S. 63) to amend sections 713 and 714 of the Code of Law for the District of Columbia, relating to savings banks;

A bill (S. 2269) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897; and

A bill (S. 4305) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904.

Mr. FOSTER, from the Committee on Commerce, to whom was referred the bill (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, reported it without amendment.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 18432) granting an increase of pension to David Direk;

A bill (H. R. 675) granting an increase of pension to Daniel Morrissey;

A bill (H. R. 19100) granting an increase of pension to Asa G. Brooks;

A bill (H. R. 2014) granting an increase of pension to Enoch McCabe;

A bill (H. R. 19662) granting an increase of pension to Joseph Kircher; and

A bill (H. R. 16575) granting a pension to Taylor Bates, alias Baits.

AUTHORITY OVER INSURANCE BUSINESS.

Mr. SPOONER. I am instructed by the Committee on the Judiciary to submit a report, and I ask that the resolution and the report may be read.

The Secretary read the resolution submitted by Mr. CULBERSON and referred to the Committee on the Judiciary on December 6, 1905, as follows:

Resolved, That the Committee on the Judiciary of the Senate be, and is hereby, directed to consider and report to the Senate, as soon as may be practicable, whether the Congress has authority under the Constitution to supervise and regulate the business of marine, fire, and life insurance.

The Secretary read the report, as follows:

The Committee on the Judiciary, which has had under consideration the foregoing resolution, beg leave to report that it is the unanimous opinion of the committee that the Congress is without authority under

the Constitution to supervise and regulate the business of marine, fire, and life insurance, except in the District of Columbia, the Territories, and the insular possessions of the United States. At another and more convenient time the committee will report fully the reasons upon which this opinion is based.

The VICE-PRESIDENT. The resolution and report will be placed on the Calendar.

CODE PREPARED BY THE STATUTORY REVISION COMMITTEE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the concurrent resolution of the House of Representatives reported on the 23d instant by the Committee on the Revision of the Laws of the United States, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of five Senators to be appointed by the Vice-President and five Members of the House of Representatives to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and the House of Representatives.

Mr. KEAN. I ask that the Senate resolution No. 30, which I send to the desk, be indefinitely postponed.

The SECRETARY. Senate concurrent resolution providing for the appointment of a joint special committee to consider and make recommendations to Congress on the work of the commission to codify the laws of the United States.

The VICE-PRESIDENT. Without objection, it will be postponed indefinitely.

Mr. CLARK of Wyoming. From the Committee on the Judiciary, I report back favorably House bill 19607, and I am directed by that committee to ask for its immediate consideration.

Mr. LA FOLLETTE. Mr. President, I supposed when the Chair submitted the question with respect to the indefinite postponement of the resolution reported by the Senator from New Jersey that the Senator from Wyoming, who was on his feet, had risen to address the Senate with respect to that question. I discovered that he had not, when he presented something else. I therefore ask that that question be again submitted to the Senate.

The VICE-PRESIDENT. It is an open question if any Senator desires to have it so considered.

Mr. LA FOLLETTE. I wish to say something about it.

The VICE-PRESIDENT. The Senator from New Jersey moves the indefinite postponement of the concurrent resolution. Does the Senator wish to have it read?

Mr. GALLINGER. I should like to hear it read.

Mr. LA FOLLETTE. I think it ought to be read for the information of the Senate.

The VICE-PRESIDENT. The Secretary will read the concurrent resolution.

The SECRETARY. Senate concurrent resolution referred to the Committee to Audit and Control the Contingent Expenses of the Senate, June 7, 1906, submitted by Mr. CARTER.

Mr. LA FOLLETTE. I am informed by Senators about me that another resolution was passed in lieu of the one which was introduced by the Senator from Wyoming. If that is the case I do not wish to have the question again submitted.

Mr. CLARK of Wyoming. I did not introduce the resolution.

Mr. CARTER. The resolution just stated was introduced by me.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Montana?

Mr. LA FOLLETTE. I do.

Mr. CARTER. The resolution which was passed by the House of Representatives, reported favorably by the Committee to Audit and Control the Contingent Expenses of the Senate, and just passed, is an exact duplicate of the resolution which has been indefinitely postponed. I prepared both the resolutions and I know exactly what they contain.

Mr. LA FOLLETTE. Mr. President, I find it is not the resolution which I supposed it was. I understood that the Senator from New Jersey was to report this morning the resolution which had been introduced by the Senator from Wyoming with respect to an investigation touching the coal lands in the Indian Territory, and the Secretary having read just the heading, I was led to believe it was the resolution I supposed the Senator from New Jersey was to report this morning. So I withdraw the request I made for the reading of the resolution.

The VICE-PRESIDENT. Without objection, the resolution is indefinitely postponed.

ACKNOWLEDGMENT OF DEEDS.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 19607) for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories, to report it favorably without amendment, and I am also directed by the committee to ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JURIES IN NEW MEXICO.

Mr. SPOONER. In the public interest I ask unanimous consent for the consideration of the bill (H. R. 19379) providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, resumed its consideration.

Mr. SPOONER. Mr. President, I wish to say a word about this bill, and only a word. In the Judiciary Committee I moved to amend the bill so as to provide—

That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

The Judiciary Committee adopted that amendment.

On Saturday I was waited upon by the United States attorney for New Mexico, a gentleman of some distinction and entire reliability, who appealed to me to ask the Senate to strike out the proviso relating to the qualification of jurors in New Mexico. I asked him for his reasons, and he informed me that in ten out of the twenty-five counties in the Territory of New Mexico it would be absolutely impossible under this proviso to secure a jury; that in those counties the testimony of witnesses, the arguments of counsel, and the charge of the court must be interpreted to the jury.

I believe that, Mr. President, to be true, and that in the ten counties of New Mexico, which Territory is proposed to be admitted into the Union as a State, it is impossible to secure a jury for the trial of civil or criminal causes capable of understanding the proceedings of the court and the language in which they are conducted.

I submitted the question to the Judiciary Committee this morning, and I am authorized to ask the Senate, in view of this fact, to disagree to the committee amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 1, line 10, after the word "United States," the Committee on the Judiciary reported to insert the following proviso:

Provided, That no person shall be eligible for jury service in the Territory of New Mexico who does not understand the English language sufficiently, in the opinion of the court, to qualify him for such service.

The VICE-PRESIDENT. Without objection, the amendment will be disagreed to.

Mr. SPOONER. Nothing remains but to concur in the action of the House.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SILETZ POWER AND MANUFACTURING COMPANY.

Mr. LONG. For the junior Senator from Minnesota [Mr. CLAPP] I report back favorably with amendments from the Committee on Indian Affairs the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, and I submit a report thereon. I call the attention of the senior Senator from Oregon to the bill.

Mr. FULTON. The bill simply gives a right of way over an Indian reservation, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Indian Affairs were, on page 1, line 8, before the word "lands," to strike out the word "the;" in the same line, after the word "lands," to strike out the words "of the United States," and to strike out all of section 3; so as to make the bill read:

Be it enacted, etc., That the right of way is hereby granted, as hereinafter set forth, to the Siletz Power and Manufacturing Company, a corporation organized and existing under the laws of the State of

Oregon, and its successors and assigns, for the construction, operation, and maintenance of a water ditch or canal through lands in the Siletz Indian Reservation, in Oregon, beginning at a point on the right bank of the Siletz River, in lot 13 of section 9, township 10 south, range 10 west of Willamette meridian; running thence in a northeasterly direction through said section and terminating at a point on the right bank of the Siletz River, in lot 30 of section 4, township 10 south, range 10 west of Willamette meridian: *Provided*, That no rights hereunder shall attach until the Secretary of the Interior shall have determined to his satisfaction that the interests of the Indians and the public will be promoted thereby.

SEC. 2. That the right of way hereby granted shall be 50 feet in width on each side of the central line of such water ditch or canal.

SEC. 3. That the rights herein granted shall be forfeited by said corporation unless the water ditch or canal shall be constructed through the said lands within three years from the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

BILLS INTRODUCED.

Mr. BLACKBURN introduced a bill (S. 6522) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

He also introduced a bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska; which was read twice by its title, and referred to the Committee on Commerce.

Mr. DICK introduced a bill (S. 6524) to provide for the purchase of a site and the erection of a public building thereon at Mansfield, Ohio; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. FULTON introduced a bill (S. 6525) granting an increase of pension to James R. Brown; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 6526) to extend the provisions of "An act regulating the duties and fixing the compensation of the customs inspectors at the port of New York;" which was read twice by its title, and referred to the Committee on Commerce.

Mr. WETMORE introduced a bill (S. 6527) to remove the charge of desertion from the naval record of John McLaughlin; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. McLAURIN introduced a bill (S. 6528) for the relief of Mrs. Emily Miller; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. DANIEL introduced a bill (S. 6529) granting a pension to William F. Wyble; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. McCUMBER submitted an amendment proposing to appropriate $750 to pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, and also $1,000 to pay Dennis M. Kerr for services as assistant clerk, by detail, to the Committee on Pensions, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. BURNHAM submitted an amendment proposing to appropriate $3,000 to pay George M. Esterly, of Valdez, Alaska, in full for the gasoline launch *Marilla*, destroyed by fire at Snug Corner Cove, Prince William Sound, Alaska, in July, 1905, intended to be proposed by him to the general deficiency appropriation bill; which was ordered to be printed, and, with the accompanying paper, referred to the Committee on Appropriations.

AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. FULTON submitted an amendment intended to be proposed by him to the omnibus public buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. HOPKINS submitted two amendments intended to be proposed by him to the omnibus public buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. MARTIN submitted an amendment to be proposed by him to the omnibus public buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

PROPOSED DRAINAGE INVESTIGATIONS.

Mr. LATIMER. I submit a resolution and ask for its present consideration.

The resolution was read, as follows:

Whereas there is in the United States between fifty and one hundred million acres of swamp, tidal, and overflowed lands which are now, for lack of drainage, unproductive and a prolific source of malarial and other diseases, and the Secretary of Agriculture having for the past three years conducted drainage investigations in this country and abroad and accumulated a large amount of valuable data on the subject: Therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to prepare and submit to the Senate on or before December 1, 1906, a report on drainage, to include the following:

First. The location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

Second. The effect of drainage on such land and on the public health and upon agriculture.

Third. The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

Fourth. The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

Fifth. A review of the drainage laws and policies of the leading agricultural countries of Europe, and their results.

Mr. KEAN. Let the resolution go over.

The VICE-PRESIDENT. Under objection, the resolution will lie over.

Mr. LATIMER. I hope the Senator from New Jersey will not object. It is simply a resolution asking for information from the Secretary of Agriculture and involves no expenditure.

Mr. KEAN. I should like to look at it.

The VICE-PRESIDENT. The resolution will be printed and lie on the table.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. PROCTOR submitted the following concurrent resolution; which, with the accompanying paper, was referred to the Committee on Printing:

Resolved by the Senate (the House of Representatives concurring), That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1905; 1,000 copies for the use of the Senate; 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture.

RECORDING DISTRICT IN INDIAN TERRITORY.

Mr. TALIAFERRO. I ask unanimous consent for the consideration of the bill (S. 6418) to establish an additional recording district in the Indian Territory.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. We have passed the statehood bill and I do not think we ought to be interfering with those people.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. KEAN. I object.

The VICE-PRESIDENT. Objection is made.

SUITS UNDER ANTITRUST LAW AND INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a former day, which will be read.

The Secretary read the resolution submitted by Mr. LONG on Saturday, as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law, and the disposition made of such suits.

The VICE-PRESIDENT. To this resolution two amendments have been offered. The amendment offered by the Senator from Ohio [Mr. FORAKER] will be read.

The SECRETARY. Add at the end of the resolution:

Including all suits brought under the so-called "Elkins law," when brought, character, and final disposition thereof.

The VICE-PRESIDENT. The Secretary will also read the amendment proposed by the Senator from Georgia [Mr. BACON].

The SECRETARY. Add at the end of the resolution the following:

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed, and the manner of such disbursement.

The VICE-PRESIDENT. Does the Senator from Kansas accept the amendments?

Mr. LONG. I do.

The VICE-PRESIDENT. The amendments are accepted. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved, That the Attorney-General be directed to furnish the Senate with a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law and the disposition made of such suits, including all suits brought

under the so-called "Elkins law," when brought, character, and final disposition thereof.

The Attorney-General is further directed to report to the Senate what portion of the special appropriation of $500,000 heretofore made to enforce said laws has been disbursed, and the manner of such disbursement.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I desire to call up a concurrent resolution which I introduced with the request that it be permitted to lie on the table until I could have an opportunity to call it up for consideration. It is the resolution which I introduced on the 5th of June.

The VICE-PRESIDENT. The Chair will recognize the Senator from Wisconsin for that purpose as soon as the morning business is concluded.

Mr. McCREARY. I wish to submit a resolution.

Mr. LA FOLLETTE. May I make a parliamentary inquiry? It is a concurrent resolution. I wish to amend the resolution by making it a Senate resolution.

The VICE-PRESIDENT. The Senator has that right.

Mr. LA FOLLETTE. I supposed I could do that while still under morning business.

The VICE-PRESIDENT. It is within the Senator's control. The Chair will state that the Senate by unanimous consent agreed that unobjected House bills on the Calendar should be taken up after the morning business. The Chair will recognize the Senator from Wisconsin, if there is no objection, to call up his resolution at the present time. Is there objection?

Mr. SCOTT. Did I understand that we had unanimous consent to take up unobjected House bills after the morning business?

The VICE-PRESIDENT. The Chair has so stated. The morning business is not yet closed.

Mr. SCOTT. I shall have to insist upon that unanimous-consent agreement being adhered to on account of the large number of pension and other bills on the Calendar.

The VICE-PRESIDENT. The morning business is not yet closed.

LUDWELL M'KAY AND OTHERS.

Mr. McCREARY. I submit a resolution and ask unanimous consent for its immediate consideration.

The resolution was read, as follows:

Resolved, That the petition of Ludwell McKay and certain other Kentucky drafted men, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a findings of fact in accordance with the decision of said court in the case of John H. Marshall, under the terms of the act of March 3, 1887, and generally known as the "Tucker Act," and to be considered in connection with and as a part of Senate bill No. 7168, third session Fifty-eighth Congress, which was referred to that court by resolution of the Senate March 3, 1905, and is numbered Congressional 11889 in said court.

Mr. McCREARY. I showed the resolution to the chairman of the Committee on Claims and he has no objection to it.

Mr. KEAN. Is it reported from a committee?

Mr. McCREARY. No, sir; but it is a Senate bill——

Mr. KEAN. Then I think it ought to go to a committee.

Mr. McCREARY. If the Senator from New Jersey will listen just a moment——

Mr. KEAN. Certainly.

Mr. McCREARY. It is Senate bill 7168, which was referred to the Court of Claims by resolution of the Senate March 3, 1905.

This resolution provides that the petition of Ludwell McKay and other drafted men and all accompanying papers be referred to the Court of Claims. There was an illegal draft in Kentucky in 1864. This is simply to bring those matters before the Court of Claims.

Mr. KEAN. Such matters should go first to the Committee on Claims.

The VICE-PRESIDENT. Is there objection to the consideration of the resolution?

Mr. KEAN. I object.

The VICE-PRESIDENT. Objection is made, and the resolution will lie over.

ELEVATOR, GRAIN BUYING, AND FORWARDING BUSINESS.

Mr. LA FOLLETTE. I offer a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved by the Senate, That the Interstate Commerce Commission is hereby directed to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent these special favors have been granted; the influence which the monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroads, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured their holdings in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session.

Mr. LA FOLLETTE. The resolution is subject to consideration and adoption at this time as a substitute.

The VICE-PRESIDENT. Without objection.

Mr. McCUMBER. Mr. President, as I heard it read I could not tell exactly what it contains. I did not hear everything in it, but there was a resolution introduced having for its object the same thing, I understand, which was referred to the Committee on Agriculture and Forestry, and that committee has been considering it. I should like to know whether this is not covering the same subject, and if we are not liable to have two or three different Departments of the Government investigating probably the same question? I should like to ask if the resolution has been printed or if it has been referred to a committee?

Mr. LA FOLLETTE. Mr. President, I will say to the Senator from North Dakota that this is a resolution which I introduced on the 5th of June. The purpose of it is to broaden the investigation now being conducted by the Interstate Commerce Commission under the Tillman-Gillespie resolution, so called, so that it may include the practices with respect to the management of grain elevators and the buying of grain and any possible collusion which may exist between the owners of elevators, the buyers of grain, and the railroads.

Mr. SCOTT. Let the resolution go over and be printed. I object to its consideration.

Mr. LA FOLLETTE. Mr. President, the resolution has been printed. It has been upon the table since the 5th of June. I have simply had stricken out so much of it as made it a concurrent resolution in order that it might be considered and passed by the Senate at this time. When introduced as a concurrent resolution it provided for an appropriation. I have since learned from the Interstate Commerce Commission that it is not necessary to provide any further appropriation in order that this investigation should be made. The Commission, I am informed, will be able, if directed by the Senate, to proceed to this investigation without any such appropriation. I have, therefore, simply changed the resolution, which has been printed and has been lying upon the table for weeks, by striking out portions of it so as to make it a Senate resolution. So that, in its amended form, it presents nothing new to the Senate for its consideration.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. Certainly.

Mr. GALLINGER. I presume I have the correct copy of the resolution which was introduced by the Senator on the 5th of June. I will ask the Senator if he has stricken out the preamble of the resolution? If he has not, I would suggest that he strike out of it the paragraph which asserts certain things which I think are in controversy. The preamble recites that:

Whereas certain corporations and individuals engaged in the buying, storing, forwarding, and selling of grain——

Mr. LA FOLLETTE. I am entirely willing to strike out the preamble.

Mr. GALLINGER. I trust it may be stricken out.

Mr. LA FOLLETTE. I am willing to do so, because I think I shall be able in a few moments to demonstrate the existence of the conditions as asserted in the preamble.

Mr. GALLINGER. The preamble manifestly ought to go out.

Mr. SCOTT. Mr. President, does not that make the resolution a new resolution? If so, I object to its consideration.

The VICE-PRESIDENT. The Chair thinks the Senator from Wisconsin has a right to modify his resolution introduced on June 5.

Mr. SPOONER. Mr. President, will my colleague yield to me for a moment?

The VICE-PRESIDENT. Does the junior Senator from Wisconsin yield to his colleague?

Mr. LA FOLLETTE. Certainly.

Mr. SPOONER. I think, if the Senator amends his resolution so as to make it simply a Senate resolution, it would be entirely ineffective. The Interstate Commerce Commission is a Commission created by law, whose duties are defined by law, and I do not think a resolution of either House acting alone can impose any duty or authority upon that Commission.

Mr. LA FOLLETTE. I will say to my colleague, Mr. President, that the resolution does not seek to confer any additional authority upon the Commission. It is simply, as now proposed to be amended, an expression by the Senate of a desire that this investigation be made.

Mr. SCOTT. I rise to a parliamentary question.

The VICE-PRESIDENT. The Senator will kindly state his parliamentary question.

Mr. SCOTT. Does not the changing of a resolution from a

concurrent resolution to a Senate resolution make it new business—a new resolution?

The VICE-PRESIDENT. It is a modification of the original resolution.

Mr. SCOTT. But does it not change it from a concurrent resolution to a Senate resolution?

The VICE-PRESIDENT. The Chair understands the Senator from Wisconsin simply to modify his original resolution in that regard.

Mr. SCOTT. Then, does the Chair rule that a change of a resolution from a concurrent to a Senate resolution does not make it new matter?

The VICE-PRESIDENT. It does not change the Senator's right to alter or modify his resolution. Under what rule would the Senator from West Virginia think it did?

Mr. SCOTT. I have not anything further to say, Mr. President.

Mr. LA FOLLETTE. Mr. President, I was about to say further, in reply to my colleague [Mr. SPOONER], when interrupted by the Senator from West Virginia [Mr. SCOTT], that, while I am aware that this resolution does not confer any additional power upon the Interstate Commerce Commission, I am equally certain that, if adopted, it will have the effect of securing the performance of an important service which will result in the adoption of such measures as will protect the farmers of the whole country from the extortion to which they are now compelled to submit when they dispose of their grain products. The resolution, if adopted, will indicate that the Senate is sensible of the conditions which demand this investigation. It will express authoritatively the sentiment of the Senate that such an investigation should be made. The Commission has a sufficient appropriation and ample power to conduct the investigation, and I am advised that they will do so if the resolution is adopted by the Senate. The Commission does not need an expression from both Houses of Congress. It will act upon the request of the Senate alone.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Yes.

Mr. FORAKER. Can the Senator tell us how much of the time of the Commission would probably be occupied in making this investigation?

Mr. LA FOLLETTE. I am not able to say. I do not know how wide a field of investigation will be developed. The Commission, of course, will not conduct the investigation to the detriment of any of the other business in which it may be engaged, and which may be of greater importance.

Mr. FORAKER. That is what I wanted to make inquiry about. My opinion as to the proper duty of the Commission is that it is investigation; and I should be glad to keep it investigating all the while. I think they do more good in that way than they can possibly do in any other; but, at the same time, I recognize that they have other duties imposed upon them by the statute now in force, which they would have to neglect if such an investigation as is proposed would require an undue portion of their time. I do not object on that ground; I only want to call it to the Senator's attention. I do not know anything about this matter; but in view of what the Senator says, it probably ought to be investigated and I do not propose to offer any objection to that. I think, however, it is well to take into consideration in this connection the point made by the Senator's colleague [Mr. SPOONER], that if this Commission, constituted by law enacted by both Houses, can be set to special work by the order of one House, it might be that all the time of the Commission would be taken up by these special directions, and there would be no time left for the general duties which are imposed by statute.

But, as I say, I am glad to know that the Senator wants the Commission directed to investigate. The best work the Commission have done since they were first created has been that of investigation, bringing to knowledge conditions that ought to be looked after by the Department of Justice, where they can be properly dealt with, and the only place where they can be properly dealt with.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. Well, Mr. President——

Mr. GALLINGER. If the Senator is about to address the Senate, I will not disturb him.

Mr. LA FOLLETTE. Mr. President, I was about to address the Senate; and I think I shall have to ask Senators to permit me to do so in order that I may take up no more of the morning hour than is necessary to lay before the Senate the important matters which I wish to present.

The country has been astounded, I think, by the revelations which have been made by the investigation conducted under the so-called Tillman-Gillespie resolution with respect to the alliances between the coal-mining companies of this country and the coal-carrying railways and their officials. In whatever field that investigation has been prosecuted, it has uncovered corruption. The whole system of railway management seems to have been permeated with graft growing out of a desire on the part of these large coal-producing companies to secure undue and unlawful advantages over their competitors in shipping their product. Mr. President, I am satisfied that an investigation into the grain-buying and grain-shipping business of this country will disclose conditions substantially similar to those which have been uncovered in the coal-mining industry of West Virginia and Pennsylvania.

EVIDENCE OF FEDERAL COMMISSIONS.

The Interstate Commerce Commission said in its report for 1902:

> While the investigations of the Commission have not fully covered this aspect of the case as yet, it is a matter of common information, and we know from repeated complaint received, that some one firm or one individual purchases substantially all of the grain which is handled by a given line of railway, and the claim is made, and the inference is almost a necessary one, that this firm or individual must receive concessions which enable him to underbid other buyers in the same market.

It has been stated, as a result of the investigation conducted by the Industrial Commission, that the great grain-producing sections of this country have been divided into districts and allotted by the railroads to certain favored elevator companies, and that those elevator companies, through an alliance with the railroads which excludes competition, have been given the monopoly of the grain buying throughout all of that territory. The testimony taken by the Industrial Commission shows that, on the Rock Island Railroad, Charles Counselman & Co. have been given special privileges which enabled that company to obtain substantially a monopoly of the grain-buying business along that line of road; that the Bartlett-Frazer Company and the Peavy Elevator Company had such privileges and such connections with the Northwestern Railroad as to place them in substantially the same position of advantage on that road; that upon the Chicago, Burlington and Quincy road and the Chicago, Milwaukee and St. Paul road the Armour Elevator Company maintained exactly the same control of the grain-buying business, and that like favors were given by the Santa Fe Railroad to Mr. Richardson, and by the Union Pacific to the Peavy Elevator Company.

COMPETITION DESTROYED IN THE FARMERS' MARKET.

I recall, sir, as a young man on the farm, driving to the city of Madison, which was our nearest market, the loads of grain which from time to time we had to sell. I recall how, at that time, the grain buyers, or representatives of the different grain-buying firms, would gather about the wagon of every farmer, examine the grain, and bid against each other for its purchase. That condition exists no longer. Within the last few years the system of marketing our grain crops has completely changed. Every farmer contrasts the old with the new method. In the days of an open market he drove to town with a load of grain, the buyers gathered around his wagon, tested the grain, and bid for it one against the other. The bidding was genuine, and the grain was sold to the highest bidder in a real competitive market. To-day the farmer must hunt the different buyers in their offices and ask the price. Each quotes him the same price. They have little concern as to which one buys the grain, as the profits are pooled. If any buyer purchases more than his share, he is subject to a penalty.

The purpose of this system and its result is to increase the profits of dealers. Under the competitive system the dealers were satisfied with a margin of 1 cent a bushel; under the trust system the dealer's margin is from 3 to 8 cents a bushel. The average increase in the dealer's margin and the necessary reduction in the farmer's price brought about by this change in method is estimated to be from 3 to 5 cents on every bushel of grain sold. It amounts on the entire crop to many millions of dollars annually.

The farmer has no alternative. He must sell his grain to one of the elevators at his local station. He can not ship it himself. The railroad will not give him cars, and if he could get cars he could hardly find a dealer who would handle his grain in the market. The need of the farmer for money is in almost all cases urgent. The merchant is impatient for a settlement of his account; the banker demands payment of his notes; the harvest hands must be paid in cash.

These conditions compel him to accept the market most ac-

cessible to him. It is important that this be a competitive market. Only such a market will assure him a fair and honest price for his products.

This change which has destroyed competition in the farmer's market for his grain products is due to the power which the grain trust wields through the unlawful combinations and special favors from the railroads. From the time the farmer comes to market with his grain in his wagon until the grain reaches its final destination the grain trust retains control over it. The trust makes the price paid for the grain by itself and by its so-called "competitors." This price is fixed by a few large dealers who constitute the grain trust, and who, working in combination at the central market, dominate the entire system. The advantages which these men enjoy on account of the extensive scale of their operations and the favors which they receive from the railroads place them in a position to completely dominate the market.

ADVANTAGES TO FAVORED ELEVATOR COMPANIES.

Generally there are two or more elevators to which the farmers may sell grain. One of these is usually owned and operated by a small dealer engaged in the business of buying locally and selling to a dealer at the nearest large market. Such are known as "local dealers" and their elevators as "local elevators." One elevator at every station, and sometimes all, are owned by a large grain-dealing corporation owning similar elevators at every station along the line of road upon which it operates and large storage and transfer elevators at the terminals of the road and at the central grain markets. Such a company is known as a "line elevator company" or a "terminal elevator company." A line company usually operates several terminal elevators. Its local elevators are operated by a manager, who is paid a monthly salary.

These "line companies" have memberships in the leading boards of trade of the world. Their central offices are in the leading grain-dealing center, and they have branch offices in most other cities having grain markets. They have contracts with the railroads on which their elevators are located to operate the public elevators and most of the private elevators at the terminal markets on the tracks of the several companies. Each "line company" has built up an extensive business system extending over the entire country and to foreign countries. Many operate other elevators at terminal points that are not market points, but where grain must be transferred to cars of connecting railroads to be forwarded to market. They have elevators at the ports of the Great Lakes, the Atlantic Ocean, and the Gulf of Mexico, where transfers are made for water shipments. Many of these elevators are owned by the railroad companies and furnished without cost to the favored elevator companies.

Grain bought at a local station by either the "local elevator" or the "line elevator" is forwarded to a central market. When it reaches the terminal of the road upon which the shipment originates it is taken from the car by the terminal elevator company. For this transfer a fee of about a cent a bushel is allowed by the railroad company to the elevator company.

If the grain is stored in the elevator over ten days, the owner must pay the elevator company for storage. If the shipment belongs to the elevator company, of course there is no expense to the owner, especially when the railroad provides the elevator rent free. When ready for reshipment, the elevator company may demand another allowance from the road hauling it out for loading the grain into cars.

At the large central market the grain usually goes into storage to wait until there is a demand for its shipment to some domestic or foreign point where it will be consumed. When thus shipped out again, it pays another transfer fee to the elevator company. These fees are collected by the railroad as a part of the freight charge and turned over to the elevator company.

The transfer and storage of this grain is an incident to its transportation. It is a monopoly on each line of railroad, and is given over by the railroad to the favored elevator company operating elevators on its line. It gives the elevator company having the terminal elevator a profit on all the grain handled by its competitors, and complete knowledge of its competitor's business. It carries immunity from storage charges on its own grain. It guarantees illegitimate profits in the form of transfer allowances not permitted to any competitor. It enjoys other advantages peculiar to the business. For example, the grain of competitors, before going into the elevator, is inspected by State authority or a board of trade official and given a certain grade. It is put in the elevator and a storage certificate is issued against it calling for so many bushels of that certain grade. The grain of the competitor may have been a little above the grade allowed, and yet not good enough to entitle it to the next higher grade. Now, when the elevator dealer sells grain to the miller or foreign dealer, he sells by sample, and if the grain is a little above the grade, he receives a premium over the grade price. It is charged that the elevator dealers take the best grain that comes to the elevator to fill their own orders and deliver to their competitors, on certificates of storage, the poorest grain that will satisfy the grade specified thereon. This has led to a vigorous and protracted struggle on the part of the commission men and independent dealers to have the public elevator business handled by disinterested parties; but the railroads refuse to heed this demand, and the elevator dealers' monopoly is continued.

HOW THE GRAIN TRUST DOMINATES.

These many advantages enjoyed by the favored dealers, coupled with other forms of railroad favoritism, are sufficient to enable those having terminal elevators to control the markets. One firm on each line of road is given these advantages. The dealers on the various lines cooperate and work in harmony to control prices. Small dealers can buy only small amounts, and these only under the prices and regulations established by the trust. The business of any who refuse to submit is destroyed by the trust paying for a limited time prices other dealers can not meet. One-half of the local elevators are owned by the trust and the remainder so controlled that it is business ruin to refuse to comply with the terms of the trust.

The line elevators control the local market. The "local dealer" is permitted to buy only a certain amount of the grain that comes to his station. He is compelled to pay the price fixed, and on other.

If the independent dealer refuses to observe the trust regulations, the trust simply puts up the price at its line elevator at his station, so that he can not compete for the grain. If he does not surrender, his expenses soon eat up his investment, and he must abandon the business. If the small dealer proves resourceful and makes a good fight, the railroad comes to the aid of the elevator company and informs him that the "disturbance" which he is making is very distasteful to the railroad management, is upsetting traffic adjustments with surrounding roads, and that he must come to the terms of the line elevator company or move his elevator off the right of way. The trust, meantime, is making up any losses it may sustain by shading prices at the scores of its other line elevators and from its elevator allowances and other favors accorded to it by the railroad. The result is that the little fellow, if he wants to survive, surrenders. He buys what grain he is told to buy and when he is told to buy it. He pays the price he is told to pay for it. He sells his grain, for the most part, to the line company and ships it to the line company's elevator at the terminal market. His only reason for being in the business, so far as the public is concerned, is to make more complete the trust monopoly and to keep up an appearance of competition to deceive the farmers.

"ELEVATOR ALLOWANCES."

Probably the worst form of railway discrimination which operates to build up the grain trust is the so-called "transfer allowance" paid by the railroads to the terminal elevator companies to get grain loaded and unloaded from cars. At Chicago three-fourths of a cent a bushel is usually paid; at Kansas City it is 1½ cents per 100 pounds; at Omaha the Union Pacific pays 1½ cents to the Omaha Elevator Company; at Burlington, Iowa, 1 cent was paid; at New Orleans 2 cents was paid for transferring to boat; at St Louis no allowance is paid. The matter of elevator allowances has been partially investigated on several occasions by the Interstate Commerce Commission. Significant developments in the testimony, particularly that of last year, were that the payment of the allowance was not uniform—some dealers could get it while others could not; for favored dealers it was paid by some companies several times on the same grain at different points where the favored dealer had an elevator; that the payment accrued to the benefit of particular companies who had contracts for the transfer with the railroad; that the transfer allowance was used by the favored dealers to control the business and drive out competitors. In one case allowances amounting to as much as 4 cents per 100 pounds were paid the favored dealer in transfer fees. The dealer who was not so favored was excluded from competition. The vicious effect of such discriminations is made manifest when you consider that a difference of only a small fraction, one-eighth or one-sixteenth of a cent a bushel, will determine who shall receive the business in a grain deal.

Some elevator companies contend that the transfer allowances are not compensatory. The prevailing rate for transferring grain at Buffalo is only one-half cent a bushel, and in a recent case it developed that one elevator company was paying a 25 per cent rebate out of that amount to get the business. It

would seem that these allowances would afford a large margin of profit, particularly at Kansas City, where the elevators are, as a rule, provided rent free by the railroads.

RAILROAD OFFICIALS IN THE GRAIN BUSINESS—A WISCONSIN CASE.

After introducing this resolution, I received from many who are interested in this question communications, some of which I wish to submit to the Senate. They demonstrate, I believe, not only the existence of special privileges granted to particular firms and individuals which give to them a monopoly in the grain-buying business, but that the individuals thus favored, as a general rule, are identified with the management of the railroad upon the line of which they conduct business. There is every indication, Mr. President, of a joint ownership in the trade that is thus built up between these privileged elevator companies and the railroads and railroad officials, to the great detriment of the farmers, who produce the grain and are entitled to have a free and open market in which to sell it.

One of these communications is from the railroad commissioner of Wisconsin, who for over two years has been investigating railway discriminations and rebates in that State. He says:

Instances of officers or employees being interested in shipment of freight over the line of road with which they are connected is illustrated by the Northern Supply Company—

The Northern Supply Company is a grain company of Wisconsin—

located at Emery, Wis., on the Minneapolis, St. Paul and Sault Ste. Marie Railway Company's line. At the same time I made this investigation over one-fourth of the stock of this company was owned by the claim agent and assistant solicitor of this railway company and one-fourth was owned by the son of the second vice-president and general manager of the road; three shares of the stock were owned by the father-in-law of this son; the remaining shares were owned by two employees in the service of this company. The information furnished me showed that every private elevator company on this line have been forced out of business where it competed with the Northern Supply Company.

JOHN W. THOMAS,
Railroad Commissioner, Wisconsin.

During the campaign in Wisconsin two years ago I recall, Mr. President, stopping for a midday meeting at a station on the St. Paul road. I was entertained by the owner of a small elevator. He informed me that a few years before he had elevators on the lines of the St. Paul road at many stations in Wisconsin, in North Dakota, and in South Dakota. Year by year he had been driven by the Milwaukee Elevator Company, which is a branch of the Armour Elevator Company, of Chicago, from station to station and compelled to abandon his elevators. The Milwaukee Elevator Company, in Wisconsin, and the Armour Elevator Company, of Chicago, throughout the sections of the Northwest where the St. Paul lines extend forced this gentleman—and I would give his name except for the fact that he has a small elevator left and should I do so he would be subjected to further and greater embarrassment—I repeat he was forced to abandon the business of buying grain in two States and at every station except one in another State of this Union, because of the special privileges which had been given in one way and another to a rival company.

Mr. President, the reasons for the conferring of these special privileges are not far to seek. In the first place, the railroad company would rather have one big shipper handling all of a given product upon its line than to have 10,000 small shippers. In a measure it simplifies its business.

But there is another reason, and if this investigation is made by the Interstate Commerce Commission it will disclose that reason, and I do not hesitate to predict the country will be startled by the evidences of collusion between the ownership of these privileged elevators and of the railway companies which will be laid bare. Take the Milwaukee Elevator Company, of Wisconsin, and the Armour Elevator Company, extending its business wherever the St. Paul Railway lines run, and a very ready explanation is suggested why that company is given the monopoly of the grain-buying business on that road when it becomes known that Mr. Armour is one of the heaviest stockholders of the Milwaukee and St. Paul road and one of the directors of that company.

THE GRAIN TRUST OF THE WEST—STATEMENT BY EX-RAILROAD COMMISSIONER CAMPBELL, OF IOWA.

I received some days ago a letter from Mr. Frank T. Campbell, formerly a member of the railroad commission of Iowa. Mr. Campbell was one of the first railroad commissioners of that State. The interest with which he became imbued as a result of his connection with investigations undertaken by that commission led him to keep in close touch with all the problems which are involved in transportation. There are probably few men who are better acquainted than he with the conditions existing in Iowa in relation to the subjects with which this resolution deals.

Mr. McCUMBER. Mr. President, I should like to ask the Senator from Wisconsin if, under the statement he has made, it is not now the duty of the Interstate Commerce Commission, under the Elkins law, to investigate that very subject?

Mr. LA FOLLETTE. Mr. President, I want to make the best use possible of my time in submitting to the Senate the information which I have, and I want to get it in during this morning hour. Otherwise, I should be glad to yield to Senators. I have had some difficulty in getting this subject before the Senate. I believe some good will come of the presentation of these facts to the Senate and to the country. But, conceding all that is implied by the question propounded to me by the Senator from North Dakota, a complete answer to it is this: That whatever power the Interstate Commerce Commission has, it probably would not have laid aside other work in which it was engaged and given its attention to the investigation of the collusion existing between the railroads and the coal-producing companies of this country, excepting for the passage of the resolution proposed here in the Senate by the Senator from South Carolina [Mr. TILLMAN].

Mr. McCUMBER. I hope the Senator will allow me to say that I am in sympathy with what he desires to secure. I asked him simply as a matter of law if the investigations which he proposes are not already provided for. The conditions to which he has referred certainly ought to be investigated.

Mr. LA FOLLETTE. It is not the purpose of this resolution to confer any authority upon the Commission. They already have authority to make this investigation. The purpose of this resolution, if it is adopted, is to express to the Commission the sense of the Senate that they should as soon as may be take up this investigation and prosecute it.

Mr. McCUMBER. I hope they will, Mr. President.

Mr. LA FOLLETTE. I will read Mr. Campbell's letter. It is as follows:

LIMA, OHIO, *June 8, 1906.*

Hon. R. M. LA FOLLETTE, *Washington, D. C.*

DEAR SENATOR: I am sure you are on the right lead and will strike "pay dirt" with your joint resolution asking an investigation by Congress into the relation of the railroad corporations of the country with and to those of the elevators and grain interests generally, and to ascertain in what way the public are affected by any collusion between corporations as against the producer or individual shipper, and the results—a resolution along the same line as that adopted by Congress regarding coal-carrying roads.

From twenty-five years' work in rate making and enforcing in the West, my experience assures me an investigation of this nature (and to cover lumber also) will result in uncovering a system of collusion and copartnership between carriers and large shippers now consolidated into interstate grain lines that has resulted in a complete monopoly, both of rates and prices, and the elimination of the producer and his friend the independent shipper, with great lines of transportation in control of the markets, and the producer and the public at the mercy of the consolidation in every way. I am sure such an investigation is as much a necessity and that it will reveal a greater field demanding remedial legislation than that in the coal transportation matters.

Where formerly for a quarter of a century independent grain buyers and shippers, handling grain, coal, lumber, lime, and other products the public were generally interested in, transacted business in the interest of the shipper, producer, and carrier, and in many instances the producer was permitted to eliminate the "middleman" and ship direct to market (a strong competitive factor), all these elements of trade have been changed. The granger is eliminated, grange elevators idle or in the hands of large transportation companies, the small, independent shipper frozen out, competition choked to death, and combination "division and silence" have superseded them, followed by increased rates, diminished prices, and impaired facilities, until there is no such thing as "competition in buying, shipping, or selling grain," and the great producing interests of the country are as completely at the mercy of the large grain monopolies and their allies, the corporations, as are the independent coal interests, and even more so.

As to the methods by which this has been brought about, an investigation will establish:

First. That competition in buying grain has been almost entirely eliminated all over the great grain-growing sections of the country, and one buyer at a station, the agent of a great interstate grain company, such as the Great Northern, International, Northwestern Grain Company, etc., fixes prices, regulates shipments, grants or withholds accommodations, discriminates between large and small shippers and producers, between competitive points, to the great disadvantage of towns having only one railroad, discriminations in cars and facilities, until to-day the great West is absolutely dominated by corporate grain combines, which are grinding monopolies that demand drastic remedial legislation, or revolution in methods will surely come outside of Congress if refused there.

Second. Grain inspection, grading, storage, insurance, are all dictated absolutely by the grain combines.

Third. Coal and lumber and similar interests formerly handled by producers in their own cars and houses have gone with those of the independent shipper and grain buyer, frozen out by—

(*a*) Refusal of railroads to furnish sites for elevators;

(*b*) Refusal of location for coal houses on side tracks; and

(*c*) Discriminations in furnishing cars, the corporation shipper getting the lion's share and all the big cars, quick shipment when prices were up, and in a hundred ways discriminated against, until in absolute despair they laid down and went out of business. Upon the wrecks of such disappointed hopes monopolies have built up great grain combines that to-day control rates and prices and stand as huge toligates between producer and consumer, to the detriment of both. And it is this condition that faces the country to-day, by which the combines take one-third to one-half of the farmer's products to transport the

remainder to market, and the producer and consumer are farther removed from each other.

It is in vain that State legislatures have enacted rates to govern these matters or right the wrongs. An immediate rise in interstate rates has always followed, with increased profits to the corporations, and Congressional legislation is an absolute necessity if the great producing interests are to be protected against the injustice and robbery that have been practiced against them in recent years. As to the conditions which exist to-day, an investigation will reveal—

First. Complete monopoly in buying, selling, and shipping grain, stock, lumber, etc.

Second. Large grain combines, in collusion with carriers and railroad officials, dictating rates, prices, and sharing in the unfair rake-offs obtained.

Third. Competition almost unknown, and independent buyers, sellers, and shippers eliminated.

Fourth. Discriminations against towns and cities in grain, stock yards, and other shipping facilities.

These are only pointers to the investigators, who, if given an opportunity, will uncover a system of combination and collusion between corporate and grain magnates by which they have obtained absolute control of these great interests, to the exclusion of everybody else. The result is of course increased railroad and storage rates and decreased prices to the producer.

The country will be gratified if Congress shall make the investigation along the lines proposed by your joint resolution, and I assure you there will be unearthed a system of injustice now practiced against western grain raisers that will startle the country and lead to much-needed legislation by Congress governing these matters which State laws or commissions can not reach. Forty-six years in Iowa gave me an insight into these matters that enables me to speak knowingly on these questions.

Sincerely, yours, FRANK T. CAMPBELL,
Ex-Railroad Commissioner of Iowa.

THE GRAIN TRUST IN MINNESOTA.

A few years ago, Mr. President, an investigation of this subject was ordered by the Minnesota legislature. That investigation resulted in the presentation of testimony which disclosed that in the grain districts of that State there were 1,500 elevators in complete combination, and that every morning there went out to those elevators from a central agency an order fixing the price of grain for that day. As a result of that combination and the favors which it received from the railroads, competitive buying within that great district had been destroyed. As a consequence of that, it was stated—and there was ample testimony to support the statement—that the farmers of that district had been compelled to take something like an average of 6 cents less per bushel for their grain than a fair market price, and that the loss to the wheat-producing section tributary to those 1,500 elevators was something like $4,500,000 annually.

This may seem like a matter of little importance to Senators representing the manufacturing States of the East, whose manufacturers, through combinations, fix arbitrarily the price of their products and sell them to the people in the grain-producing sections of the West. Those people, on the other hand, must raise their products and sell them to a combination, which compels them to take less that a fair market price for what they sell. Then they must pay trust prices for the manufactures of the East, and besides that, in order to make returns to eastern holders of "watered" railroad stocks, they are compelled to pay for the transportation of what they produce and consume freight charges that are excessive and extortionate to the extent of more than $400,000,000 annually.

It was stated in the report made by the committee of investigation in Minnesota that there was at that time no power in the country, except the strong arm of the State, that could liberate the grain producers of that section from the dominion and tyranny of the grain elevator trust. The investigations of that committee resulted in the adoption of a statute in Minnesota for State elevators. That statute was afterwards held to be unconstitutional, and the relief which it had promised in the index was found wanting in its execution.

THE GRAIN TRUST IN DAKOTA.

Just as an evidence of the widespread and complete monopoly of the grain-buying business throughout the grain-producing States, I want to take the time of the Senate to read a letter written to me from Geddes, S. Dak., by Mr. C. W. Lindell:

GEDDES, S. DAK., *June 11, 1906.*

Senator LA FOLLETTE, *Washington, D. C.*

MY DEAR SIR: I see by the press that you are intending to introduce a measure into the Congress looking to the investigation of the grain and elevator trust. It is my purpose in addressing this letter to you to aid you in the important work in which you are engaged.

I have bought grain in the market in Armour—

Armour is the name of a station in South Dakota on the St. Paul road—

and Geddes, S. Dak., since 1891, and give my experience with the trust from that time till now. In 1891 I located in Armour for the purpose of buying grain. I commenced in a humble way, rented a small warehouse off from the track. I bought during that season eighty cars of grain and loaded it with team and wagon. I thought then that I had sufficient ability to conduct an elevator, and accordingly applied to Supt. L. B. Beardsley, of the Chicago, Milwaukee and St. Paul Railroad, for a site for an elevator. To this he replied that there were no more needed, and thus turned my application down. The next year, however, he granted a site to Bender Brothers, at Spencer, Iowa, and a site to C. E. Floeta, a banker. Later Johnson Brothers, who owned a flouring mill, asked for a side track to the mill, but were refused. Still later, after C. E. Johnson was elected State senator, in 1895, and was put on the railroad committee, the mill obtained the side track and an elevator site also. There have been five elevator sites granted in Armour since my application.

In 1900 the Milwaukee built an extension from Tyndall, in Bonhomme County, to Platte, Charles Mix County. Then I applied again for an elevator site at Geddes and Platte, but was turned down. Sites were granted to the Western Elevator Company, of Winona, Minn., to Knutson, of Iowa, and L. N. Loomis, at that time a State senator in the South Dakota legislature. No site was granted to anyone in the county, although application was made by several men of large means in this county. In the fall of 1905 I again made application for a site at Geddes, but was refused by Superintendent Beardsley, who granted the site to a man by the name of King, of Iowa.

I have applied in like manner in other towns, but met with the same success—turned down. The farmers at Platte made application last fall, but were refused.

The above narrative is only a little of the methods used by the Chicago, Milwaukee and St. Paul Railroad in this section, but I have written you for what good it will do. My experience, covering a period of fourteen years, has convinced me that no one but a member of the trust can obtain a foothold.

Yours, humbly, etc., C. W. LINDELL, *Geddes, S. Dak.*

THE GRAIN TRUST IN KANSAS.

It is impossible, Mr. President, to seek information anywhere in what are known as the "grain-producing States" of the West without finding that the same conditions prevail. A writer in the Review of Reviews for February, 1902, Mr. C. H. Matson, describes the grain trust as it operates in the State of Kansas. The conditions related tally almost exactly with those stated with respect to the grain-trust operations in the State of Nebraska. The result was that the elevator companies were enabled to increase their margins of excessive profits, at the expense of the farmers, from 3 to 8 cents on every bushel of grain marketed, amounting on the entire crop of the State to many millions of dollars annually.

Permit me to quote from Mr. Matson's article:

And it was useless for the farmer to attempt to get more. Instead of having a group of buyers gather around his wagon to bid against one another, as they had done a few years before, he had to hunt up the buyers in their offices and ask them the price. Every buyer gave him the same figure, and it was immaterial to the buyer which one got the wheat, as the profits were probably pooled.

Because the railroads would not give him cars and because if he got cars his shipment would be boycotted by the commission men in the terminal markets—

the farmer had absolutely no alternative except to sell his wheat to a local buyer—i. e., a member of the trust—or keep it in his bins.

Investigations made by the Industrial Commission indicate similar conditions in other States. In all parts of the grain-producing country the grain trade seems to be under the domination of the line elevator companies. These companies have the terminal elevators at the terminal markets on each of the lines of railroad. They buy about one-half of the grain where it grows and nearly all of it when it comes to the terminal markets.

THE GRAIN TRUST IN NEBRASKA.

I found a very interesting booklet upon this subject in the Congressional Library. It is a late contribution, published in 1905. It was written by Thomas Worrall, of Omaha, Nebr. The statements in that book are so important that I addressed a communication to the attorney-general of Nebraska to ascertain something with respect to the entire reliability of Mr. Worrall. I learned that Mr. Worrall was prosecuting cases in the Nebraska courts against the grain trust of that State and the terminal elevator companies of Chicago to recover damages for injury done by them to his business, and that, owing partly to disclosures made in the testimony in this litigation, the attorney-general of Nebraska had instituted prosecutions on behalf of the State to punish the line elevator companies and other members of the Nebraska Grain Dealers' Association for violating the State laws and conspiring in restraint of trade. Accordingly, I wrote to Mr. Norris Brown, the attorney-general, and received in reply the following letter:

STATE OF NEBRASKA,
OFFICE OF ATTORNEY-GENERAL,
Lincoln, June 20, 1906.

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SENATOR: In reply to your inquiry, I beg to say that I am sending you by express to-day a copy of the principal testimony taken in a suit brought by the State to dissolve the Nebraska Grain Dealers' Association and to restrain its members from carrying out a conspiracy in restraint of trade.

The chief defendants in this suit are corporations owning terminal elevators at Omaha. The prayer of the petition also asks that these terminal elevators be restrained from receiving from the railroad companies a cent and a quarter per hundredweight on all grain shipped from Omaha to Mississippi River points and beyond. I am not sending you the testimony with respect to this charge, which the State contends is a rebate, for the reason that the elevator men themselves admitted collecting it from the railroad companies. I see by the press dispatches that since the institution of this suit the railroad companies have abolished this cent and a quarter rebate, and the freight rate is now

open to everybody on equal terms. Our court has not yet passed on the question.

With regard to Mr. Worrall, I beg to say that his testimony was undisputed on the trial, and while he has been subjected to severe criticism by the defendants in this case, yet, in my judgment, he has the confidence of the public, and his book is generally accepted as being a true exposition of the operations of the grain combine.

Very truly, yours,

NORRIS BROWN, *Attorney-General.*

I have to say that that express package has not been received by me up to the present time, and I am not able to submit to the Senate the important matters which it would disclose.

Mr. Worrall in his book states that he began business as an independent dealer, operating on a very small scale in his home town. His competitor was a line elevator owned by the Omaha Elevator Company, a subsidiary concern of the Peavey Company, of Minneapolis. Because of his personal acquaintance he was able to buy more grain than the line elevator. The line company demanded an equal division of the traffic and an agreement to maintain prices. Mr. Worrall refused. The line company began a war of extermination. The result was that after a protracted struggle, in which Mr. Worrall was losing constantly while the line company was able to recoup its losses through rebates and elevator allowances from the railroad, and in which the pressure of three railroads was brought to bear to have the "disturbance" stopped, he was compelled to capitulate to save himself from bankruptcy. He joined the trust, signing a contract to divide the business equally and to maintain the prices established by the line company. He posted his forfeit of $100 to guarantee the faithful performance of his agreement.

His next step was to join the Nebraska Grain Dealers' Association. This association, originally organized to secure better weights and inspection at terminal markets, had developed into an instrument for the upbuilding of monopoly and the destruction of competition. It was absolutely under the control and domination of the line elevator companies, backed by the railroads.

Meanwhile, Mr. Worrall, having once been brought into the fold because of his ability, grew fast in the favor and the confidence of the trust and became active manager of one of the large terminal elevators. He therefore speaks from knowledge gained "on the inside" when he relates how section after section of the State was brought under the complete domination and control of the trust. He tells of the arguments used on the local dealers in secret meetings behind closed doors. "In all their operations," he declares, "the large elevator companies had the assistance of the railroad companies, whose officials seemed to have, and in many instances I do not doubt did have, a personal interest in the matter. Generally speaking, they would absolutely refuse to permit competition with the large companies if the latter objected."

Of one instance cited by the writer as occurring at Madison, Nebr., on the Union Pacific, I give the following summary:

J. B. Hume, an independent dealer, who, in competition with the line elevator of the Omaha Elevator Company, bought more than one-half of the grain coming to Madison, refused to comply with the usual demands of the trust to divide the grain equally and agree upon prices. Another dealer was put in the field, and, with the line elevator, made a demand for two-thirds of the business. Mr. Worrall says:

Finally a division meeting was held at Norfolk, and Mr. Hume was induced to attend. * * * J. F. Barron, traveling freight agent of the Union Pacific, was there to back up the Omaha company, which was represented by its manager, Mr. Jacquith. Secretary of the association, A. H. Bowsher, was also present. * * * Pressure was at once brought to bear on Hume to consent to a pooling of business and prices. Hume flatly refused, and the more they argued and threatened and wheedled him the more determined he was in his refusal. Then they put the screws on him. Mr. Barron notified him that he had been instructed by the Union Pacific officials to notify Hume that unless he consented to the demands of the other two buyers he would have to move his elevator off their right of way. He said the fight was very distasteful to the Union Pacific officials, and they had adopted this means of settling it. Hume then saw that everybody was against him and that his case was absolutely hopeless. All his years of honest dealing and the reputation he had earned and the friendships he had made were worth not a penny to him, as a stranger could come in and compel him to divide equally on all the business coming to that market. He capitulated, came into the trust, and business thereafter at Madison was done strictly on trust principles.

Many similar instances of local dealers being forced into the trust or out of business are set forth in detail in this book. Names, dates, and places, and copies of signed agreements between dealers to divide business and maintain trust prices are given. Conditions generally in the State of Nebraska are described as follows:

I am not overstating the facts when I say there is scarcely a station in Nebraska where the local man has not been forced to divide his business with the line companies, and at every grain station where there are none but line companies the business is always divided and the same prices paid all the time, except in cases where one buyer was stronger than the others and got more than his share. In this case the buyer who was ahead would reduce his price one-half cent or 1 cent a bushel until his competitor could buy enough to catch up.

By October, 1902, the organization of the trust was so far perfected that the whole State was divided into districts and the relation of prices between the various districts agreed upon. A price committee, composed of the five large line elevator companies, with their offices connected by private wires, made the prices for that entire State, and through conjunction with a similar organization in Kansas, for part of the State of Kansas also. Dealers' margins were increased; prices to the farmers were reduced. The farmers became restive. They could see no relief unless they built elevators and handled their own grain. Their demands upon the railroads for sites for their elevators were refused. They went to the legislature and asked for legislation compelling the railroads to furnish sites. The trust went into politics. It went after the legislature, and succeeded in defeating nearly all legislation demanded by the farmers, and in so amending whatever legislation was enacted as to make it absolutely worthless.

As a result of the manipulation of the prices to the farmers by the grain trust, Mr. Worrall computes that the farmers of Nebraska received for their corn and wheat in 1903 nearly sixteen millions of dollars less than they would otherwise have received, and for their wheat and corn crops in 1904 over twenty-one and a half millions of dollars less than they would have received had there been free competition in the sale and purchase of those crops.

COMBINATION AND COMMUNITY OF INTEREST—FAVORED ELEVATORS AND THE RAILROADS.

A matter which demands investigation and which is of deep public concern is the question of the extent to which officials and employees of railroad companies may have, by stock ownership or otherwise, any personal interest in the elevator companies doing business on their respective lines, and to what extent such personal interests may account for the favoritism accorded to certain companies on certain lines of railroad. The suspicion that such community of interests exists is deep seated and persistent, and there are many facts which indicate that it is well founded. If such a condition exists, no legislation that Congress may attempt with a view of securing equality of opportunity and fair treatment among dealers and shippers and a competitive market for the producer can be of any possible value unless based upon a full knowledge of these facts and conditions.

Mr. J. Ogden Armour, of Armour & Co. and its several subsidiary corporations, is a director and the controlling power of the Armour Grain Company. He is also a director and, because of his large holdings of stock, his great industrial interests, and the vast traffic which he controls, a power in the directorate of the Chicago, Milwaukee and St. Paul Railway. I am aware that it was stated before the Industrial Commission by the president of the Armour Elevator Company that despite his extensive railway holdings and interests, Mr. Armour is not favored by the railroads. Subsequent disclosures respecting the Armour private car lines would seem to discredit this denial. It is a significant fact, according to another statement submitted by the same man before the Industrial Commission, that the entire public elevator service on the St. Paul tracks at Chicago, with an aggregate storage capacity of 4,000,000 bushels, is, or was at that time, under the control and operation of the Armour company. Of the private elevators on the Chicago tracks of this company, having a total capacity of 1,410,000 bushels, 1,200,000 bushels, or over 85 per cent, was in the hands of the Armour company. Testimony taken at various times shows that many of these elevators were built by the railroad company. In testimony given last year before the Interstate Commerce Commission the vice-president of the Armour Grain Company admitted that his company had the use of several of these elevators at a nominal rental. The evidence before the Industrial Commission showed that, with a single exception, every elevator owned by the Chicago, Milwaukee and St. Paul Railway at Milwaukee was "rented" to the Milwaukee Elevator Company, a company owned and controlled by Armour.

There were no elevator facilities available to the public on the Chicago, Milwaukee and St. Paul tracks at Chicago except the Armour elevators; the private elevator capacity not controlled by Armour is inconsiderable. Substantially the same condition prevails, or did prevail, on the tracks of the St. Paul road at Milwaukee. This means that practically all grain shipments originating along the lines of the Chicago, Milwaukee and St. Paul Railway seeking an outlet through these markets must pass through the hands of this company and pay tribute to it in the form of elevator, storage, and transfer charges.

The Armour company has a similar monopoly of the elevator facilities on the Chicago, Burlington and Quincy tracks at Chicago. Of the six elevators on the tracks of this company at Chicago, having a total capacity of 3,900,000 bushels, five elevators, with a total capacity of 3,800,000 bushels, or 97 per cent

of the total, are operated by Armour. The remaining elevator is a private concern. To what extent the Chicago, Burlington and Quincy elevators at Chicago are leased to the Armour company for nominal rentals I do not know, but it was testified by the vice-president of the Armour Grain Company last year that their Southwestern elevator at Kansas City was leased from the Chicago, Burlington and Quincy Railroad, rent free, as a "device" to enable the Armour company to levy a transfer fee of 1¼ cents per 100 pounds on every bushel of grain moved in or out of Kansas City on that line.

On the Illinois Central tracks at Chicago, the entire public elevator service is monopolized by the Central Elevator Company. Two-thirds of the private elevator capacity at Chicago on this road is in the hands of Carrington, Hannah & Co. It is understood among grain men that the ownership of these two companies is identical. Together they operate over 85 per cent of the total elevator capacity, public and private, on the tracks of the Illinois Central at Chicago. Meanwhile the publication known as the "Directory of Directors of Chicago" gives Mr. J. T. Harahan as a director and the vice-president in charge of traffic of the Illinois Central Railroad and as a director and the vice-president of the Central Elevator and Warehouse Company.

On the Wabash tracks at Chicago, the Chicago Elevator Company operates the entire public elevator capacity. The private elevator capacity on this line is insignificant.

On the Rock Island tracks, a total elevator capacity, public and private, of 6,200,000 bushels, with the exception of 250,000, bushels is divided about equally between the South Chicago Elevator Company and Charles Counselman & Co. What community of interest there may exist between these two companies, if any, or between them and the railroad are legitimate matters for public inquiry.

On the Chicago and Northwestern tracks, the Chicago Railway Terminal Elevator Company had the absolute monopoly of all elevator facilities, with a total storage capacity of 3,200,000 bushels.

On the tracks of the Elgin, Joliet and Eastern, the entire elevator capacity, amounting to 4,075,000 bushels, with the exception of private elevator capacity amounting to 175,000 bushels, or about 4 per cent of the total, was monopolized by Bartlett, Frazier & Co.

On the tracks of the Wisconsin Central, McReynolds & Co. have the absolute monopoly of the elevator facilities, while the Santa Fe grants a like privilege to Richardson & Co.

Thus it is evident that the grain shipped in over any one line goes practically to only one dealer. A few companies get it all. To what extent these companies may be acting in conjunction with one another or under community of interest to control business and prices and prevent competition are matters of deep public concern. There is practically no public information on this point. There are hints, suggestions, and a few significant facts. That is all.

As already stated, it is known that the Armour Grain Company controls the Milwaukee Elevator Company and the Southwestern Elevator Company of Kansas City. The Central Elevator Company is said to be owned by Carrington, Hannah & Co., of which T. W. Carrington is a director and vice-president. Mr. Carrington is at the same time a director and the president of Carrington, Patten & Co. Of this latter firm William H. Bartlett is a director and vice-president, and at the same time a director and the president of the Calumet Elevator Company. These names appear again in the firm of Bartlett, Frazier & Carrington. This firm, while it may be in competition with the Armour company, at Chicago, is a partner with the Armour company in the ownership of a large elevator at Buffalo.

GOVERNMENT INVESTIGATION DEMANDED.

Now, Mr. President, I only wish to add just a few words. I have been able within the time remaining of the morning hour to submit only a portion of the matters which have come into my hands resulting from the introduction of this resolution. But that these conditions exist in Wisconsin, in Iowa, in Kansas, in Nebraska, in the two Dakotas, and throughout the entire grain-producing section of the West and Middle West there is little room to doubt. The importance of laying bare to the public the exact facts existing between these privileged elevator companies and the railroad companies can not be overstated, and the value of the disclosures which will result from such an investigation can not be overestimated.

The difficulty of ascertaining anything by any investigation that any individual can make is practically insurmountable, and it is for that reason that there ought to be an investigation by the Interstate Commerce Commission. I believe the Senate should indicate that it is conscious of these conditions, and give such an expression of sentiment upon this matter as will warrant the Commission, having the power, to turn aside from other things and take up and prosecute an investigation of this most important subject.

I trust, Mr. President, that the resolution will be adopted.

Mr. GALLINGER. Mr. President, I rose a moment ago and thought from the manner of the Senator from Wisconsin he had the impression I was going to oppose the resolution. I had no such purpose. I want to call the Senator's attention to the phraseology of the resolution, with a view of having it corrected.

I understand that it has been changed to a simple Senate resolution, so that the phrase that was in the original one "that the President request the Interstate Commerce Commission" has been stricken out, and the Interstate Commerce Commission is directed to make this investigation.

Mr. LA FOLLETTE. That is true.

Mr. GALLINGER. If the Senator will look at line 5, he will observe the words "these special favors." I suggest to the Senator that the word "these" be stricken out, and after the word "granted" the words "to them by railroad companies" be inserted; so as to read: "to what extent special favors have been granted to them by railroad companies."

Mr. LA FOLLETTE. That is accepted.

Mr. GALLINGER. And, Mr. President, I think the Senator ought to agree that the word "alleged" should be inserted before the word "monopolizing;" so as to read "alleged monopolizing."

Mr. LA FOLLETTE. That is accepted.

Mr. GALLINGER. If the Senator will turn to the next page, line 6, where it says "and employees secured their holdings," will the Senator agree to have the word "their" stricken out and have it read: "and employees secured holdings, if any, in these grain buying, storing, and forwarding companies?"

Mr. LA FOLLETTE. That is entirely acceptable.

Mr. GALLINGER. That is all I meant to say about the resolution. I have no objection to it whatever.

Mr. FORAKER. Mr. President, I shall occupy but a very few minutes. This resolution is based, of course, upon the theory that it is necessary to make this investigation in order that the Congress may know how better to regulate interstate commerce. I have no doubt but that the evils complained of and depicted by the Senator from Wisconsin have been practiced to a greater or less degree and that something ought to be done in respect thereto.

But, Mr. President, the necessity for the Senator's resolution exists only because the existing law says that when the Interstate Commerce Commission has reasonable ground to believe that any such practice as this is being engaged in it may cause a petition to be filed and a suit to be prosecuted to break it up. It is because the statute says the Commission "may" take that action. The Commission is supposed to have an option about it, and inasmuch as the practice has been going on and the Commission has had authority which it has not exercised, we are bound to presume that it has exercised its option to do nothing, and therefore it is necessary for the legislative department of the Government to direct that it shall in certain cases take the proper action by investigation and by requiring suits to be brought.

Earlier in the progress of this session I undertook to have the law amended in that respect. I offered an amendment to strike out the word "may" and insert the word "shall," so that whenever it might appear to the Commission on complaint of anybody, even from a speech made by a Senator in Congress, that practices of this kind were being engaged in, the Commission should at once proceed to have that practice broken up by instituting the proper proceedings in the courts. That amendment, offered in that spirit and to accomplish that purpose, was voted down in this Chamber, the Senator himself voting in the negative, very much to my regret at the time.

If the Senator had voted to put the word "shall" instead of the word "may" in the Elkins law, it would not have been necessary to have offered this resolution. It would have been the duty of the Interstate Commerce Commission—it would have had no option about it—to have proceeded at once upon the receipt of such letters as the Senator from Wisconsin has been reading to the Senate and has put in the RECORD this morning.

Now, I intend to vote for the Senator's resolution in order that there may be this investigation, in order that the facts may be uncovered, that they may be disclosed, and in order that, having been thus established, it shall be the duty of those charged with the enforcement of the law to proceed to break up these practices, of which shippers and all others interested have so just a right to complain.

But, Mr. President, I can not forbear to call attention in this connection to the fact how completely the law as it now stands

covers all that the Senator complains of, except only that the little word "may" is found in the statute where the word "shall" ought to be found, and where it would be found to-day if the amendment I offered to the statute had been adopted.

Mr. NELSON. Mr. President, I desire to say, and I can take up the time of the Senate but a moment, that from my own knowledge and experience, I know there is good ground for the investigation urged by the Senator from Wisconsin.

The evils he complains of have been rampant in the Northwestern States, in the wheat-raising States, for a great many years. They were a grievous evil in the State of Minnesota. We found years ago that the railroads gave special privileges to certain so-called "line elevators" and allowed them to construct elevators along their right of way and refused all others. The result was that in 1893 our legislature passed a law compelling the railroad companies to grant sites for elevators to anybody who wanted to build on the right of way, and if there was not room on the right of way the elevator could be built outside of the right of way and the railroads should be compelled to make track connections. Since we got those laws passed the evil has to a large extent diminished, but I am not prepared to say that that legislation has entirely cured it.

Our legislation went even further. We compelled them to build platforms along their stations, so that farmers who desired to ship their grain in carload lots might unload on the track from the wagon into the car. Then, in addition, where the tracks of different companies intersected, we compelled them to build connections, so that you could transfer loaded cars from one road to another.

But, Mr. President, until we got that legislation conditions were exactly in the State of Minnesota as the Senator from Wisconsin has described. I have no doubt but what if this resolution passes and the Interstate Commerce Commission proceed to investigate the subject they will find just such conditions existing between the grain-elevator companies and the railroads as we found existed in the coal fields in Pennsylvania—a combination between the different coal companies and the Pennsylvania Railroad.

In years gone by we had numerous cases of that kind investigated in Minnesota. As I said, we have attempted to cure it by legislation, but we could not entirely cure it, because to a large extent it is a matter of interstate commerce. A good deal of our grain is shipped from Minnesota over to Superior, and it passes for about 15 to 20 miles through the State of Wisconsin. That has the character of interstate traffic, and hence they have immunity from the State legislation.

I sincerely trust that no objection will be made by any Senator to the passage of this resolution, and I sincerely trust that the Interstate Commerce Commission will proceed to investigate this question as thoroughly as they have investigated the matter of the coal roads in Pennsylvania.

The VICE-PRESIDENT. The question is on agreeing to the resolution as modified.

The resolution as modified was agreed to, as follows:

Resolved by the Senate, That the Interstate Commerce Commission is hereby directed to make a thorough investigation of the elevator and grain buying and forwarding business of this country to determine to what extent special favors have been granted to them by railroad companies, the influence which the alleged monopolizing of this branch of business has had upon the market, the injury it has worked to the grain producers, the extent to which the railroad, their officers, directors, stockholders, and employees own or control the grain buying and grain forwarding companies, and the manner in which these railroads, their officers, directors, stockholders, and employees secured holdings, if any, in these grain buying, storing, and forwarding companies, and to report the same to the Congress at its next session.

HOUSE BILL REFERRED.

H. R. 19749. An act to prescribe the duties of deputy collectors of customs was read twice by its title, and referred to the Committee on Commerce.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On June 22:

S. 1442. An act to increase the efficiency of the militia and promote rifle practice; and

S. 1649. An act providing for the retirement of petty officers and enlisted men of the Navy.

On June 23:

S. 3263. An act to amend an act entitled "An act to establish a port of delivery at Salt Lake City, Utah;

S. R. 47. Joint resolution granting condemned cannon for a statue to Governor Stevens T. Mason, of Michigan;

S. R. 66. Joint resolution authorizing the Secretary of War to receive for instruction at the Military Academy at West Point Mr. José Martin Calvo, of Costa Rica;

S. 3044. An act to promote the efficiency of the Revenue-Cutter Service; and

S. 6243. An act to amend an act approved March 2, 1903, entitled "An act to establish a standard of value and to provide for a coinage system in the Philippine Islands.

On June 25:

S. R. 52. Joint resolution authorizing the Secretary of War to donate to the board of trustees of Vincennes University, Vincennes, Ind., such obsolete arms and other military equipments now in possession of said university, to be used in military instruction;

S. 1540. An act to increase the efficiency of the Ordnance Department of the United States Army;

S. 5989. An act to authorize the construction of a bridge across the Missouri River in Broadwater and Gallatin counties, Mont.;

S. 6234. An act to authorize the Chicago, Milwaukee and St. Paul Railway Company of Montana to construct a bridge across the Missouri River in Lewis and Clarke County, Mont.; and

S. 6451. An act to provide for a commission to examine and report concerning the use by the United States of the waters of the Mississippi River flowing over the dams between St. Paul and Minneapolis, Minn.

PRESERVATION OF NIAGARA FALLS.

Mr. LODGE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the said amendment numbered 1 and insert in lieu thereof the following: "or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company, or corporation, as aforesaid, a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies, or corporations, as aforesaid, an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand six hundred cubic feet per second shall for a period of not less than six months have been diverted from the waters of said river or its tributaries in the State of New York;" also insert in line 13, after the word "act," the following: "under the limitation relating to time above set forth;" and the Senate agree to the same.

H. C. LODGE,
JOHN T. MORGAN,
Managers on the part of the Senate.
T. E. BURTON,
R. P. BISHOP,
T. H. BANKHEAD,
Managers on the part of the House.

Mr. HOPKINS. Mr. President, I regret very much that the conferees on the part of the Senate have felt constrained to recede from the amendment which was offered by me and accepted by the Senate to the section of the bill providing for an international agreement with reference to the waters of the Great Lakes. In order that the Senate may properly and fully understand the scope and character of that amendment I will read the same to the Senate. After the section that looks to an international agreement it says:

Provided, however, That nothing contained herein shall be construed to hold or concede that the waters of Lake Michigan shall be or are subject of international agreement.

The reason why I offered that amendment when this bill was pending in the Senate arises from the fact that the International Waterways Commission, which has been appointed under the authority of Congress by the President, have made a report in which they have included the waters of Lake Michigan, and they held it was the subject of international agreement, the same as the waters of Lake Ontario, or Lake Erie,

or any of the lakes that are the dividing line between Canada and the United States.

It seems that the legislature of the State of New York has authorized the use of a certain number of cubic inches of water per second for manufacturing purposes. The contention of the Canadian commissioners is that all the waters that flow down the Niagara River should be equally divided between Canada and the United States. They insist that because Chicago is using a certain number of cubic inches of water per second for sanitary and domestic purposes that that amount of water should be considered in determining the rights of Canada or Great Britain upon the one hand and of the United States upon the other.

Now, Mr. President, I contend as a representative from Illinois that the waters of Lake Michigan are not a subject of international agreement. That great lake is no part of the dividing line between Canada and the United States. It is wholly within the limits of the United States and subject entirely to the laws of our country. The waters are not owned by the United States. Those waters are owned by the States that border upon that great lake. Every person who is familiar with the boundary lines of the great State of Illinois knows that when that Territory was admitted as a State the territorial lines were extended at the southern extremity of Lake Michigan to the center of the lake, and then north 51 miles, and then west to the Mississippi River, giving us the southwestern portion of that lake as a part of the territory of Illinois.

The supreme court of our State has held that that water is just as much a part of the State of Illinois as the land itself; that it is just as much within the jurisdiction of Illinois as any portion of the land lying within the limits of that great territory. So much for that.

Now, this International Waterways Commission, in their report to the President, use this extraordinary language, showing that they have disregarded not only the rights of Illinois as to her intersts in Lake Michigan, but also the rights of the States of Wisconsin, Michigan, and Indiana. In their report they say:

> 3. The Commission therefore recommend that such diversions, exclusive of water required for domestic use or the service of locks in navigation canals, be limited on the Canadian side to 36,000 cubic feet per second and on the United States side to 18,500 cubic feet per second, and in addition thereto a diversion for sanitary purposes not to exceed 10,000 cubic feet per second be authorized for the Chicago Drainage Canal, and that a treaty or legislation be had limiting these diversions to the quantities mentioned.

So you can see, Mr. President, that the Commission in negotiating with the commissioners appointed by Great Britain have assumed that the people of Chicago had no more right in the waters of Lake Michigan bordering upon that great city than had the people who lived down upon the St. Lawrence River; that we have no more rights to divert any water from that great lake than the people at Cleveland, Ohio; or at Buffalo; or upon the Canadian side as the water flows down the Niagara River.

In this contention, Mr. President, I claim that they have ignored the well-recognized domestic law of the country, and international law as well. I claim that under the domestic law the State of Illinois is entitled to that lake, or that portion of it within its territorial boundary, and is entitled not only to 10,000 cubic feet per second, if the sanitary and domestic needs of Illinois require that amount, but is entitled to double and treble that amount if at any time in the future the necessities of its great commercial center shall demand a doubling or a trebling of this quantity of water.

Yet these Commissioners, who have been appointed by the President to represent the Government of the United States, have conceded to the commissioners of Great Britain that Chicago should be limited in any legislation or in any treaty that may be negotiated between the two countries to 10,000 cubic feet per second. It is against that that I raise my voice in protest, and it is because of that that I protest against the confirmation of this report here to-day, which excludes the amendment that was adopted by the Senate providing that the waters of Lake Michigan shall not be the subject of international agreement.

I say, Mr. President, it is high time that the people of this country should understand that a great inland lake like that should not be subject to international agreement, and it is high time that the people of Illinois, and Wisconsin, and Michigan, and Indiana should awaken to their rights and not see them legislated away either in this bill or by any arrangement that may be made by the American Commissioners who are now negotiating upon this subject.

Mr. President, I contend that this Commission have made another great error against the interests of the people of the city of Chicago. In their report here they have assumed that the waters of the Great Lakes are primarily for navigation. I deny that as a principle of law. I contend, Mr. President, that under the well-recognized law of our country the primary use of the Great Lakes is for sanitary and domestic purposes, such purposes as these waters are being used by the people of Chicago, and that the interests of navigation must be subordinated to these great interests of the people of Chicago and Milwaukee and other cities that border upon this great inland sea.

If the Commissioners are to continue their negotiations with the commissioners appointed by Great Britain, they ought to be told in no uncertain terms that the people who own the waters here, representing the four States I have named, will never submit to any arrangement by which their interests will be subordinated either to the navigation interests of the Great Lakes or to any claim that may be made by Canada through Great Britain.

To benefit navigation the Straits of Mackinac and the Detroit River have been improved and lowered, so that a greater flow of water is taken from Lake Michigan through these channels to Lake Erie and down the Niagara River than would flow there in the state of nature. The people of Chicago and Illinois have much greater reason to complain of this diversion of water from the lake than have those who are interested in navigation on the Great Lakes to complain of the sanitary district taking 10,000 cubic feet of water per second or any other amount of water for sanitary or other purposes. If any question is raised by those interested in navigating the Great Lakes that the mean level will be lowered by reason of the diversion of the water for the sanitary district of Chicago, they certainly should be reminded of the fact that the first and most important diversion of the waters of that great lake was made in the interests of navigation at the Straits of Mackinac and in the Detroit River. The people of Canada and Great Britain should be made to understand that the flow of water from Lake Michigan now down the Niagara River is produced by artificial means, and that they have no legal concern in what shall be done with the waters of Lake Michigan in a state of nature by the people of Chicago or the people of any other city bordering upon that great lake.

I trust, Mr. President, that this report will be voted down.

Mr. LODGE. Mr. President, I had supposed that the Senator from Illinois [Mr. HOPKINS] realizes that the report of this bill in its present condition would not in any way endanger the rights of Chicago to have water from the lake. Certainly I should have adhered to the amendment if I had thought that the drainage canal of Chicago would have been in any way endangered by the Commission. The House would not accept this amendment. It is attached to a clause which requests the President to enter upon negotiations. It, of course, is merely advisory. Congress can not possibly restrict the powers of the Executive in making a treaty. The result of putting on this clause beforehand would have been to have made any negotiations impossible. No country would enter into negotiations with a limitation on the other side like that.

The first section of the bill protects the rights of Chicago. No treaty would be made by our Commissioners which would impair or infringe those rights.

Moreover, Mr. President, the fact that it must be a matter of treaty, while it is a protection also, I think, warrants me in saying that what Canada desires is not to limit in any way the outflow of water at Chicago, but to be able to have a corresponding amount credited to her when they come to an agreement as to how much water each country may divert from the stream.

I think, Mr. President, it would be a very great misfortune if the report should be rejected. Every right is safeguarded. The conferees were as anxious as the Senator from Illinois could possibly be to protect the drainage canal at Chicago, but they did not feel warranted in allowing the whole legislation for such an important object to fail.

Mr. SPOONER. Mr. President——

Mr. LODGE. The amendment, I may add, the Senator from Illinois objects to our reading from was not put on the bill by the Committee on Foreign Relations. It was put on the bill afterwards in the Senate.

Mr. SPOONER. The last time I saw the bill it provided that the water should be taken for manufacturing purposes from Niagara River under permits granted by the Secretary of War. Those permits were to be revocable. Has that been changed?

Mr. LODGE. It has not; that is, permits above a certain amount. There is a certain amount under existing charters. That has been preserved in the original bill and in this; it is not changed at all.

Mr. SPOONER. Does this law make it revocable even as to the existing amount?

Mr. LODGE. No; it is not revocable as to existing amount up to 15,600 feet taken for power at Niagara, which is now being taken. That is not revocable.

Mr. SPOONER. That is not revocable.

Mr. LODGE. It is not revocable under the bill.

Mr. SPOONER. But it was revocable without the bill It is made irrevocable by the bill.

Mr. LODGE. No; it was not revocable without the bill. We had no power over it whatever without the bill. They were State grants.

Mr. SPOONER. If we had no power over it without the bill, where do you get the power over it now?

Mr. LODGE. We assume the power, because it is an international waterway.

Mr. SPOONER. Had none ever been exercised by the United States before?

Mr. LODGE. None. All the provisions there were were provisions of the State of New York.

Mr. SPOONER. So far as the arrangement for the use of the water made between the United States and Great Britain is concerned, that will be a matter of treaty. It will be considered by the Senate, and it would require two-thirds of the Senate to ratify it; so I have not allowed myself to be kept awake nights because of any possible danger from that standpoint which could arise from that portion of Wisconsin which is served by Lake Michigan.

Mr. HOPKINS. The reason why I raise my protest at this time is because of the fact that the American Commissioners on this Waterways Commission seem to have conceded to England the same rights in Lake Michigan that the States have.

Mr. SPOONER. They have no power to concede anything to England.

Mr. HOPKINS. No; that is true; but if we permit this to pass without a protest, when it comes to negotiation the Secretary of State will be warranted in saying that all these matters have been considered by the Senate and they have raised no protest, and that they are satisfied to have Chicago limited to 10,000 cubic feet per second.

Mr. SPOONER. Chicago is not the only pebble on the beach of Lake Michigan.

Mr. HOPKINS. But it is a pretty good-sized pebble.

Mr. SPOONER. Yes; I grant that.

Mr. LODGE. As I have said before, there is not the slightest intention on the part of the Commissioners of limiting Chicago. The sole point that Canada makes—and Canada is more desirous to draw the Niagara dry than we are—is that she should have an allowance for waters taken.

Mr. HOPKINS. The Senator from Massachusetts will remember that the Waterways Commission recommended that the treaty should limit Chicago to 10,000 cubic feet per second.

Mr. LODGE. To 14,000.

Mr. HOPKINS. No; to 10,000 feet. Of course we can never agree to that.

Mr. LODGE. I think from the discussion that has gone on here that is not likely to happen.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

Mr. TILLMAN. I desire to present a conference report on House bill 12987 and ask for its immediate consideration.

Mr. SCOTT. Will the Senator from South Carolina yield to me to make a conference report on the Military Academy appropriation bill that there will be no discussion over?

Mr. TILLMAN. I have been waiting here for one thing and another until two hours and a quarter have gone. I am perfectly willing to let the Senator's report go through provided there is going to be no discussion upon it.

Mr. SCOTT. There will be no discussion of it. I am much obliged to the Senator.

Mr. TILLMAN. Very well.

MILITARY ACADEMY APPROPRIATION BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 8, 12, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 10, 11, 17, and 20; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amount proposed as the total sum to civilian employees at the Military Academy (page 15 of the bill) insert "$57,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$53,920;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$1,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendments of the Senate numbered 18 and 19, and agree to the same with an amendment as follows: In lieu of the amount covered by said amendments insert "$34,943;" and the Senate agree to the same.

N. B. SCOTT,
J. A. HEMENWAY,
Managers on the part of the Senate.
J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.

The report was agreed to.

PURE-FOOD BILL.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, which was to strike out all after the enacting clause and to insert a substitute therefor.

Mr. HEYBURN. I move that the Senate nonconcur in the House amendment and that the bill take the usual course.

Mr. BAILEY. Mr. President, I should like an order that the bill as it has passed the House of Representatives be printed. My understanding is that the House struck out the entire Senate bill and practically made a new bill of it. I think it is a matter of very great importance, and I believe the Senate ought to have before it the bill previous to taking action upon it.

Mr. HEYBURN. I would say to the Senator——

Mr. BAILEY. My opinion is that, under the circumstances, upon a point of order the bill would probably be referred to the committee.

Mr. HEYBURN. I would say to the Senator from Texas that there was an understanding in regard to this matter that the Senate should nonconcur with the action of the House at this time. I think that is the better course to take, and the Senator will have an opportunity at the proper time to make any objection he may desire.

Mr. BAILEY. Although I have not examined the House amendment carefully, a hasty examination of it leads me to believe it is better than the Senate bill; and unless I find something upon a closer examination that I did not discover upon a hasty examination I should rather be inclined to concur in that amendment. Still, I make no resistance to the Senator's motion, with the understanding that the bill be printed before we are asked to pass upon it. I want to see it first.

Mr. LODGE. Mr. President, I desire merely to say to the Senator from Texas that I have examined the House amendment in a very cursory manner, but there are some changes from the Senate bill made in the House amendment that I think are extremely destructive of the measure and very bad, indeed, which ought to be corrected. The special point in which I was interested, and where it seems to me the Senate bill is far better, is this: The Senate bill provided that as to proprietary medicines the amount of alcohol and opium used in them should be stated on the label. The House has amended that provision so as to practically kill it.

Mr. BAILEY. Then, undoubtedly, the Senate provision in that respect would be better. I am myself inclined to think that people who are engaged in commerce ought to be willing to brand their goods for what they are; but the House amendment proceeds upon the theory that the Federal jurisdiction over the matter is a jurisdiction of commerce, while in many respects the Senate bill seems to assert in the Federal Government a police power which I do not think exists.

Mr. HEYBURN. I would say to the Senator, if I may be permitted to do so——

Mr. BAILEY. Certainly.

Mr. HEYBURN. That the bill can be printed pending its reconsideration in the House, and there will be ample time for its examination. There is, of course, no objection to having the bill printed as amended by the House.

Mr. NELSON. I desire to call the Senator's attention to the fact that the House amendment has been printed.

Mr. BAILEY. The House amendment has been printed as reported from the committee, but what changes have been made by the House itself in the amendment reported by the House committee I do not know. I presume that——

Mr. HEYBURN. The bill is printed as passed by the House. I have a copy of it here.

Mr. BAILEY. But the Senator has the copy which is official and not the copy that would be distributed. What I want is—if it requires a request to that effect—that the bill be printed as it passed the other House, so that we may see exactly in what shape it now is. I want also printed in the same pamphlet the bill as it passed the Senate. It can, of course, be printed in the usual way, by drawing a line through the Senate bill, and then following it with the bill as it passed the House. That is all I desire.

Mr. HEYBURN. I understand, then, the Senator from Texas has no objection to the motion to nonconcur in the amendment of the House, with the understanding that the bill shall be printed, notwithstanding that motion.

The VICE-PRESIDENT. The Senator from Idaho moves that the Senate nonconcur in the amendment made by the House of Representatives. The question is on that motion.

The motion was agreed to.

Mr. BAILEY. With the understanding that we shall not be asked to act upon the conference report until we have the bill printed as I have requested?

Mr. HEYBURN. Certainly.

Mr. BAILEY. Then I have no objection.

The VICE-PRESIDENT. Without objection, the bill as it passed the Senate and also the bill as it passed the House will be printed and bound together.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The Chair lays this matter before the Senate simply in order that the bill may be gotten into conference.

Mr. TILLMAN. I can not give way indefinitely, though of course I wish to be agreeable and to conform to the wishes of Senators.

Mr. NELSON. Will the Senator from South Carolina allow me to get this matter into conference? It will take only a minute.

Mr. TILLMAN. Of course; I want to be courteous to Senators.

Mr. NELSON. It will take but a minute.

Mr. TILLMAN. If there are no more coming behind this, I will agree that this one matter may be disposed of.

Mr. NELSON. I move that the Senate insist on its amendments disagreed to by the House of Representatives, agree to the conference asked for by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. STONE as the conferees of the part of the Senate.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 45, and 46, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "On and after January first, nineteen hundred and seven, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than one hundred nor more than two thousand dollars, and any officer or person in the service of the United States, or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses, or who solicits or accepts for himself any such free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert: "*Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier;'" and the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In lines 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out " : *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert "as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. TILLMAN. Mr. President——

Mr. KEAN. May I ask the Senator from South Carolina a question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Jersey?

Mr. TILLMAN. Yes.

Mr. KEAN. I want to ask what motion the Senator has made?

Mr. TILLMAN. I have not made any motion as yet, but I am going to do so presently, after I make a statement.

Mr. President, Senators who paid attention to the reading of the conference report will note that my name does not appear as having signed this report as one of the conferees. That would have naturally indicated that I disagreed very earnestly with something in this report, and I will explain later what that something is. Not having signed the report, the ordinary procedure would have been for one of the Senate conferees who had signed it to have charge of the report and to conduct it through the Senate. At the earnest solicitation of my two Republican colleagues, I have consented to present the report and to defend it and explain it so far as I am able on every point but one. That I consider so vital that I will ask the Senate at the proper time to disagree to this report and send it back for further conference and insist on its amendment.

An examination of another provision of the bill, to which I consented, and which I thought was a very good one, trying to accomplish the purpose we have all had in view, is amendment No. 4, in relation to free passes. I find upon examination that by some blunder on the part of the clerk or the printer or some one—not intending to locate it, because I do not know how the mistake occurred—the word "interstate" was left out, so that the amendment proposed by the conferees, which will be found on the first page of the printed report—those who have not the report can find it in the RECORD of Saturday—would read:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not, directly or indirectly, issue any free ticket or pass for carriage—

The word "interstate" was in the original draft, and we talked over the necessity for it, because all of us understand and know, and the conferees knew, that Congress has no power to deal with the question of free passes within the borders of a State, and we had no purpose or intention of doing more than undertaking to prohibit interstate free passes to the persons who are specified in the proposed amendment. I am not sufficiently versed in the technical result to know just what the effect of this omission would be. I am inclined to the idea, if this bill shall become a law in this form, that Congress having undertaken to go entirely beyond its jurisdiction and do something which it has no authority to do, it may fail entirely to do what it was designed to do by this proposed amendment. Therefore, that is an additional reason why it is desirable to have this bill go back to conference, so that we can correct that mistake, and, if the Senate shall agree to my view, so that we may also insist on amendment No. 5, which I think is a very vital and important one.

Senators will recall that the amendment which provided for the divorce of the business of transportation and production, so as to prohibit any common carrier from engaging in the business of production, read as follows:

From and after May 1, 1908, it shall be unlawful for any common carrier to transport from any State, Territory, or district of the United States to any other State, Territory, or district of the United States or to any foreign country, any article or commodity, other than timber and the manufactured products thereof manufactured, mined, or produced by it, etc.

Mr. President, at the first blush it would appear that this is a very simple and harmless change, the change from the words "common carrier" to the word "railroad" in the fifth amendment; but it simply means, in plain English, that the Standard Oil Company has got in its work, and that through some instrumentality, which I am not prepared to explain and do not know, has come here and got the conferees—I will not say that, because I do not want to say that the Standard Oil Company has been influencing the conferees—but somehow influences have come about and produced a change in the attitude of the House conferees in regard to the pipe line and oil provision of this bill, and the effort on the part of the Senate to break up this grinding monopoly and destroy its grasp upon the oil production in the United States is rendered nugatory and destroyed by changing the words "common carrier" to "railroad." We release the Standard Oil people entirely from the control of the provision which divorces the producers of commodities from the transportation of those commodities.

I am aware—because I received a large number of telegrams from so-called "private pipe lines" or "local pipe lines" urging and pleading that this change should be made—I say I am aware that there is some semblance of good reason for this alteration, but there is somewhere around here—I have had it, but I have mislaid it for the moment; I have seen it and other Senators have probably seen it—a circular letter written by the general agent—if the Senator from Wisconsin [Mr. LA FOLLETTE] has it, I should be glad to have it printed in the RECORD—written by the general agent or the purchasing agent or some other high official of the Standard Oil Company to independent or local oil people who are running pipe lines as feeders of the Standard Oil Company, urging them to telegraph Congressmen in Washington to exert all their influence to prevent this provision remaining in the bill.

Before I go any further, I want to call attention to the fact that when the conferees met after this bill went back to conference, I found an entirely different atmosphere. There was a change of attitude and feeling in the conference. Instead of agreeing, as I had hoped we would agree, to strike out only those provisions in the bill which we had inserted knowingly subject to the point of order, and agree to bring back everything that we had proviously agreed on, it was declared emphatically by the House conferees that we must reopen the whole thing and start over. Then I began to smell a mouse or something. The idea occurred to me that the four days' protracted discussion in this Chamber, the great and urgent and eloquent pleas or criticism along certain lines, which Senators will all recall in regard to the provisions of the conference report—I began to imagine—and I am very suspicious, and I believe anybody who stays around the Senate very long will necessarily become more or less sceptical about motives—but I found that there was apparently an explanation of the protracted debate in this body. There would have been equally as protracted debate in the House, but those gentlemen are living and working under rules that are so entirely different from ours that, under an order from the Committee on Rules, they railroaded the bill through the House and back into conference after ten or fifteen minutes' debate on each side. So that there was really no ample opportunity ever given for anyone in that branch of Congress to express any dissent from or to criticise any of the provisions of the conference report.

Remarking, as I did a moment ago, that the conferees seemed, as I said, changed entirely and that they saw a new light, they were very much more in love with some of the Senate provisions than they had been on the previous occasion, I could not understand it; and I never was enlightened as to why this change of attitude came about. For instance, in the first conference the conferees had changed the first amendment to section 1 so as to make absolutely clear and undoubted what was intended to be accomplished by placing pipe lines in the category of common carriers. The original Senate amendment was as follows:

Any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this act, and to—

Well, the House conferees fell in love with those words immediately when we began to discuss this question when the bill

was sent back to conference, and insisted on accepting the Senate amendment without alteration, which, of course, made the Senate conferees helpless.

We had gladly consented to the change in the first conference, placing pipe lines unequivocally and in the plainest possible language in the list of common carriers, but with this change of phraseology Senators will see the possibility of numberless lawsuits. It is our own fault, of course. I note that the Senator who drew this provision is not in the Chamber, and I am not presuming to criticise his skill in accomplishing what he set out to do. But anyone can see that the original provision, which is now in the conference report and which the House has accepted, and therefore, as I said, the Senate conferees had to accept, is nothing like as clear and forceful, and will not accomplish as much as the provision in the first conference report. I refer to the first conference report, to which the Senate disagreed, and which it kicked out of the Chamber with very little ceremony a week or ten days ago.

Mr. SPOONER. The Senate did not kick it out at all.

Mr. TILLMAN. I will always contend that if the Senate had adopted the report as we brought it in, without changing anything, this law would be far better and would be subject to less criticism and dispute and litigation than it will be in any form in which it may now be adopted; and yet, having striven nearly two weeks to get what we thought was an effective and workable bill, and having put in certain provisions and made certain changes which we felt were necessary, we had done nothing that injured the bill in any way that I can see; and even in our free-pass provision, which caused so much disturbance and such an avalanche of telegrams from all directions, the law as we would have passed it did not go into effect until the 1st of next January, and could not have affected a solitary interest desirous of free passes. Therefore the Senate could have adopted the original conference report and have gotten a much better bill than that it has got or can get now.

But I want to get back to this change from common carrier to railroad in the fifth amendment, to which alone I am permitted, under my own agreement, to raise any very serious objection, and having agreed to all the rest I am going to fight for all the rest; at least I am going to sustain and defend all the rest and vote for them. This change, which Senators will find in the fifth amendment, changing "common carrier" to "railroad," simply destroys the effect of the first amendment, making pipe lines common carriers.

Mr. BACON. Will the Senator read the first amendment?

Mr. TILLMAN. I read it a few moments ago. If Senators would send and get the original conference report——

Mr. BACON. I will not ask the Senator to read it again. I thought he had read the second one.

Mr. TILLMAN. I read both, but I will read the first one again, for the benefit of the Senator.

> Any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this act.

Now, that is the Senate amendment, and the House has accepted it in this conference, although in the other it agreed, and very readily agreed, to put pipe lines in the category of common carriers unequivocally and in the plainest possible words. There you see the result of this additional deliberation.

Mr. FORAKER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from South Carolina yield to the Senator from Ohio?

Mr. TILLMAN. With pleasure.

Mr. FORAKER. I do not know what copy of the bill this is which has been placed on my desk. Is it the print as the bill will read if this conference report shall be adopted?

Mr. TILLMAN. No, sir. The bill as agreed upon in this conference has not been printed. If the Senator will get the first conference report with the amendments numbered and will look on page 1, he can tell whether he has got the right print by finding whether the amendment at the bottom is numbered 1 and is in italics.

Mr. FORAKER. It is numbered 1 and in italics.

Mr. TILLMAN. Very well. The Senator has got the only print of the bill that is now available.

Mr. FORAKER. Does the provision in regard to pipe lines remain in section 1 as it is shown here?

Mr. TILLMAN. Yes. The provision in the new conference report is as the Senate passed it, in section 1 and amendment numbered 1, and if the Senator will turn to the next page he will see what was agreed to by the original conference, in capitals. The new conference report, I will state in passing, includes sleeping-car companies, which were stricken out in the other conference report.

Mr. FORAKER. This seems to be a print that is in accordance with the present conference report.

Mr. TILLMAN. If there has been any print of the bill as agreed to by the last conference, I do not know it.

Mr. NELSON. No; it is not. It is in conformity with the other conference report, but by taking the present conference report——

Mr. TILLMAN. By referring to the first report, the Senator will see that the words "sleeping-car companies" were stricken out. But they go back now under this report, the House having accepted that provision also without amendment.

Mr. SPOONER. I should like to make an inquiry.

Mr. TILLMAN. Certainly.

Mr. SPOONER. Referring to line 25, on page 2, and including lines 1, 2, 3, 4, and 5, on page 3, I desire to ask the Senator if the words "sleeping-car companies" were in the last conference report?

Mr. TILLMAN. The last conference report, which the Senator has in his hand, struck out "sleeping-car companies" and inserted the words in capitals in lines 2, 3, 4, and 5, and struck out the original provision at the bottom of page 1, in relation to pipe lines. It is of dubious phraseology, and leaves the question whether pipe lines are common carriers or not to be determined by the courts, I presume. Whereas in the original or first conference report pipe lines were placed in the category of common carriers unequivocally.

Mr. SPOONER. When was amendment No. 1 stricken out?

Mr. TILLMAN. By the first conference.

Mr. CULLOM. The first conference.

Mr. TILLMAN. And it has been restored by this conference.

Mr. SPOONER. And amendment No. 2 inserted?

Mr. TILLMAN. No. 2 was in the original conference report, except sleeping-car companies, and the words in capitals were inserted in the first conference.

Mr. SPOONER. You prefer No. 2?

Mr. TILLMAN. Undoubtedly I prefer No. 2 to No. 1, but the House "had us up a tree," to use a slang phrase, because they said, "We accept the Senate amendment," and what could we do but agree to our own proposition? They did not offer to alter it. We were helpless to change it. They put the sleeping-car companies in with the express companies, and placed the pipe lines back where they had been placed by the Senate.

Mr. CLAY. I wish to see if I understand the Senator from South Carolina. I understand that the Lodge amendment, which made pipe lines common carriers, remains in the bill, but the Elkins amendment, which provided that common carriers should not haul their own products in competition with shippers, has been changed so as to strike out "common carrier" and insert "railroad," and consequently pipe lines will be permitted by the conference report to haul their own products?

Mr. TILLMAN. Yes; by the last conference report.

Mr. CLAY. That is the only change made in regard to pipe lines?

Mr. TILLMAN. The original Senate amendment provided that pipe lines "who shall be considered and held to be common carriers." It does not say pipe lines are common carriers or must be considered so for the purposes of this act. The first conference report said that pipe lines shall be considered to be common carriers, and the Senate disagreed to it. Now, the House conferees have accepted our original lame and, I believe, useless provision in regard to pipe lines, and the only question is which pipe line the courts will determine is a common carrier, or whether any of them are or not.

Mr. BACON. Is the word "who" there? It ought to be "which."

Mr. TILLMAN. It says "who."

Mr. BACON. That is certainly ungrammatical.

Mr. TILLMAN. I am sorry my learned and highly educated friend, the Senator from Massachusetts, who is the father of that provision, is not here to defend his English.

Mr. SPOONER. It ought to say both "who" and "which," because it refers to individuals and corporations.

Mr. TILLMAN. Nevertheless that is out of our reach.

Mr. BACON. Then the word "who" is correct.

Mr. TILLMAN. We might plead with the House conferees to correct our grammar. There have been jibes at the loose manner and the ill construction of sentences with which Senate amendments are loaded down in a great many particulars.

I want to get along to the question of the change from "common carrier" to "railroad."

Mr. FORAKER. The trouble is with the word "who," as I understand the Senator.

Mr. BACON. The word "persons" being in the sentence, it makes "who" proper.

Mr. TILLMAN. I am helpless. I helped like all the balance of you did——

Mr. FORAKER. No; I did not help. I will have to be excused.

Mr. TILLMAN. The Senator is the one person who is absolutely guiltless of any complicity in this bill, although he tried to get in several amendments and did not succeed. He did not vote for the bill on its passage, and I therefore hope that he will enable us who are more or less responsible for it to correct any little inaccuracies of English and any slips of purpose which may appear. But there is no slip of purpose in this change from "common carrier" to "railroad."

Mr. FORAKER. All I wanted was to understand what the difficulty was upon which the Senator was commenting. I remember that when that phraseology was adopted by the Senate I wondered just what it meant. I did not understand it at the time, and I do not know now. I do not think anybody else did.

Mr. TILLMAN. We did not understand it. When we got into conference, by pleading with the House conferees they agreed to insert the provision at the top of page 3 which is in capitals, and which is good English, and a good section, if I do say it——

Mr. FORAKER. In other words, the Senate conferees did not stand——

Mr. TILLMAN. The Senate conferees did not stand for the bad work the Senate had done, and when the House conferees compelled us to accept it, we did it very reluctantly, at least I did, and I think the others did.

Again, I want to get back to the change of "common carrier" to "railroad." As I said, instead of the producing of oil, along with the producing of coal, being divorced from the transportation of oil and the transportation of coal, as the Senate intended, the provision simply limits the divorce to railroads, and by changing "common carrier" to "railroad" you let the Standard Oil Company loose absolutely from this provision, and we encourage and perpetuate that grinding monopoly.

I will say further, if the Senate shall yield to the House in regard to this provision and agree to adopt this report without sending it back and insisting on the restoration of the words "common carrier" for "railroad," I shall feel that every man who votes that way will be branded on his forehead with the letters "S. O." in the estimation of the people of this country.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from New Hampshire?

Mr. TILLMAN. Certainly.

Mr. GALLINGER. Mr. President, I confess I know very little about this matter, but I have heard it suggested by various persons that this change was made because of the attitude of independent oil producers, who contended that if the clause had remained in the bill as it was in the first place, it would have been ruinous to the interests of these smaller concerns.

Mr. TILLMAN. I have heard that, too; and I have received, directly and through other Senators, a very large number of pleading telegrams from so-called "independent oil producers," who declare it would destroy their industry if the words "common carrier" were retained in the bill.

Mr. GALLINGER. I will say to the Senator that I have received no telegrams; but in view of what the Senator has said would happen to those who should vote for this report——

Mr. TILLMAN. I did not say it would happen, except in my estimation.

Mr. GALLINGER. In the Senator's estimation.

Mr. TILLMAN. That is the reason why I would not sign the report. I do not want anybody to say, "You have 'S. O.' on your brow, BEN TILLMAN."

Mr. GALLINGER. I wanted to know, in view of what the Senator in his estimation thought would happen to those who may vote for the conference report—I do not know how I shall vote; probably in favor of agreeing to the report—how much force there was in this rumor that had reached me from various sources? We have heretofore in this Chamber during my time of service been very persistent in our advocacy of the rights and interests of the small producer as against the competition, or the absorption perhaps, of these big interests, like the Standard Oil. I have thought that if there was any such danger unless this change was made, that the conferees acted wisely in protecting them.

Mr. TILLMAN. If the Senator or any other Senator can demonstrate the proposition that there are first any really independent pipe lines, any small ones, and, secondly, that such small ones are jeopardized, then there is force in the Senator's contention.

Mr. GALLINGER. I was asking for information.

Mr. TILLMAN. But I have seen so much evidence and have received so many letters which point to the fact that the so-called "independent oil producer" is a myth in large measure, or if he is independent, he is subject to the dictation of the Standard Oil. He can not sell his product to any other concern than the Standard Oil Company, and the only chance under high heaven for him to get relief from this bill was to make the Standard Oil, with its pipe lines reaching from the interior to the seacoast, a common carrier and to compel it to transport anybody's oil upon such conditions as the Interstate Commerce Commission should fix.

Mr. GALLINGER. The Senator will permit me simply to add that I was asking for information purely, and in the hope that the Senator would directly address himself to that phase of the question.

Mr. TILLMAN. As far as I have been able to discover, there is no harm to come to any real independent oil producers by the retention in the bill of the words "common carrier."

The change simply turns the Standard Oil Company loose. It is doubtful whether it will be considered a common carrier under section 1. It would inevitably have been a common carrier if the words in the so-called "Elkins amendment" had been retained instead of the substitute "railroad." Changing the words "common carrier" to "railroad" is simply releasing the Standard Oil Company and enabling them to continue their monopoly of the oil business of the United States.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Georgia?

Mr. TILLMAN. I do.

Mr. BACON. If I understand the Senator correctly, he is referring to the amendment on page 5 of the print I have, which is of the 18th.

Mr. CULLOM. No. 5.

Mr. TILLMAN. No. 5, on page 6.

Mr. BACON. No. 5; the number is correct. I understand the contention of the Senator is that under that phraseology, the words "common carrier" being used, it would relate to everyone who under the law was a common carrier.

Mr. TILLMAN. Undoubtedly.

Mr. BACON. If there was a private line which was not a common carrier, it would not be embraced.

Mr. TILLMAN. It would not touch those people at all, and therefore could not harm them.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. I do.

Mr. CULBERSON. In this connection I wish to call the attention of the Senator from South Carolina to what I regard as the fact—that amendment No. 1 expressly declares that pipe-line companies are common carriers by the declaration that they "shall be considered and held to be common carriers within the meaning and purpose of this act."

Mr. TILLMAN. The Senator forgets the word "who." That is the bad English of it to which Senators have referred.

Mr. CULBERSON. The Senator can use "who" or "which," so far as I am concerned. Here is an express legislative declaration that pipe-line companies are and shall be held to be common carriers within the meaning and purpose of this act.

Of course I understand, if the Senator will pardon a further suggestion, that this construction is not agreed to by a number of Senators, probably some on both sides of the Chamber. But this is a clear Congressional declaration that the railroad companies and persons and pipe lines, to use the language of this act, "shall be considered and held to be common carriers within the meaning and purpose of this act."

Mr. TILLMAN. The Senator can not dismiss the word "who" from there, or jump over it.

Mr. CULBERSON. I make no pretension to literary accuracy, or to knowledge as to the true meaning of words, but I believe the word "who" does not change the construction which I place upon the clause.

Mr. TILLMAN. Does it not leave the question whether they are common carriers to be determined by somebody?

Mr. CULBERSON. I do not believe that is the way to legislate.

Mr. TILLMAN. Neither do I.

Mr. CULBERSON. I do not believe we ought to pass an act leaving it to the courts to determine what we mean. But I do believe, on the contrary, that this is an express Congressional declaration that within the meaning of Congress these pipe

lines shall be considered as common carriers within the meaning and purpose of the act.

If the Senator from South Carolina will permit a word further, as he has raised some question with me about the matter of grammar, the words "common carrier," on page 6, have been stricken out, and the single word "railroad" inserted by the report. I call the Senator's attention to the fact that the word "railroad" is descriptive merely of physical property, and that it does not convey the idea of a legal entity as a railroad corporation is in law; and if this matter goes back to conference I suggest to the Senator that he insist that the word "company" shall be added to "railroad." Otherwise there may be a chance for the railroads themselves to escape this prohibition.

Mr. TILLMAN. I would not be at all surprised if that is the reason why the thing was insisted upon.

Mr. BAILEY. Will the Senator from South Carolina yield to me for a moment?

Mr. TILLMAN. Certainly.

Mr. BAILEY. I think my colleague is right. I do not really think there is much trouble about the meaning of this, although there may be some criticism about whether it should be "who" or "which" or whether it ought to be both, but if the Senator from South Carolina will examine it he will find it reads this way:

> That the provisions of this act shall apply to * * * who shall be considered and held to be common carriers within the meaning and purpose of this act.

If the Senator from South Carolina will observe, after "water," and immediately before "who," there is a comma, and consequently that "who" there is not merely restricted or intended to be restricted to such as shall be held to be common carriers. But it says and is intended to say that all of these described in the preceding part of the sentence shall be deemed and held to be common carriers.

Mr. CLAY. Will the Senator from South Carolina permit me?

Mr. LODGE. Mr. President——

The VICE PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. I am very glad to have the Senator from Massachusetts come in and help me to have his good English defended or his bad English explained.

Mr. LODGE. Mr. President, it will be observed that section 1 says "that the provisions of this act shall apply to any corporation or any person or persons engaged in the transportation of oil" and "to any common carrier or carriers." Now, in order to bring in what I desired to bring in, a statement which would make them common carriers, too, and therefore includes pipe lines in every subsequent section of the act, I was obliged to use the relative pronoun, and anyone who will try to draw as I have tried—and I have tried with the aid of the Senator from Wisconsin [Mr. SPOONER]—to reframe that amendment so as to avoid the relative pronoun, will find it is a very difficult thing to do.

As to using "who" instead of "which," I used "who" because the last reference was to "person or persons," it reading "any corporation or any person or persons." It would not do to say "which," referring to a person, whereas "who," I think, can be used, by a little stretch, to apply to a corporation.

Whether it is "who" or "which" is secondary to the point whether in this way we make pipe lines common carriers, which was my purpose and the purpose of the Senate. I think it is clear that the clause does make them common carriers so far as this act will do it, and if any Senator will examine it carefully, he will see the necessity of a relative pronoun for that sentence, because if you leave it out it would read "that the provisions of this act shall apply to any corporation or any person or persons * * * shall be considered," etc. Of course there is no connection. You must use the relative there. It seems to me "who" is quite as defensible as "which," though both are somewhat clumsy. But you must have that relative pronoun in there.

Mr. President, I agree with the Senator from Texas [Mr. CULBERSON] that it clearly makes them common carriers within the meaning of this act. If it did not make them common carriers, what was the purpose of changing the word in the commodity section? The purpose of changing that word in the commodity section was to let the Standard Oil out of the section. Under the commodity section the railroad was forbidden to own coal and carry it.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. Certainly.

Mr. CULBERSON. With the permission of the Senator from South Carolina, I desire to ask the Senator from Massachusetts a question in this connection. The Senator from Massachusetts says, and I think he gives it the proper construction, that pipe lines are declared to be common carriers by the terms of this act. Now, suppose, as a matter of fact, under the law as it was before this act was passed, the pipe lines were not common carriers; that they do not carry oil for other people for hire, which is the legal meaning of "a common carrier." Does the Senator believe, irrespective of the Standard Oil Company, which I would be as glad to reach as any other Senator here, that when, as a matter of fact and of substance, they are not common carriers they ought to be prohibited from carrying their own oil for their own purposes to their own customers; when they do not propose——

Mr. LODGE. No; Mr. President.

Mr. CULBERSON. When they do not propose and never intended to carry oil for other people for hire, by virtue of which alone they could be in fact and in substance common carriers?

Mr. LODGE. There are a great many of these pipe lines—at least, the principal trunk lines—that carry for hire. They are declared to be common carriers under the laws of West Virginia and Ohio, and they have been held to be common carriers by the supreme court of Pennsylvania. Those are companies chartered and operating in Pennsylvania. Undoubtedly many of them have carried for hire, especially the great trunk lines, and they have in almost every instance the right of eminent domain and the usual attributes which are conferred upon common carriers.

I believe to make them common carriers in the language of the act will bring the great trunk lines within the operation of the act, and, I think, will do it sufficiently so far as carrying oil to market. Of course, what all oil producers desire to reach is a line which will carry their oil to the great distributing centers, and especially to the seaboard. I think under this clause as it now stands these trunk lines, which are practically 90 per cent in the control of the Standard Oil, may be compelled to take the oil of other producers.

When the commodity amendment was added they became then, as we had defined them to be, common carriers. They then would have been unable, if engaged in interstate commerce, of course, to own oil wells or to own oil. They would have done simply a carrying business. It was changed to "railroads" in that clause in order to relieve the independent companies.

My own belief is that what is relieved is the Standard Oil. The commodity amendment was not my amendment, but was added after the amendment which I offered had been agreed to. I thought it was entirely sound. I can see no possible reason why the men controlling these great trunk lines of pipes should not make a carrying business and be content to carry oil for all producers at a reasonable rate. We make the railroads do it, and I do not see the slightest reason for this change. But there is no doubt that the effect of the change is to take the pipe lines out of that section and leave it to apply only to the railroads.

Now, the letters I got, and I received a number, of course were all in the names of independent companies. One gentleman who wrote me spoke about this independent company of his which was being so much injured by this amendment. He said they had been always fighting the Standard Oil, but the Standard Oil had succeeded in buying up a majority of their stock; that they were still fighting it, and, finally, that the whole line was within the State of Pennsylvania, and, so far as I could make out, was not engaged in interstate commerce at all. And yet he was alarmed at the effect of this section.

Mr. President, I do not mean to be unduly suspicious, but I think that all this independent movement has come from the great trunk-line corporation, which carries 90 per cent of the oil of this country.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Texas?

Mr. TILLMAN. With pleasure.

Mr. BAILEY. I do not care to take the floor.

Mr. TILLMAN. I do not want to monopolize the debate. I have a few other things I can say, but I can get in just as well later, after this matter has been illuminated and the question settled as to whether, even under the amendment as we now propose it and as the Senate passed it, all these pipe lines are common carriers.

Mr. BAILEY. Then, Mr. President, with the Senator's permission, as we have this subject under consideration I will say now what I desire to say about it.

I do not think that the amendment proposed by the Senator from Massachusetts [Mr. LODGE] and adopted by the Senate need be considered ambiguous. My opinion is that carefully read it is entirely clear and accomplishes its purpose. The error

into which we might be led by reading it without care is an easy one, but if it be read more carefully I think there would be no serious room for criticism.

But while that is true, I think the provision as agreed upon in the first conference is somewhat clearer, and I think it falls more naturally into the bill at that point than it does where it was originally inserted. Perhaps my natural bias for that place originates in the fact that it was there and in that way that I myself sought to reach and control express companies and sleeping-car companies. But whether that first amendment be sufficient as the Senate originally adopted it, or whether the language of the first conference should be preferred, neither of them will accomplish all which the Senate sought to accomplish if the insistence of the House in respect to the fifth amendment prevails.

On the question whether it was wise and just to subject pipe lines to the jurisdiction of the Government as common carriers I need not dwell, for the Senate determined that by a vote, I believe, absolutely unanimous. As I now recall, there was not a single vote cast against that first pipe-line amendment. Assuming it to be wise, and further assuming that the fifth amendment, which seeks to divorce production and distribution from transportation, is also wise, I am at a loss to understand how anybody can justify a proposal to exempt the pipe lines from the rule which is to be applied to all other common carriers.

We have said that pipe lines shall be common carriers; we have said that no common carrier shall engage in producing and distributing the commodities which it transports, and now we are asked to make an exception. Shall we say that this sound rule shall apply to all except the Standard Oil Company? It is true they do not say "except the Standard Oil Company" in so many words, but they do except it in practical effect.

I know that the yielding in the Senate at least, and I am sure it is equally as true of the House, has not been at the solicitation of the Standard Oil Company. I believe the result has been produced by the frightened and clamorous appeals of what are known as the independent oil producers. A very intelligent gentleman appealed to me, insisting that I would exert myself to have this very amendment made. When he finally exhausted all other arguments he pulled from his pocket a batch of telegrams and said, "Here are fifty or sixty telegrams, every one of them from an independent oil producer." I said, "Are any of them interested in pipe lines?" He said, "Oh, no." Then I said, "I can not quite comprehend why it is that these independent people, who in some sense are competitors against the Standard Oil Company, are so swift to obey its summons." He said, "They sell their oil to the Standard Oil Company." So they do, and therein lies the explanation. But, Mr. President, it is not an explanation that will satisfy any thoughtful man, because instead of remedying it it will in the end aggravate present hurtful conditions.

What gives the Standard Oil Company its great advantage over all its competitors to-day? The one fact which contributes more than all other facts to enlarge and strengthen this control over the oil industry of this country is that it engages in every species of oil trade from the time it takes the oil out of the well until it sells it to the man who burns it in the lamp. They do not stop, either, with selling it to the man who burns it. They frequently sell him the lamp, and they make the wicks.

Now, Mr. President, can any man hope to compete against that great corporation, which covers all branches of the industry, while single companies and individuals are content with covering a single branch of the industry? While this man is engaged in producing oil from the well and another man is engaged in transporting it and a third independent refiner is engaged in refining it and a fourth one is engaged in selling it to the trade, the Standard Oil Company is engaged in all of these pursuits, and gradually it must happen that the company which covers the entire field will drive its single competitors from the trade.

If these men can not produce and sell their oil to the best advantage under present conditions, they ought to be the ones who would rejoice to change these conditions. If the Standard Oil Company prefers to be an oil producer, let it produce; if it chooses to transport oil, let is pursue that business; if it chooses to be a refiner, give it liberty to engage in that; but it ought not to be permitted to monopolize every branch of the oil business.

How can the Senator from West Virginia [Mr. ELKINS] compete against the Standard Oil Company? He produces oil out of his well, pours it into the pipe line owned by that company, and it is carried to refineries also owned by them. If he wants to transport it past their refinery to the seaboard, where either it may be shipped abroad or distributed to competitors against that great company, he is at the mercy of the very men against whom he is competing as a producer, and to whom he is marketing his oil. They hold him where his oil comes out of the ground and begins its journey, and they stand there where the oil ends its journey to pour it into their great iron tanks.

Small wonder that they have conquered the oil trade of America! And now, when they have been brought to live under the same rules that we are applying to railroads who own coal mines, and applying to railroads who own timber lands, in some way—and I suggest no mystery about it; I believe I have given the explanation that is was the frightened clamor of the independent producer—with the aid of their competitors they rescue themselves from the legislation of Congress. Tell me what better right has the Standard Company, if its pipe line is a common carrier, to transport its oil than a railroad has to carry its coal or than another railroad has to carry its lumber? Coal is not an article of such universal use as oil. It is true it is used in larger quantities, perhaps, but it is not so profitable to those who manage it.

Then, Mr. President, the Senator from South Carolina [Mr. TILLMAN], the Senator from Illinois [Mr. CULLOM], and the Senator from West Virginia [Mr. ELKINS] understand I am not criticising them, because they have succeeded admirably in sustaining the Senate's position. The House was entitled to something, and if it were parliamentary I would say that it chose to take that which, above all others, it ought not to have demanded.

We adopted a provision that the business of transportation should be divorced from the business of production, but we have receded from the principle except in the single instance of the coal roads. We let a railroad monopolize the forests, and every man who has studied the timber situation in America must be appalled as we stand almost in the presence of the timber famine. Yet this disappearing timber supply can be monopolized, this oil which must be used in every household in the land can be monopolized, and coal alone is made subjected to this, which was announced as a sound and fundamental principle.

I begin to think, Mr. President, that there are a large number of men who are like that citizen of Maine we have all laughed about so long, who was in favor of the principle of prohibition but against the enforcement of it.

I heard no man in this Senate declare that as a matter of economic or political philosophy we were not just and wise in trying to separate the business of transportation from the business of production and distribution. All agreed to that, but one after another, trying to take care of the interest of his constituents, asked us for this exception and that exception, until all that remains of the principle now is its application to the single commodity of coal.

Mr. President, I believe that this is a matter of such vital importance that not only will the Senate be justified in sending this report back to conference for further consideration, but I think the Senate is compelled to do it if it were in earnest about this matter.

Not only is this amendment dangerous in that it practically exempts the Standard Oil Company from the operation of the bill, but it is likewise very dangerous for the reason suggested by my colleague [Mr. CULBERSON] a moment ago. They strike out "common carrier" and insert "railroad." Did it occur to the House conferees that we have defined "railroad" in this bill, and it is a matter of extreme doubt if that definition would fit amendment 5 when that amendment should be adopted according to the insistence of the House conferees?

There is another reason which leads me to believe this bill ought to be sent back to conference, and that respects what is known as the "pass amendment." We have had more trouble about that than anything else in the bill, and there ought to have been less trouble about it than anything else in the bill. As it stands, the deliberate judgment of the American Congress reads that the only objection to granting free passes is that it corrupts the officers of the Government. I do not believe that.

I believe that few men with character and reputation enough to command the suffrages of their fellow-citizens for any place can be corrupted by a free pass. I have sometimes been tempted to believe that a man who can be influenced or bribed by a free pass would be influenced or bribed in some other way if not in that way, and I do not think we would go very far toward relieving the public service of improper characters by passing an amendment like this.

But, Mr. President, there is a stronger and better reason why passes should be prohibited. If the railroad should carry one-half of its passengers without any charge, it would then be re-

quired to charge the other half double in order to make its passenger revenue return it a fair profit upon its investment.

Mr. OVERMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from North Carolina?

Mr. BAILEY. Certainly.

Mr. OVERMAN. I call the attention of the Senator to these words:

> And except as herein provided, no common carrier shall be prohibited from granting any free ticket or pass for carriage.

Does not the Senator from Texas think that really legalizes by affirmative action of Congress the giving of free passes?

Mr. BAILEY. I do; and I was just going to say so. They not only reject the doctrine—the only sound one—that every man who uses a common carrier ought to be required to pay the same price for the same service, but they actually legalize and authorize a discrimination.

Not only so, Mr. President, but I doubt if this bill really precludes railroads from giving passes to Congressmen or prohibits Congressmen from accepting them. I shall not state my reasons for that doubt, because I understand they will perhaps be stated by some other Senator; but I am inclined to think the moral effect of the law would be to prevent any self-respecting Senator or Representative from accepting free transportation after voting for this bill.

But the conferees are not content with regulating the passes as they relate to Federal officials, and they propose to regulate the States, the counties, and the towns. They declare that the railroads shall not give a pass to a State, county, or municipal officer.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. BAILEY. I do.

Mr. TILLMAN. If the Senator from Texas had been paying attention a little while ago, he would recall the fact that I mentioned that the word "interstate," in connection with the clause relative to free passes, had by some mistake of the printer or the clerk been omitted. We were not such idiots that we did not know that Congress could not invade a State and limit a railroad entirely within a State.

Mr. BAILEY. I heard the statement made by the Senator from South Carolina. I was sitting by his side when he made it. He had made it to me before, and I knew that to be true. But I am not now making the argument which the Senator thought was in my mind. I am not arguing that Congress could not prohibit passes wholly within a State, because that is as true of the private citizen as it is of the State or county official. What I was protesting against is that Congress is not content to protect the Federal Government against the corruption of this free-pass system, but it must protect the States and counties and municipalities.

Mr. President, we do our part well if we take care of Congress and the Federal officeholder. Let us leave the States and counties and municipalities to take care of themselves. Congress——

Mr. TILLMAN. I will call the Senator's attention, if he will permit me, to the fact that the States alone can deal with the question of free passes within their own borders; that the counties and municipalities are helpless in that regard; and that the intention here was to prevent the railroads from granting interstate passes to county officers, State officers, and others. The Senator knows that the railroads are assessed in all of the jurisdictional divisions, and that it might be possible for the assessors to be influenced in passing upon the valuation of the railroad property by favors like that; and it was to try to eliminate, so far as practicable the contaminating and corrupting practice of officers of any kind being influenced by railroads that the conferees adopted this form. This was not satisfactory to hardly any one man; but it was a kind of composite agreement, after a great deal of discussion among the conferees and after a long discussion in this body, both while the amendment was on its passage and subsequently when we brought back our first conference report. It seems that this question of dealing with free passes is about as perplexing and as difficult a one as almost anyone cares to grapple with. I certainly would like to have nothing more to do with it.

Mr. BAILEY. It is the simplest proposition in the bill, if dealt with firmly.

Mr. TILLMAN. Yes; and we had the best provision in the original conference report that we shall ever get, forbidding all free passes to everybody in Christendom, and what a racket was raised here over it! Nobody ever saw such a hurrah, such a stampede, and such a hysterical exhibition of oratory, or something that passed for it. [Laughter.]

Mr. BAILEY. The Senator from South Carolina has some right to complain, because to me it was not a reassuring exhibition to see Senators standing here morning after morning and each presenting forty or fifty telegrams from people who were crying out to be saved a certain privilege; and yet I freely say to the Senator from South Carolina that the first conference report went too far in this, that it denied the railroads the right to give passes to their own employees and their families. That right ought to have been granted, and there the exception ought to have ended. When one man rides for nothing somebody else pays the way. The railroad does not give it. It gives the free pass, but when the Commission comes to fix its fares and rates the railroad opens its books and says, "The value of my property is so much, the income from my property is so much, and you can not reduce the charges." The railroad never says that it has hauled 20 per cent of its passengers without charge. Therefore it is when a railroad carries a man or carries property without a charge those who do pay must pay more in consequence of the free service to others.

Mr. CARMACK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Tennessee?

Mr. BAILEY. Certainly.

Mr. CARMACK. The Senator says that 20 per cent of passengers travel free. Is the Senator speaking accurately or only approximately?

Mr. BAILEY. I was estimating that; but I have seen it stated more than once that the number of passes issued and used in this country will amount to 20 per cent of the passenger traffic. But whether it is 20 per cent or 10 per cent I do not know. I do know, as does the Senator from Tennessee, that frequently when the conductor comes into the sleeping car he finds more passes than tickets, and I have sometimes felt that the paying passenger was a little overburdened when he was compelled to pay for the free rides of all his fellow-passengers.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. I do.

Mr. LA FOLLETTE. A leading officer of one of the great railroads of this country stated a few years ago that in his judgment, based upon long experience, he would assert that not less than 10 per cent of the passenger traffic was upon free transportation, furnished in the form of passes. Making a computation upon the total income from the passenger traffic of the country, it would make the issue of free passes amount to not less than $50,000,000 a year, which amount, of course, must be made up to the railroad companies by those who pay for their transportation, as the Senator from Texas has already stated.

Mr. BAILEY. And the Senator from Wisconsin will agree with me that the chiefest outrage is that the men who have the free passes are the ones, as a rule, who are the best able to pay their fare.

Mr. LA FOLLETTE. Most certainly.

Mr. BAILEY. And the men who most need the favor of free transportation are not the ones to whom the courtesy of a pass is ever extended. So, if I could write a free-pass law, I would provide that no railroad engaged in interstate commerce—and I would write the same kind of a law in every State of the Union—should give free transportation to any person, except to those in its employ and their families and to those whom its regulations require to accompany any shipment. We know that in the shipping of cattle the rules of the railroad companies require a man to go with them; and I am told that in shipping fruit from certain sections a regulation of the railroads requires a man to travel in the car to see that the car is kept at such a temperature that the fruit will not spoil. Whenever the railroad regulations require a man to accompany a shipment, that man could fairly be considered as in the employment of the railroad. But I would not spend twenty minutes in a discussion upon that proposition; if it were deemed best to exclude them, I would cheerfully vote to do so, and I would pass an iron-bound free-pass provision permitting free transportation to no man, except such as are in the railroads' employ.

Mr. FORAKER. Mr. President, just a word or two in answer to the remarks made by the Senator from Texas [Mr. BAILEY].

I do not know whether the Standard Oil Company had anything to do with the sending of the telegrams we received here in such a bountiful supply a few days ago purporting to come from the independent oil producers. Whether the Standard Oil Company had anything to do with it or not, I know that we have in the State of Ohio a number of independent oil pro-

ducers, and I know that they sent telegrams here along with a great many others of whom I did not have any accurate knowledge, but as to some, I can say that I know they came from people who had no relation whatever to the Standard Oil Company, and I think I could understand, Mr. President, why the independent oil producers, in common with the Standard Oil Company, would protest against the provision that the Senate put into this bill with respect to the pipe line.

I want to say, in answer to the remark of the Senator from Texas, that there is no proper analogy between the pipe lines and the railroads when it comes to making them common carriers.

A railroad, as the Senator knows, and as everybody else knows, is built with the idea of doing a carrying business for the public for hire. We know that railroads are frequently built—a few years ago they were usually built—where it was not expected there would be enough business at the beginning to make the carrying profitable. A railroad would be constructed and be put into operation with the idea that its business would be a losing business for a time, but that in the course of a few years, five, ten, fifteen, or twenty years perhaps, the country would be sufficiently developed and business would be sufficiently developed to make the carrying of that carrier profitable. In other words, there was a future to the railroad carrying business which was constantly improving. Just the opposite is true as to pipe lines. The pipe line is put down with the idea of reaching a well, if it be oil they are after, or gas, if it be natural gas, that is to be piped. Somebody has found oil or gas, but nobody knows from the mere discovery of it how long the gas or the oil that has been discovered will continue in sufficient quantities to make the piping of it profitable. It is, therefore, unlike the case of a railroad for common carrying purposes. It is understood by all who engage in the business of piping gas or oil that it is only a question of a few years, possibly only a few months, until the well will become exhausted. Then the pipe line, which is a common carrier, as we would have it according to the provisions of this bill, will be out of business. If it does any more business, it will be because those who own it will take the trouble to remove it and connect it with other wells that will give them a product to carry.

I say it is because there is this radical distinction between the carrying by pipe lines and the common carrying by a railroad, that what you may say with respect to one or legislate with respect to one may have no proper application at all to the other. Bearing this in mind, Mr. President, the objection I have to this provision, which I have stated already several times in the Senate, is that we make all pipe lines common carriers that are privately owned, that were not constructed for the purpose of doing a public carrying business, and not constructed for the purpose of carrying for hire—we make them all common carriers, whether they desire to be common carriers or not. That is the first proposition.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I myself do not want to be put in the position of asserting, in the case where a pipe line was constructed for the purpose of carrying its own oil, and where the owner, either a natural person or a corporation, purchased at private treaty the right of way, that in such a case the Government could make a pipe line a common carrier.

Mr. FORAKER. I am glad to have that statement.

Mr. BAILEY. I only contend that where they do carry for hire, and thus make themselves common carriers, or where they exercise the right of eminent domain, then, and only then, can the Government regulate them as common carriers.

Mr. FORAKER. I remember now that such was the position of the Senator, stated very clearly when this subject was under consideration some days ago in the Senate, I believe on the former conference report. But I want the Senator to note what I said a moment ago when he was occupied with some Senator at his desk, engaging in conversation. I was saying that there is no proper analogy between a pipe line as a common carrier and a railroad as a common carrier, because the business of a railroad is carrying for hire for the public. It is expected that its business will grow; it carries not only one thing, but everything, and carries for everybody. In the case of the pipe line, if the Senator will give me his attention for a moment, it is just the reverse. They start out to carry for themselves. The only commodity they can carry is oil or gas, as the case may be, which they put down the pipe line for; and it is only a question of a very few years, perhaps a very few months, until the commodity for which they have put down their pipe line in order to get at the well becomes exhausted, and there is nothing more to carry.

Mr. BAILEY. I heard that line of thought when the Senator pursued it before, and I answered it in my mind. Now I will answer publicly that that would be an argument of considerable force against making a pipe line a common carrier——

Mr. FORAKER. Yes.

Mr. BAILEY. But after you have determined that it ought to be made a common carrier, then a different test prevails.

Mr. FORAKER. I think the remark the Senator now makes is very appropriately made. I thought of it when the Senator was making his argument in answer to which I am making these remarks. We have already done this thing. I made suggestions of this kind without avail at the time the amendment offered by the Senator from Massachusetts [Mr. LODGE] was under consideration in the Senate, making pipe lines common carriers, and I do not think there is any question but that by the language employed in the first section they are made common carriers, according to the description there given.

Now, this is the question that troubles me. It is not a question of policy any longer, because we have passed that by. If you make pipe lines that are carrying only for themselves common carriers and then prohibit all common carriers from carrying their own product, it seems to me you confiscate the property. I do not see how there is any escape from it. It is absolute confiscation pure and simple, and I do not believe that kind of a provision can be upheld in the courts. I think, therefore, the conferees acted wisely—and I say that at the risk of being branded by the Senator from South Carolina—in striking out the words "common carriers" and inserting the word "railroad," if they wanted to save this bill. There are a good many other provisions in the bill—quite enough, I think—that will give trouble, and if they wanted to save the bill from any further or additional trouble, they acted wisely in making this change, because the result of it is that they at least do not confiscate the property of pipe line companies, which, I am sure, could not be sustained anywhere.

But, Mr. President, there was another thought I had in connection with this matter. The Senator from Texas spoke of this as classifying carriers and basing the qualification on a discrimination. I do not know that he put it exactly that way; but that is the idea I got as to the effect of his remarks. Railroads are common carriers; pipe lines are common carriers, but all common carriers are not to be treated alike. Some—namely, railroads—are to be prohibited from carrying commodities in the production of which they are engaged; others—namely, pipe lines—are to be allowed to carry their own commodity. That is a discrimination. There is no doubt about that. I hoped the Senator would go on to demonstrate that that would make the bill unconstitutional, and that he would in that way point out an additional way to get rid of a measure that I think is bound to give us no end of disappointment and no end of trouble, and I hoped he would do it because in another respect there is that same discrimination with respect to common carriers.

In the case put by him there would be a discrimination as to common carriers to which this bill applies. I call attention to the fact that this bill does not apply to all common carriers. It leaves one class absolutely out free from under its provisions. That is the class referred to by the Senator from Alabama [Mr. MORGAN]—common carriers by water engaged in interstate commerce. This bill does not apply to them at all. If you are going to legislate about interstate commerce and regulate all carriers engaged in interstate commerce, I do not know why all should not be treated alike, unless there is some fundamental reason for applying the law to one class and not applying it to another class.

Mr. BACON. Will the Senator permit me to suggest——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Alabama?

Mr. FORAKER. Certainly.

Mr. BACON. That in the case of the waterway there can be no monopoly. The waterway is open to every man who chooses to put a steamboat on it to compete with others using a similar mode of transportation.

Mr. FORAKER. That is one of the reasons.

Mr. BACON. That is not true either of pipe lines or of railroads.

Mr. FORAKER. That is one of the reasons which have been assigned, but, Mr. President, the purpose of this legislation is to break up rebates and discriminations, and it is a notorious fact that no class of common carriers engage in the practice of giving rebates and practicing discriminations to anything like the extent that the water transportation carriers do. I do not want to dwell upon that. It is within the common knowledge

of all. I has been stated over and over again in debates here that when ships are loading and they reach within two or three hours of the time when they are to sail without getting a full cargo, all they can get on board after that is taken at reduced rates, at rates that are discriminating as between shippers. They load up with anything they can get to carry, at any kind of a price that anybody is willing to pay. It is that sort of a thing that shippers everywhere complain of. If that is a wrong thing on the part of the railroads, it is just as wrong on the part of water transportation companies.

It is true that highways for carriers by water are prepared by nature, that they cost the individual carriers nothing; in so far as they cost anybody anything, it is at the expense of the Government that is expending millions every year, and has been ever since the Government was instituted, to put these highways of water in good condition for carrying. It seems to me that because all that is true, there is a good reason in that fact why carriers by water should be included and regulated as well as other carriers.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Texas?

Mr. FORAKER. Certainly.

Mr. BAILEY. I have myself held that there was no necessity for putting carrriers by water under this bill, because I have never in my life heard any complaint about overcharges on the part of those who carry by water.

Mr. FORAKER. Mr. President——

Mr. BAILEY. I am free to say, if the Senator from Ohio will permit me, that if anyone will make out a case of overcharging or discrimination against water carriers, then the Government ought more quickly to take charge of their affairs and regulate them than those of the railroads, because the Government in their case furnishes the highway in large degree.

Mr. FORAKER. Certainly.

Mr. President, it is true doubtless that the Senator has never heard of a case of overcharge by a water carrier. The Senator has not very often heard, until since this debate commenced, of overcharges by the railroad companies. The complaints which shippers make have been all the while not that they are overcharged, not that rates are in and of themselves excessive, but that shippers are subjected to discrimination by the giving of secret rebates and by discriminations practiced under the guise of elevator charges and terminal charges and private car lines and refrigerator cars, and so forth and so on. Those are the things they want to have regulated and broken up. Excessive rates have not been charged against the water carriers of the country or against the other common carriers. But the other faults mentioned are the ones to be remedied, and all these water carriers are liable to them.

Yet there are such differences that all can understand why we have not included them in this bill. But the legal effect of that omission involves discrimination. If we are going to regulate one class of carriers, why not regulate all? If we are going to regulate certain carriers, why not regulate all in the same order and according to the same rule? The answer is that as between railroads and pipe lines there is no analogy; they are so different that the same laws and regulations are not applicable or appropriate, as the Senator from Georgia undertook to suggest was the case as between water carriers and railroads.

Mr. NELSON. Mr. President, this conference report, it seems to me, ought to be rejected if for no other reason because of the provision contained in the so-called "antipass" amendment. While it excludes Federal officials and State and municipal officials, everybody else in the country can get free transportation. In fact, it legalizes it. This is legislation——

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Alabama?

Mr. NELSON. Certainly.

Mr. MORGAN. Mr. President, I desire to make a statement in reply to a statement made by the Senator from Texas [Mr. BAILEY] and the Senator from Ohio [Mr. FORAKER], who fell into a mistake about the monopoly of water transportation. I happened just at this moment to have had the opportunity of conferring with one of my colleagues in the House who lives on the Alabama River, and I have lived on it for many years, and both before the civil war and since that time we both have known the Alabama River to be absolutely monopolized by the steamboats, so much so as a result of the fixing of the price by combination for the transportation of cotton on the Tombigbee, the Warrior River, the Alabama River, and the Tallapoosa River, that the farmers had to resort to building flatboats to carry their cotton to Mobile until the railroads came in and paralleled the rivers and unlocked the monopoly. That is a fact which every Alabamian who has any acquaintance with the history of my State will state. It is a mistake to suppose there is no monopoly on the water courses.

Mr. NELSON. We aim by this legislation to prevent all sorts of discrimination, and here by the antipass amendment we allow the grossest kind of discrimination, because of the fact that the amendment practically legalizes passes and allows the railroad company to issue passes to everybody except the officials. I think on that ground alone the conference report ought to be rejected.

Now, as to the other point, about the Standard Oil, let us look the matter clearly in the face. By section 1 as amended pipe lines are made technically common carriers subject to the provisions of this bill, but by the fifth amendment, as now agreed upon, where we undertook to prohibit companies engaged in transportation from transporting their own products, pipe lines are excepted and made immune. With that immunity, without any attempt to divorce production from transportation in that case, where does it leave us, Mr. President? The Standard Oil Company transports wholly its own product. It buys the oil from these local lines, if there are any, from these feeders, and transports its own oil. If that is the case, we are in this condition: Either as a matter of law, if the contention of the Senator from Texas is good, they are not common carriers, because they transport their own products; but assuming that that proposition is bad law, that they are common carriers, what is the state of the case then? We attempt to regulate the Standard Oil as to the rates it is to charge for transporting its own goods, and we would ascertain whether the Standard Oil Company gave rebates to itself or gave discriminations to itself.

So you see in either case, whether the Standard Oil Company or the pipe lines which it owns is a common carrier or not, unless you divorce production from transportation, the amendment is of no practical value. They are immune from regulation because they are transporting their own goods, and if not so immune, what is the use of attempting to regulate the charges which they shall make for transporting their own products? How can you reach the evil? So unless you adhere to the original agreement made by the conferees in this case, unless you divorce production from transportation, that part of the section which purports to make the Standard Oil Company a common carrier is of no practical value, and you might as well emasculate it from the bill. That is a question of public policy. If Senators believe in putting the Standard Oil Company under the control of the Interstate Commerce Commission as a common carrier, they must make the legislation such that that provision of the bill will be of some value and some effect. And for the reason that the majority of the conferees have agreed to that amendment—because I believe pipe lines ought to be under the control of the Interstate Commerce Commission and under the control of that Commission effectively and not theoretically, but practically, and because of this unlimited right of issuing passes that is left in the amendment—I think the Senate owes it to the country to reject the conference report.

Mr. CULLOM. Mr. President, I shall not occupy the time of the Senate to the extent of more than a few moments. The rate bill has seemed to present a very troublesome question. The Senate has been debating it for the last three or four months. The further we go the more the situation seems to be mixed and the doubt to increase as to what we ought to do.

As my friend the Senator from South Carolina [Mr. TILLMAN] said at the beginning of this discussion, he thinks the report made this time is not so good as the one made heretofore. In some respects I think that is true. It is true because the House conferees objected to some things which we had in the bill. This time they objected to very few of the provisions to which they objected before. So it has run along. The Senate conferees in every instance have done the best they could. Unfortunately the Senator from South Carolina and I have got apart. We stood together like brothers all through this contest on all the questions as they came up until we came to the fifth amendment. On that one we were together before, because in the first conference there was nothing said about it. It was not discussed except to agree generally that whatever would curb the Standard Oil Company we ought to be for. I felt a good deal that way myself.

I do not know exactly what the Senator means by saying the brand "S. O." should be applied to Senators who disagree with him on the question. Whatever anybody says about me, whether they attempt to brand me with "S. O." or any other name, I propose to do just what my own conscience and judgment tell me I ought to do in the premises. I do not blame the Senator from South Carolina for having his view of it and dis-

agreeing with the other two conferees of the Senate and all the conferees of the House, because he has a right to do it. But I regret very much that he did separate from us, as he knows I was very anxious that he should sign the report, notwithstanding the fact that he did not agree entirely with it.

I want to say with reference to myself that it turns out that in my own State there are many counties where oil has been developed, a fact which I never knew before this discussion began. I had never heard of it. But I have a number of telegrams, some of which I wish to read, showing what has taken place there with reference to this subject. I suppose the persons interested in this subject knew nothing about what the oil amendment was until they had time to get the bill and read its contents and learn exactly how they would be affected by it, as they think. This telegram which I hold in my hand is from my own State:

CASEY, ILL., *June 19.*

Hon. S. M. CULLOM, *Washington, D. C.:*

The undersigned independent oil producers in the Illinois field believe that the amendment to the rate bill applying to common carriers will strike a deadly blow at our business in the matter of marketing our oil, and we trust you will use your best efforts to defeat this amendment and help us to build up an industry that will be of great benefit to a large part of our State.

It is signed by probably forty or fifty business men of the town of Casey.

I will read another telegram. It is signed by a judge on the bench. Whatever may be the fact with reference to the Standard Oil or anything else pertaining to the subject, these gentlemen, whom I know to be as honest as ever lived on earth, are not representing what they do not believe, and they are not controlled by the Standard Oil Company or any other concern outside of their own neighborhood.

MARSHALL, ILL., *June 19, 1906.*

Hon. Senator SHELBY M. CULLOM,
Washington, D. C.:

Clark County alone is producing thousands of dollars worth of oil with the territory only partially developed. The entire citizenship is interested in this great enterprise. The passage of the oil amendment to the rate bill will effectually forestall further developments and work great financial loss and injury to our people. Our people, without exception, respectfully protest against any legislation that will discontinue the prosecution of the oil development, which at the present moment is, and will be for all time to come, the greatest financial boom our people ever enjoyed. They are earnest and sincere in this protest.

Mr. LODGE. What amendment does the last telegram refer to?

Mr. CULLOM. The oil amendment as it appeared in the bill in the first instance.

Mr. LODGE. The last telegram simply said "the oil amendment." They wanted to get the whole thing out.

Mr. CULLOM. No; they want to be protected, as independent oil men, from the effect of the oil amendment as it was in the bill before it was changed as proposed to be amended by the conferees. Here is another:

MARSHALL, ILL., *June 19, 1906.*

Hon. SHELBY M. CULLOM, *Washington, D. C.:*

Illinois gives promise of being one of the first States in the Union in the production of oil, and Crawford, Clark, Cumberland, and Lawrence counties are the center of the oil fields. Thousands of dollars worth of oil is being shipped daily from these counties. If the oil amendment to the rate bill is passed, it will ruin the oil industry of our State. The people of Crawford County, as well as the entire oil field in Illinois, are most emphatically against this oil provision. We respectfully ask that you use your influence to defeat its passage. Answer at Robinson, Ill.

A. H. JONES,
E. CALLAHAN.

Mr. LODGE. I observe that the same phraseology is used in the telegram just read. It refers to "the oil amendment." The oil amendment was the first amendment. The other amendment wherein the change has been made is the commodity amendment.

Mr. CULLOM. I understand that is true, but with the bill as it was and the oil amendment as it was, they contended that their oil interests in Illinois would be destroyed.

Mr. LODGE. I think what they want is to get out the oil amendment. The amendment in which this change has been made, and which is now being discussed, does not mention the word "oil."

Mr. CULLOM. I know it does not, and I know what they refer to, and the Senator from Massachusetts well knows what they refer to, and that is the fact that they believe they are going to be injured by the failure to get their oil transported.

Mr. LODGE. I think what they want is to get the whole oil amendment out of the bill.

Mr. CULLOM. They may think that is the only way they can get relief.

I have a paper in my hand which I think explains pretty thoroughly the operation of these people who are sinking oil wells, and I propose to read it, so that the Senate may understand it.

JUNE 22, 1906.

Hon. SHELBY M. CULLOM,
United States Senate.

DEAR SIR: The undersigned have received many letters and telegrams from persons, some of whom they know to be independent oil producers and all of whom claim to be independent of the Standard Oil Company. All of these letters and telegrams protest against that portion of the Elkins amendment which provides that a pipe-line company may not transport oil and gas belonging to it. We understand that it is, from the nature of things, a practical impossibility for a pipe line transferring either oil or gas to deliver to the producer of the oil or gas his own property. The product of very many wells must be run into the same pipe line. The line must be full from one end to the other or none of these quantities of oil or gas will move to destination.

Take, for instance, my own State. Take Cumberland County or Coles County. The people there are excited about oil. They have just discovered that there is oil in their neighborhood, and they are sinking wells. A man goes on and sinks a well. Once in a while some one strikes oil, and then another and then another, and each of those men has oil and does not know what to do with it. They want to get it to market. They join together and among them establish a pipe line to transport it wherever they see proper. That pipe line is owned by the people who have the wells, probably. They have to do that in order to get transportation facilities at all. Understand, you can not transport one man's oil separately unless he has a sufficient amount to fill the pipe from the place where the oil is put in the pipe to its destination. So it is impossible to keep every man's oil separate one from the other.

As a matter of fact, therefore, the pipe-line company can not deliver to any person the very product received from him. Therefore the pipe-line company must, upon receiving any man's product, account to him for it by means of a receipt or certificate promising either a payment in money or a return in oil or gas equal perhaps in quantity, certainly in value, less a reasonable sum for transportation. In either event it seems that the title to the oil or gas received is transferred from the producer to the pipe line, and so the pipe line would render itself obnoxious to that portion of the Elkins amendment under discussion. If the pipe line pays money, it is a sale and the property is the pipe line's; if the pipe-line company agrees to give oil of equal value at the point of destination, it is an exchange and the property has passed to the pipe line.

The independent producer fears that the large pipe-line companies will refuse to take his product if this provision should become a law on the ground that the pipe-line company would be violating the law. This the independent producer fears would continue at least until he was compelled to sell his oil wells at a sacrifice. Moreover, in some wells at least continuous pumping is necessary or the wells fill up, and their value be largely destroyed. In addition, even if it should be held that delivering to the producer of the crude oil, or in other words, to the owner of the well, oil of a similar grade, where that is possible, to the oil consigned by him to the pipe line, is not barter or purchase, but constitutes common carriage, the small producer would be ruined so far as oil production is concerned. He could not have his oil transported at all unless at the point of destination he made some arrangement to get sufficient room to store at least one day's run upon delivery or more in case he could not arrange an immediate sale. For example, take a man having a production aggregating fifty barrels of crude petroleum per day. That is not enough for him to maintain a refinery, even if he had the capital, information, and knowledge to conduct a refining business. He would be compelled to shut down until the pipe line was again permitted to account to him for his oil, and transport it where the pipe-line company reaches its own storage place or refineries or associated refineries.

So you can see that a pipe line is an entirely different thing in the conduct of its business from a railroad. A railroad is a common carrier, and carries the people and everything they have to transport, while a pipe line can not carry anything unless it be oil or gas or water. These people interested in this large industry in my own State and in Indiana and in Kansas and over our western country, all of them trying to be independent of the Standard Oil Company, all of them perfectly honest and straightforward in their transactions, fear, at least, that if this amendment as it was is retained in the bill they will be thrown out of business and their oil wells destroyed for want of means to get the oil to market.

Mr. President, I do not care to take the time of the Senate in talking about this subject. I merely want to say that, so far as I am concerned, I am ready to do anything that can be done which is fair and honest to my own people and to the common people of this country, and to curb the Standard Oil Company, so far as it is possible to do it under law, but I am not willing to vote for an amendment simply for the purpose of punishing the Standard Oil Company if it is going to punish the common people of my own State and other States surrounding much more than it will the Standard Oil Company.

There are some other things in this bill, but I do not think it is worth while to discuss them. So far as the constitutional question is concerned with respect to the pass provision, I think there is sufficient in the bill to show that it was not the purpose of Congress to go beyond the issuance of interstate passes, and that the courts will so hold. Nobody ever dreamed of such a thing, and the courts, in my judgment, if there are any words lacking, as my friend the chairman of the Senate con-

ferees intimates, in that the word "interstate" has been left out, would supply the amendment, because it is perfectly obvious that it was not the purpose of the conferees or of the Senate or of the House to go beyond the jurisdiction of Congress to regulate interstate commerce.

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass, etc.

Those words themselves are sufficient to indicate the purpose of the lawmakers, so that the court, if there is any word lacking there, will supply it.

Mr. BACON. Will the Senator from Illinois permit me to ask him a question?

Mr. CULLOM. Certainly.

Mr. BACON. There is another feature of this pass amendment which I think a very serious one, and one which not only fails to prohibit passes as to any other person than those named here, but expressly denies any purpose to prohibit it. I am more particular to make this statement because this amendment in its general terms is in harmony with an amendment which I myself offered when the bill was before the Senate, which limited the prohibition against the giving of free passes to certain officials, including legislative, executive, and judicial officers, and I confess that upon reflection I think I was wrong upon that limitation. I think this antipass amendment framed by the conference committee is wrong—not because, as was suggested at the time I proposed my amendment, it drew the line between those specified and all other people, although that might be a sufficient reason—I think the proposed amendment is principally wrong because it is in conflict with the entire scheme and theory of the whole proposed railroad law, which is that all people, both as to freight and as to passage, shall stand equal in their treatment by the railroad companies, that no favor shall be granted to one that is not given to another. In the absence of this express provision in this conference-committee amendment, which says practically that the railroad can give passes to all persons except those named, I very much doubt whether under the general law as it now stands on the statute book—certainly so when taken in connection with the amendment now proposed to the law—whether free passes could be given to anybody other than those specially excepted by the law. The great evil——

Mr. TILLMAN. Mr. President——

Mr. BACON. Pardon me one second. I will not occupy much time.

Mr. LODGE. I want to know——

Mr. BACON. The Senator will pardon me for a moment. The great evil in the proposed conference amendment, to my apprehension, is this: By giving sanction to railroads to issue free passes to any people to whom they may see proper to give them, outside of those prohibited, you are putting it in the power of the railroads to exercise really great discrimination between those who shall ship freight over their lines. If you give the railroads the unlimited permission to issue passes to any people other than those specified, or to withhold them from any people who shall ship over their lines, you put it in the power of the railroads, by making discriminations in this regard, to practically give rebates to favored shippers.

I wish to ask the Senator from Illinois if he does not recognize that in that particular view of it and with that particular result, this pass amendment commits a great mistake and absolutely overturns the fundamental principle which pervades the whole railroad law, which is intended to compel entire impartiality on the part of the railroads in dealing with the public, both as to freight and as to passenger transportation?

Mr. CULLOM. Mr. President, I do not quite see the force of the suggestion made by the Senator. This provision says that "common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer," and so on. It applies to a certain class. It leaves out all the balance. It leaves the balance for the railroads to deal with as they choose.

Mr. BACON. That is exactly where I think the vice comes in.

Mr. CULLOM. Now, wherein does the Senator make it out that that makes the law unconstitutional?

Mr. BACON. I did not speak of it as an unconstitutional provision, but I spoke of it as one in conflict with the entire theory and purpose of the law, which was to secure uniformity of treatment by the railroads, both as to freight and passenger transportation, to all classes, excepting only their own employees and officers and their families.

Mr. CULLOM. In what respect in that point of view does this differ from the amendment the Senate put in the bill in the first instance?

Mr. BACON. In the amendment as it passed the Senate there was a general prohibition of the issuance of free passes, excepting only to certain persons. In this case there is a designation of certain persons, and all the balance of them are excepted. That is the difference. It exactly reverses what was done before.

Mr. FORAKER. I wish to ask a question of the Senator from Illinois at this point, if I can.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Ohio?

Mr. CULLOM. Certainly.

Mr. FORAKER. The pass amendment, which I had not read until since I was on the floor before, provides that no pass shall be granted by any road subject to the provisions of this act to any officer of the United States, and so on, or to any officer or person in the service of any State, etc. It does not say that these railroads shall not grant any interstate pass, but it prohibits any pass at all.

Mr. CULLOM. That point, I think, was already made by the Senator from Texas—that it cuts off all passes, State and interstate.

Mr. FORAKER. It cuts off all. The point I want to make is this: As soon as it was called to my attention I examined the statute of Ohio to confirm the impression I had, and I find it is confirmed. We have a statute which has been in force over thirty years, for nearly forty years, ever since 1867, I believe, creating the office of railroad commissioner and appointing a railroad commissioner, and by positive statutory provision requiring all railroads of the State to give him a pass without compensation over all the lines within the State. I am told that that is the case in other States.

Mr. KEAN rose.

Mr. FORAKER. I am told that is the case in the State of New Jersey also.

Mr. KEAN. In the State of New Jersey the charters of nearly all the railroads require all State officers, members of the legislature, judges of the courts, etc., to be carried free.

Mr. FORAKER. It seems to me that we are running into a needless conflict by leaving out the word "interstate."

Mr. CULLOM. I think it would have been well for that word to have been in, but in my judgment the court will assume from the tenor of the provision itself that it meant just what everybody knows it did mean.

As far as I am concerned, I want to say that I did not favor this amendment in the first instance. I voted for it finally. I believed that we ought to have set aside the amendment the Senate put in and also the amendment that we adopted before that the people were so aroused about and that we should relegate the whole thing back to the present law so far as passes are concerned. But that did not seem to be the view of other Senators on the conference committee.

Mr. GALLINGER. I wish to ask the Senator from Illinois a question.

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from New Hampshire?

Mr. CULLOM. Certainly.

Mr. GALLINGER. In looking at this pass amendment as it appears in the conference report I find that there is an inhibition against granting passes "to any officer or person in the service of the United States, other than those in the postal service." If that was intended to cover railway postal clerks and perhaps post-office inspectors, I could see some force in it; but it looks to me that as it reads it exempts the Postmaster-General, the retinue of clerks in the Post-Office Department, and every postmaster in the country, and every post-office clerk and letter carrier in the country—everybody in the service of the Post-Office Department.

If this goes back to conference—I do not know how I shall vote on it, I am undecided at the present moment—but if it goes back to conference I suggest to the conferees that that is a matter which ought to be looked into, because the phrase "other than those in the postal service" is wide and unqualified.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Illinois yield to the Senator from Massachusetts?

Mr. CULLOM. I yield the floor, Mr. President.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its amendment to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr.

MANN, and Mr. RYAN managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 7099) to amend section 2821 of the Revised Statutes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PAYNE, Mr. DALZELL, and Mr. WILLIAMS managers at the conference on the part of the House.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CAMPBELL of Kansas, Mr. TAYLOR of Ohio, and Mr. SIMS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

S. R. 68. Joint resolution expressing sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia; and

H. J. Res. 60. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

PURE-FOOD BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives, insisting upon its amendment to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HEYBURN. I move that the Senate disagree to the amendment of the House of Representatives, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HEYBURN, Mr. MCCUMBER, and Mr. LATIMER as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. LODGE. Mr. President, I shall occupy only a few minutes, and I would not take those, for I know how desirous we all are to bring this session to an end, did I not wish to explain my reason for voting, as I shall vote, against the acceptance of this report.

It turns on two questions. The first is changing the words "common carrier," in what is known as the "commodity amendment," to the word "railroad," the purpose of that being to exclude the pipe lines from the amendment. The commodity amendment was offered by the Senator from West Virginia [Mr. ELKINS]. It was adopted after my amendment putting pipe lines under the bill was accepted. I have been unable to see any injustice in having pipe lines carry oil for oil owners as railroads carry wheat for wheat owners, and I can see no possible reason for making an exception in regard to that one industry.

The great trunk lines, 90 per cent of them, are owned by the Standard Oil. They carry for hire. They are made common carriers by the laws of many States. The number of private lines owned by private well owners engaged in interstate commerce is very small indeed. Those that I have analyzed, who have been objecting here, are almost all within the boundaries of one State and are not affected by this bill. But the effect of this would be to let out the great trunk lines. I think the carrying of oil and the producing of oil ought to be separated.

I believe, therefore, Mr. President, that it is an injustice to make this exception. From the knowledge I have of this subject and from what I have heard since this matter has been under discussion elsewhere, I am satisfied that there is a belief in certain quarters that what is known as my amendment, the first amendment in the bill, will not hold if they can get rid of this one. I do not myself think that is true. I think my amendment will hold and bring them within the jurisdiction of the Interstate Commerce Commission. But I do not think it just to make an exception in their favor.

The second ground of my objection to the bill is what has been disclosed to me on the examination of this free-pass amendment and what has been said by Senators here. The Senator from New Hampshire [Mr. GALLINGER] has just pointed out that this provision is so loosely drawn that under it, while the President of the United States or a Senator or a Cabinet officer, with the exception of the Postmaster-General, could not take a pass, every fourth-class postmaster in the country can have one. There is no doubt about that in the world. We select one class of public servants, a very numerous class, and allow them to have passes.

Mr. TILLMAN. Mr. President——

Mr. LODGE. But, Mr. President, there is a much more serious objection to this pass amendment than that.

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from South Carolina?

Mr. LODGE. Certainly.

Mr. TILLMAN. I want to say in explanation and also in defense of the action of the conferees that the provision in regard to the exemption of persons in the postal service grew out of the communication sent from the Post-Office Department, pointing out that under the strict provision of the law as we had framed it—as the Senator will find out by reading amendment 27 as well as the pass provision we have had under consideration previously—it would add to the expenses of the United States Government a million or a million and a half of dollars to provide for transportation of the postal clerks on the railway mail cars of the country. It was not our expectation or purpose, and we did not consider the words, although they might be so interpreted, to include anybody in the Post-Office Department. It is only those who travel on the railroads handling the mails. We might have used better language, but that was certainly our intention.

Mr. LODGE. There is no question that would be proper, and it is equally beyond question that under the language used everybody in the postal service can receive a pass. But that is not the serious objection, in my mind, to the amendment as it now stands. Under this provision as it now exists practically all the provisions of the bill against discrimination can be annulled. Under this provision here every railroad carrier can give what amounts to a rebate to a favored shipper in the form of passes and transportation for his friends and his family and people he sends on his business, and so on. It opens a wide door to the establishment of effective rebates.

Now, that is a very grave objection, to my mind, because it strikes at the very central principle of all this legislation that we have spent so much time over this winter. The main object of this legislation, as we look at it, is to reach what I regard as the greatest possible evil—that is, the personal discrimination, the rebate, as it is called. If it does not reach those in any way, it is of little worth. Here in this clause we actually authorize and invite a method of discrimination by which personal advantages can be given which would constitute a valuable rebate in behalf of a favored shipper, and from that I have been unable to see any escape whatever.

Of course I know the conferees had no such intention, but it seems to me as if they have had a very hard task. Everybody knows that they have done most admirable work, and in closing the thing up it looks as if this amendment about passes, the postal-service amendment, and others had not been very carefully drawn. But this is a measure where we can not afford a clause of this sort to remain loose or open to a doubtful interpretation, and in this case I can not see that the interpretation is doubtful.

Mr. CULLOM. Will the Senator allow me to ask him a question?

Mr. LODGE. Certainly.

Mr. CULLOM. The pass amendment does not mention the great body of business men of the country at all. They are passed out of the bill, and nobody has any preference over any other person as to the right to get a pass from the railroad, except the persons excepted—the employees in the Federal Government and in the State. Now, how does my friend from

Massachusetts make it out that because none of those people are mentioned at all it opens the door to rebates?

Mr. LODGE. The language is "no common carrier shall be prohibited from granting any free ticket or pass for carriage." In other words, we give express permission to the railroads to remove all prohibitions from granting a free ticket or pass. Those words allow them to grant a free ticket or pass to anyone except the enumerated public officers.

Mr. CULLOM. We prohibit the granting of passes to public officers, but we do not say anything about the balance of them.

Mr. LODGE. You say specifically that the roads shall not be prohibited from giving passes to anyone they want to.

Mr. CULLOM. In other words, they are perfectly free to do as they choose.

Mr. LODGE. Certainly; they can give to one shipper passes for himself and his family, and all his clerks, and everybody else.

Mr. ELKINS. Would not that be discrimination under the law?

Mr. LODGE. Of course it would be, and this clause of yours cuts up discrimination by the root.

Mr. ELKINS. No; it does not. There is a penalty put in there.

Mr. LODGE. A penalty put in where?

Mr. ELKINS. That the shipper shall not solicit or accept nor the railroad grant any free transportation, and if so, shall be subject to a penalty.

Mr. LODGE. Certainly it is there, but you let them out by this sentence.

Mr. ELKINS. Not at all.

Mr. LODGE. That is exactly what I complain of.

Mr. ELKINS. Not at all.

Mr. LODGE. You open the door to granting a pass.

Mr. TILLMAN. The Senator would be afraid to take a pass under those circumstances.

Mr. LODGE. For the moment I am an officer of the Government. I never took a pass in my life.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. Certainly.

Mr. CLAPP. I wish to say to my friend from West Virginia that so far as the pass may be the medium of discrimination or rebate, this is an absolute repeal pro tanto of the law that bears the Senator's name.

Mr. ELKINS. I do not think so.

Mr. LODGE. Under this provision, Mr. President, the railroads are forbidden to give a pass to anyone who holds public office, speaking broadly, but they can give passes to every delegate who goes to a convention. They can carry train loads of delegates or crowds to fill the galleries, and give free passage to the men who make representatives in the legislature and in Congress.

I think the law as it stood in regard to passes, the existing law, is a sensible law, under which things had worked very well. There were proper exceptions and proper prohibitions. We constructed an amendment here in the Senate that was perfectly grotesque; and I do not wonder that the committee threw it out. Then the conference committee brought in a very drastic provision going the other way. If it had included the employees of railroads and their families and persons who are required by railroad regulations to travel with stock or fruit, I think it would have been a very proper solution of the question. But this amendment is so worded and so arranged that it seems to me to endanger some of the most important provisions of the bill.

Therefore, Mr. President, I can not vote for the conference report.

Mr. SPOONER. Mr. President, a very few moments. The Senator from South Carolina [Mr. TILLMAN] reprobated in general terms Senators who participated in the debate on the first conference report. I participated in that debate, and I make no apology to anyone for having done so. I observe with some satisfaction that there are portions of this report which show that that debate was of some value to the conference committee.

Now, Mr. President, I do not impute any motives other than good motives to my colleagues. I differ from them when I think I ought, but I always accord to them the utmost good faith.

The Senator from Massachusetts characterizes the pass amendment which was incorporated in the bill by the Senate as grotesque. I think a careful study of that amendment will relieve it except in one or two particulars of any just charge of grotesqueness. But be that as it may, I think no one can defend the antipass amendment which is incorporated in this report from the charge of grotesqueness. It is one which I do not think—as anxious as I am, and no man can be more anxious than I am, for the end of this session—should be permitted to pass into law.

I do not believe, Mr. President, that any court would hold that by this amendment Congress intended to regulate free transportation between intrastate points. Nothing is better known or clearer than that Congress has no jurisdiction whatever over transportation solely within a State, even though it be a carrier also engaged in interstate transportation.

The courts are reluctant to overturn legislation upon constitutional grounds. They never do it when they can avoid it properly. I have no doubt myself that the court would say in favor of the constitutionality of this act that as there were two objects to which it could be applied—one, interstate transportation, which is within the regulatory power of Congress, and the other State transportation solely, which is not within the regulatory power of Congress, it was intended by Congress only to apply to interstate transportation. So I think that it is only a blot on this great law, one which the Congress I think would be a little ashamed on reflection to have remain upon it, so needless it is.

But, Mr. President, there are serious objections, most of which have been raised, to this amendment. It is absolutely impossible for my friend from South Carolina to answer the objection made based upon the words "other than in the postal service." They are not susceptible of defense.

Mr. TILLMAN. Mr. President, I should like to ask the Senator to tell me whether the Post-Office Department, which deals not with the mails at all, but deals with the handling of that Department as a business, is a postal department?

Mr. SPOONER. I will answer that.

Mr. TILLMAN. It may be that the criticism of the Senator is correct, but it looks to me like the word "postal" has reference to the man who handles the mail. The postmaster in the city of Washington and the carriers who roam around and gather in the letters from the boxes and who deliver letters at residences——

Mr. SPOONER. Do they not handle the mail?

Mr. TILLMAN. They handle the mail. They are the only ones. The men in the Department, who are transacting other business, are entirely separate and apart, the same as the Navy Department or the War Department are not in the postal department.

Mr. SPOONER. How about the letter carriers?

Mr. TILLMAN. I am speaking of the letter carriers.

Mr. SPOONER. Do they not handle the mail?

Mr. TILLMAN. Of course they do.

Mr. SPOONER. Does the Senator think they should be included?

Mr. TILLMAN. To tell you the truth, the issue of settling this pass amendment became so perplexing and deviilish, if I may use such a phrase, that almost in despair the conferees accepted this proposal among others, rather than the one which the Senate passed. I believe the Senator is correct in saying that we shall never get a better one than we patched up here the day we adopted it, although it may have been a Joseph's coat or any other kind of patchwork. It was probably as effective as anything we can conceive of or provide.

Mr. BACON. Will the Senator permit me to read a section of the Revised Statutes at this point?

Mr. SPOONER. A long one?

Mr. BACON. No; a short one, defining the oath which shall be taken by those who are in the service or in an office relating to the Post-Office Department. The law is in this language:

SEC. 15. That before entering upon the duties, and before they shall receive any salary, the Postmaster-General, and all persons employed in the postal service—

Using the term "postal service" as signifying everybody employed in the Post-Office Department—

shall respectively take and subscribe before some magistrate or other competent officer authorized to administer oaths by the laws of the United States, or of any State or Territory, the following oath or affirmation:

Mr. TILLMAN. I have not studied the statutes as has the Senator from Georgia, and was not entirely familiar with the technical meaning of the word "postal." I myself consented to this provision, because I conceived that the word "postal" applied to the man who handles mail and not to the man who superintends the man who handles mail.

Mr. SPOONER. This language is a generalization. Everybody in the United States in the postal service is embraced by it; the officers of the Post-Office Department here, I think, are embraced by it; the rural mail carriers are embraced by it, and I do not see why postmasters throughout the country are not embraced by it, and clerks in the post-offices and all the mail car-

riers on the plains, the men who carry the mails from village to village and up in the mountains away from the railways—they are entitled to free passes. They handle the mails. They handle them in bulk.

Mr. TILLMAN. I am really convinced—and the other conferees had about the same view of this as I did—that we were trying to provide for the free passage over railways of railway mail clerks and post-office inspectors, and no more. I reckon we ought to have used those words.

Mr. SPOONER. That is what I was about to say. The conferees made it too broad, unless it was the purpose to make it apply to all of these.

Mr. TILLMAN. That was not our purpose, I am sure.

Mr. SPOONER. I understand that. I agree entirely with the Senator from Massachusetts [Mr. LODGE] and with other Senators who think that free transportation ought to be prohibited except in cases every one of which has been referred to in the debate. This throws the door wide open; this leaves the railway companies perfectly free to give free transportation to everybody in the United States except the officers and servants of the United States and officers and servants of the States and cities of the United States. Upon what theory is that to be justified? It is not in harmony with the provisions of this bill. This bill has a section in it intended to secure equality of transportation among passengers:

No carrier shall, unless otherwise provided by this act, engage or participate in the transportation of passengers or property, as defined in the first section of this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this section; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time.

Now, if a railway company wishes to attract the business of some shipper from among other shippers in the same town, they can do it by giving free transportation. They may give that transportation as freely as they choose; they may give it to the shipper and his immediate family; they may give it to his "sisters, his cousins, and his aunts;" in the case of a manufacturer, they may grant his request for passes for those who patronize him and take his wares and those who deal with him. In other words, it puts in the hands of the carriers the power to substitute the pass broadly for the rebate, to give to certain men in a community as many passes as they want for themselves and their customers, provided they give them their business. That is lawful under this report. And they may refuse passes to those who will not give them their business. So the railway carriers come into competition with each other, using not rebates, not cut rates, but passes. Is that the intention of the Senator?

Mr. TILLMAN. I will say to the Senator that with respect to amendment No. 27, which he has just read, and which, under the interpretation put upon it by the Senator from Pennsylvania [Mr. KNOX] prohibits all free passes of every kind, whether we put in any provision or not, was intended to be provided against by this exception.

Mr. SPOONER. If there is any provision in this bill, Mr. President, which prohibits free passes, this amendment takes away that prohibition——

Mr. TILLMAN. I know it, and it repeals it to that extent. I see that now.

Mr. SPOONER. Except as to certain officials. Who are they? It is my belief, or, if I do not state it that way, I will say that there is the gravest possible doubt in my mind whether it does not leave a Senator and a Member of the House of Representatives as free to accept passes as before the passage of this bill, if it be enacted into law.

Mr. TILLMAN. Well, Mr. President, I have great respect and admiration for the Senator's knowledge of the law, and I would like to have him explain what a Member of the House of Representatives and a Senator is?

Mr. SPOONER. Mr. President——

Mr. TILLMAN. Wait a minute. Is he embraced under the term "an officer of the United States?"

Mr. SPOONER. I think not.

Mr. TILLMAN. I think not, too; for the United States Supreme Court has decided that he is not. Then, if he is not an officer of the United States, is he an officer of the State? If not, what is he? He is in "the service of the United States," which words are also there.

Mr. SPOONER. I know.

Mr. TILLMAN. What is he? Is he a nondescript?

Mr. SPOONER. The United States pays a Member of Congress, but a Member of Congress is not an officer of the United States within the Constitution, nor is he an officer of the United States within the statute generally. His position is somewhat unique, Mr. President. A Senator does not hold an office under the Government of the United States.

Mr. TILLMAN. I get my commission from the governor of my State. Then I must be an officer of the State of South Carolina.

Mr. SPOONER. That does not follow. The Senator's commission from the governor of his State is simply the evidence which is handed in here to the presiding officer of this body to show that the Senator is entitled to come into this Chamber.

Mr. TILLMAN. Well, then, am I in the service of the United States or not?

Mr. SPOONER. I think it would not be so construed. This is the language:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State.

I think that would be construed under the doctrine of noscitur a sociis. I gravely doubt whether this could be construed as including a Senator or a Member of the House of Representatives.

Mr. TILLMAN. Then all we can say in defense of our action is that we were trying powerful hard to keep out every Senator and every Member of the House of Representatives and every State officer from getting a free pass.

Mr. SPOONER. The conferees did not try as hard as the Senator from Georgia did when he offered his antipass amendment, providing:

That no carrier engaged in interstate commerce shall hereafter directly or indirectly issue or give any interstate free ticket, free pass, or free transportation or passage to any Senator of the United States or Representative in Congress, or to any justice or judge of the courts of the United States, or to any officer of either of the Executive Departments of the United States.

Mr. TILLMAN. I will explain why the conferees so acted. I was not so tenderfooted myself, or rather I was not so sensitive on the subject; but there is abroad, both in this Chamber and in the other one, as we learned from the House conferees, an unwillingness to single themselves out, and thereby in a measure confess before the country that they are subject to this temptation, and that they wanted to protect themselves against the temptation by saying specifically that a Member of the House of Representatives and a Senator should not do thus and so. They therefore expressed it in the words "any officer or person in the service of the United States, or of any State," and thought that by using that language they accomplished the purpose. But if, under the technical construction and the technical interpretation of the Constitution by the Supreme Court, we made a mistake, then, of course, I suppose that we will have to go back and try it over again.

Mr. SPOONER. Congress has done that before. When Congress passed the act under which a Senator has been convicted it had no hesitation in using language which implied that a Senator or a Member of the House of Representatives might forget his duty and use his official place for financial benefit. One would think that no such enactment could ever have been demanded; one would think that a proper sense of propriety would render utterly unnecessary any such act of Congress; but the Congress, composed of men, I take it, as sensitive as the Congress of the present day, enacted:

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever from any person for procuring, or aiding to procure * * * shall be deemed guilty of a misdemeanor, etc.

And in the next section Congress provided:

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, etc.

Mr. TILLMAN. Does the Senator think that that is able to prevent a Senator or a Member of the House from getting a free pass and using it? That has reference to services to be rendered in exchange.

Mr. SPOONER. The Senator misapprehends the purpose for which I read it. I did not read it as embracing the acceptance of passes as a thing already made punishable by law. I read it as showing that a Congress before us was not so sensitive as the conferees seem to be about enacting legislation which implies that there might be Members of the House of Representatives and members of the Senate who would so utilize their position as to have an interest against the interest of the Government and derive financial benefit from it.

Mr. President, I do not stop to discuss the question whether the acceptance of passes by members of the legislature, by Senators, and by Members of the House of Representatives affects

them to the prejudice of their constituents. There may be such cases. I would hate to think there are many, if there are any; but I believe it to be true that the people of the United States prefer that Members of Congress and judges and public servants generally, especially those charged with the duty, under the Constitution, of enacting legislation for the regulation of railway corporations, shall not accept and use such courtesies from them. I believe it is of the utmost consequence, Mr. President, that that should be prohibited which, if indulged in, causes in the public mind distrust or suspicion of the actions or the motives of public servants. That is enough.

The Supreme Court said in the case of United States *v.* Germaine (99 U. S.), referring to the use of the words "officers of the United States" in a statute:

> The Constitution for purposes of appointment very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when offices become numerous and sudden removals necessary this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of Departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment, there can be but little doubt.

The court then calls attention to a statute in which this distinction is recognized by the Congress in the use of the words "or agent" and the words "and all persons participating in the act" in addition to the word "officers.

Nor is that all. Here is a later case—and I will take but a moment with it—in which the court says:

> An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the head of a department. A person in the service of the Government—

There you get the words "in the service of the Government"——

Mr. TILLMAN. There is where we got it. That is why we put it in.

Mr. SPOONER (reading)—

> *A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution.* (U. S. *v.* Smith, 124 U. S., 525.)

Now, Mr. President, reading those quotations together, I do not believe a court would construe the words "a person in the service of the Government" to embrace a Senator or a Member of the House of Representatives. A Senator, Mr. President, is in a sense in the service of the Government, but he does not hold office under the Government. He is a part of the Government itself, a part of the body which makes laws which govern the people, just as the President is at the head of the executive department of the Government. In the Constitution where they provide for the impeachment of officers, they do not say that all officers of the United States shall be subject to impeachment, but they name the President of the United States; they name the Vice-President of the United States. There is a provision in the Constitution which requires the President to commission all officers of the United States. Senators and Representatives are not appointed by the President; they do not derive their offices from the United States. Their offices are created, however, by the Constitution.

Mr. TILLMAN. I would remind the Senator, if he would permit me, that Madison in the Federalist designated Senators and Members of the House of Representatives as ambassadors of the States.

Mr. SPOONER. That related only to Senators.

Mr. TILLMAN. I suppose Members of the House would be ambassadors of the people of their respective States.

Mr. SPOONER. Well, if the Senator adopts that definition, if that——

Mr. TILLMAN. All I want to get the Senator to realize is that the conferees very earnestly and honestly were trying to do what the Senator said ought to be done, and that it is to prohibit any man who has to do with governmental affairs in any capacity whatever from riding on free passes.

Mr. SPOONER. I have no doubt of the good faith of the conferees—none in the world.

Mr. TILLMAN. Then pity their ignorance.

Mr. SPOONER. Mr. President, the conferees are not ignorant.

Mr. TILLMAN. We were ignorant of some of the points the Senator has made, anyhow.

Mr. SPOONER. They were only tired.

Mr. TILLMAN. We surely are tired. I am tired unto death.

Mr. SPOONER. So am I.

Mr. CARMACK. I just want to call attention to the language of the provision. It applies to "any officer or person." It is not confined to "officer," but applies to "any officer or person in the service of the United States," etc.

Mr. SPOONER. I do not believe the court—and the court would have the right to read it all—I do not believe the court would say that members of the Senate and of the House of Representatives, a part of the Government, a coordinate branch of the Government to make laws, would fall within the designation of "any person in the service of the United States," especially when the amendment further says "other than those in the postal service."

Mr. CARMACK. It intends to include "all officers and all persons in the service of the United States," and it looks to me as if a Senator would be said to be in the service of the United States or in the service of his State—one or the other.

Mr. SPOONER. He is paid out of the Treasury of the United States from money derived from the people through taxation.

Mr. CARMACK. And he is paid for his services.

Mr. SPOONER. He is not appointed by the President; he is not removable by the President; he is elected by the legislature of his State. His commission by the governor is the only evidence of the fact of his election. He resigns office not to the President of the United States; he resigns it to his State.

Mr. CARMACK. Whether he is in the service of the United States or in service of the State is covered by the language of the amendment.

Mr. SPOONER. He is sub modo in the service of both. He is in the service of all the States; he is a Senator of the United States from his State. His first duty is to conserve the general public interest of the United States, and, subject to that, it is his duty to conserve the interest of the State, the people who have honored him by a seat in this body. His relation in the Government is anomalous. He serves as a part of the Government. He is not appointed by it, nor does he hold office under it.

So with a Representative in Congress. He is chosen in a district of a State. He has a certificate of appointment. The appointment of a Senator is by the legislature; the appointment of a Member of the House is made by a majority of the voters in his district, and he gets his certificate from his district and from his State.

Mr. CARMACK. The point I was making, Mr. President, is that a Senator and a Representative in Congress, if they are not officers, are certainly persons, and they are in the service, it seems to me, either of a State or the United States.

Mr. SPOONER. If they are in the service of the State, how would that help it?

Mr. CARMACK. I say in either case it is covered by the language of this amendment.

Mr. SPOONER. The Senator does not contend that they fall within the meaning of the word "officer" as used in the Constitution?

Mr. CARMACK. No; I am not contending for that.

Mr. SPOONER. The Senator sees that former Congresses have not, when they sought to throw safeguards around legislation and to interdict the improper utilization by a member of Congress, whether a Senator or a Member of the House, of his official position for private gain, been content in any case to use the word "officer," but they have gone beyond that in each case. They were not content to say "any person in the service of the Government," either or "any person holding office under the Government." In every instance, so far as I have been able to observe, they have used the words "Member of Congress" or the words "no Senator or Member of the House of Representatives."

Mr. CARMACK. I will ask the Senator this question: Do the words "persons in the service" mean anything different from the words "officer?"

Mr. SPOONER. They do, or else they would not be used.

Mr. CARMACK. What is the distinction?

Mr. SPOONER. A clerk in the Department is not an officer.

Mr. CARMACK. That is right.

Mr. SPOONER. No man who is not appointed by the President of the United States and confirmed by the Senate or appointed by the head of one of the Departments or by a court of law is an officer, as the Supreme Court has several times held, within the meaning of the Constitution.

The Senate held when the Blount impeachment proceedings were before it that Blount was not impeachable under the Constitution because he was not an officer of the United States.

Mr. CARMACK. I want to say, if the Senator will yield to me——

Mr. SPOONER. I will be through in a second.

Mr. CARMACK. I was simply asking for information.

Mr. SPOONER. I know.

Mr. CARMACK. I think it would be very much better if the

conferees had used the language employed by the Senator from Georgia in the amendment he proposed.

Mr. SPOONER. In the Burton case the court used this language:

But the final judgment of conviction did not operate *ipso facto* to vacate the seat of the convicted Senator, nor compel the Senate to expel him or to regard him as expelled by force alone of the judgment. The seat into which he was originally inducted as a Senator from Kansas could only become vacant by his death, or by expiration of his term of office, or by some direct action on the part of the Senate in the exercise of its constitutional powers.

It might have added there "or by his resignation."

This must be so for the further reason that the declaration in section 1782—

And that names Members and Senators—

that anyone convicted under its provisions shall be incapable of holding any office of honor, trust, or profit "under the Government of the United States" refers only to officers—

I beg the Senator's attention to this—

refers only to officers created or existing under the direct authority of the National Government as organized under the Constitution, and not to offices the appointment to which are made by the States, acting separately, albeit proceeding, in respect to such appointments, under the sanction of that instrument. While the Senate, as a branch of the legislative department, owes its existence to the Constitution, and participates in passing laws that concern the entire country, its members are chosen by State legislatures, and can not properly be said to hold their places "under the Government of the United States."

The same thing is true as to a Member of the House. He is elected by his district as Senators are elected by the legislature.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Texas?

Mr. SPOONER. Certainly.

Mr. BAILEY. As reenforcing what the Senator from Wisconsin has said, the language of the Constitution, with respect to the election of Senators, is itself significant. It specifies who may be chosen, and concludes he shall—

be an inhabitant of the State for which he shall be chosen.

It would be very singular to say that a Senator is chosen for a State for service under another sovereignty—

Mr. SPOONER. Yes. I am not making any technical point here. I would be glad to have the Senate agree to a report and end this matter, but the Senator from South Carolina should bear in mind that this is a penal provision of the statute, and that it would, like all penal laws, be strictly construed, and it is my belief that it would not be construed as embracing Senators and Members of the other House. But, Mr. President, while we are about this business, it would be very absurd and mortifying to the Senate and to the House, after we shall have adjourned, after having put upon the statute books this law, to have it a serious question whether we had omitted to include in this prohibition Members of Congress, including both the members of the Senate and of the House. I suggest to the Senator from South Carolina that if this matter goes back to conference they use the language of the statute or of the Bacon amendment or some other amendment which named Senators, Members of the House, and judges of the courts of the United States, and other officers of the United States. That generalization covers all and makes specific and explicit provision as to judges and Members of the House and of the Senate. I doubt very much whether this would include the President either.

Mr. BAILEY. He has been provided for, and he would not take a pass.

Mr. SPOONER. He has been provided for upon the theory that passes are prohibited to him. He is a part of the Government, not holding office under it. He is holding office under the Constitution, as we are. But we are not officers of the Government or under the Government.

Mr. BACON. Does the Senator understand that if it were not for the passage of this proposed law that provision would not be necessary?

Mr. SPOONER. I think it would be necessary. I think the Elkins law really prohibited passes, but it has been absolutely inefficient in that respect, as I understand.

Mr. TILLMAN. It has no punitive feature.

Mr. SPOONER. It was a rule of action enacted by the Congress and provided a fine.

Mr. BACON. The point I made was——

Mr. SPOONER. I understood the Senator.

Mr. BACON. That in the absence of any prohibition against free passes that legislation would not have been necessary.

Mr. SPOONER. I believe this is a subject which should be carefully taken under consideration by the conferees. It is not a very complicated subject. The old law was a good law, if we are to prohibit free transportation save in excepted cases. It was in force many years and no one complained of it. I agree in a general sense with the Senator from Texas on the subject; but I would make more exceptions than he seems to be willing to make. I believe the exceptions to the old law were wisely made. I do not believe the Congress of the United States ought to prohibit railway companies from granting free transportation to destitute and homeless people traveling under the auspices of charitable organizations.

I do not believe that the railroad companies of the country ought to be precluded from giving free transportation in a number of cases where every man, woman, and child in the United States would say that the dictates of humanity require it. And it is going mad on this subject either not to make proper restrictions or to throw it, as this amendment does, wide open, leaving out, as I believe, the judges and the Senators and the Representatives in Congress, and opening the door to everybody in the postal service and excluding all the rest of the Government, and moreover, inviting the railway companies of the country, while doing away with the rebate, to substitute for the rebate the free pass without limit, as a means of rewarding those who patronize them and discriminating against those who do not.

Mr. HEYBURN. Mr. President, I was unfortunate in not being able to be present when some of the provisions of this bill were under discussion, and I have been compelled to gather up, as it were, the provisions that have been incorporated in the bill as it is now before the conference committee. I desire to submit some remarks in regard to the fifth amendment, which has been under consideration.

Mr. President, I am unable to see how it is possible that that amendment should have been adopted and how it is possible that the conference committee have retained it in the bill. It is one of the widest in its scope and reach that is contained in the entire bill and involves, in values and property, as much as any provision contained in the bill, in which the lumber interests of the great land-grant railroads are exempted from the restrictions of the fifth amendment.

Mr. President, in the northwestern and in the southwestern portions of this country there are owned by the railroad companies more than 15,000,000 acres of timber land, and they have already in contemplation, and I am informed that they have in fact entered upon, the construction of sawmills, either directly under their own management or through the process of lease and stumpage, that will enable them to drive every legitimate individual enterprise in the lumber business out of business, and it represents more than three thousand million feet of marketable lumber, to be thrown, through the processes I have suggested, upon the market in competition with individual enterprise. And yet you have exempted that enterprise from the restriction which you have placed upon the railroads and the public carriers as to coal and other commodities.

You have broken through the rule that has been so strongly and so cogently urged of divorcing production and transportation. There is no principle more important to be maintained in connection with the consideration of the matters that are being considered in this bill than that of an absolute and complete divorce of production and transportation. The language would seem to have been elaborated with especial care. Let us see: "Other than timber and the manufactured products thereof." I understand that it was urged on behalf of this measure that it was necessary to protect the small railroads which have been built in the lumbering districts. That would be very proper had the language been so framed as to confine it to that class of railroads. But it is so broad as to include two or three great transcontinental lines, the beneficiaries at the hands of the Government to the extent of at least half of all the timber lands upon the Pacific coast. Every alternate section of timber land is controlled by these railroads.

I urge upon the conference committee that that language should be so restricted, if that is the purpose, as to confine the operation of that exception to the small railroads that are built into lumber districts, and not make it so broad as to give the benefit of this exception to the great transcontinental railroads, which can bring that unlimited quantity of timber to the markets of the East and the West and the intervening country. With that exception there, no individual enterprises can possibly survive for a day the era of competition that these roads will surely enter upon. They can make a contract covering either a thousand or ten thousand acres of timber land, and then, under the language of the amendment, it is provided that this shall apply to any lands or timber or manufactured product which the railroad company may own in whole or in part, or in which it may have any interest, direct or indirect.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. PILES. Inasmuch as I drew the amendment, I should like to ask the Senator from Idaho if he knows of any railroad company—that is, a big railroad company, a railroad carrying passengers and freight generally—which is engaged in the lumber business in the Northwest?

Mr. HEYBURN. I could give the Senator a pointer that would enable him to ascertain that there have already been steps taken for the establishment, in an indirect way, of sawmills in the interest of the railroad, the profits of which are to be divided between the parties operating them and the railroad company owning the timber lands; and that those arrangements carry with them a provision as to the freight and the special advantages that are to be given to the parties who are going to nominally operate the mills.

Mr. PILES. If the Senator will pardon me a moment, I know of no railroad company in the Northwest that is engaged in manufacturing timber into any character of product. I drew the amendment upon the theory that it was in protection of the great lumber industry of the United States. Some of the lumber companies, because they can not get sufficient cars from the railroad companies of this country to carry the product to market, are operating little railroads into the forests and operating sawmills on tide water, and they have their schooners engaged in carrying their products to the markets of the world. That amendment, in my judgment, is in protection of that interest. There is no railroad company in the Northwest that I know of, engaged in that business, but if the Senator can conceive of any amendment which will protect that interest and exclude the great railways of the country from carrying their products to market, it will meet with my approbation, because I had no such idea in contemplation, and I am certain the Senate did not have when it adopted the amendment.

Mr. HEYBURN. I was just as certain of that before as I am now. I believe it is absolutely true that neither the Senator who offered the amendment, nor the Senate, nor any committee of the Senate had in contemplation as possible this condition which I have pictured, but I am prepared to show it is possible, and we are here to legislate against possibilities that would militate against the prosperity of the country and of the individual.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I do.

Mr. FULTON. From the statement of the Senator as to what these land-grant railroads are doing, I infer that they are leasing or selling the stumpage, as they call it, to private parties and giving them contracts whereby they secure special privileges in regard to freight. Is that what the Senator says?

Mr. HEYBURN. Yes. I was speaking not only——

Mr. FULTON. I want to ask another question.

Mr. HEYBURN. Just a moment, because I answered that categorically. I was speaking not only of what they have done, because this law has not yet been enacted and the great privilege that is written in the statute as proposed is not yet clear, but I am endeavoring to show what they can do, and we may always safely rely upon it, that every source of profit is available to those corporations, will be taken advantage of.

Now, I am ready to yield to the Senator.

Mr. FULTON. I will ask the Senator if under the law prohibiting rebates and discrimination those railroads could not be punished for doing exactly that which the Senator says they either have done or may do? Then I would ask the Senator——

Mr. HEYBURN. I should like to answer this right here.

Mr. FULTON. I should like to ask the Senator two questions, and then I will take my seat.

Mr. HEYBURN. All right.

Mr. FULTON. Here is the further question: The Government grants to those railroad companies great tracts of timber land. Does the Senator believe that after granting to those companies these great tracts of timber lands, the Government can turn around and prohibit them from taking the timber to market?

Mr. HEYBURN. That question is a divisible one, as the language of this amendment is. The amendment provides not only that they may haul the lumber, but that they may haul the manufactured products of their lumber. The language is "other than timber and the manufactured products thereof." That would carry with it by implication the right of the corporation as an organization, as a common carrier for the purpose of transportation, to enter into the manufacture of this lumber, because the further language of the amendment would seem to bear that out. What I am objecting to is the violation of the principle of not allowing a common carrier to engage in any productive industry. That is the principle I am urging. The further language of this bill does not require the corporation to be entirely the owner of it. It may own one one-hundredth of 1 per cent of it, and this right is given to it. The amendment says:

> Which it may own in whole, or in part, or in which it may have any direct or indirect.

So any kind of a contract, through which the owner of the timber lands derived any profit, would give the corporation the benefit of this immunity. If these small roads—I do not know that there are any of them which are engaged in interstate commerce—need this exemption in order to enable them to avoid the oppression of the transcontinental lines, give it to them, but guard it and frame it in such language as to make sure that the owners of these vast timber areas (probably one-third of the timber on the Pacific coast is owned by railroad companies) are not made the absolute masters of the lumber market of the world. If there are any small roads that are interstate in character, and I doubt if there is a single one on the Pacific coast, give them this immunity, but do not do it in such general language as that. It involves too much. It involves too many people. We have several million dollars invested in individual lumbering enterprises in Idaho which would be at the mercy of the railroads that penetrate those forests from which those men draw their supplies.

We already have too much of a monopoly in the lumber business. Certain syndicates have obtained interests so large by such unholy means that to-day we have in our midst a very serious detriment to individual enterprise, and I do not want to see this bill carry it any further. I suggest to the conference committee that they limit this language so that it will not do that.

Mr. McLAURIN. Mr. President, there is only one feature of the argument that has been made to which I want to reply, and that is to the proposition that Senators and Representatives in Congress are not officers of the United States. The punctuation of this provision is not exactly as I studied punctuation, but I suppose it means to say any officer of the United States or any person in the service of the United States. I suppose analyzed that is what it means. I find in the Constitution——

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. McLAURIN. For a question I yield.

Mr. ELKINS. It is 6 o'clock, and it seems to me we can not get a vote to-night. The members of the Senate are tired, and, if the Senator will allow me, I move that the Senate adjourn.

Mr. GALLINGER and others. Oh, no.

Mr. TILLMAN. We do not want any adjournment now. We want to get the report out to-night and get it back to conference.

Mr. ELKINS. Oh, no; Senators do not. They want to hold it until July 15.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Senate adjourn.

Mr. McLAURIN. I have the floor, Mr. President.

Mr. ELKINS. With the consent of the Senator from Mississippi, I make the motion.

Mr. McLAURIN. I did not yield the floor for that purpose. I myself would oppose an adjournment, but if it is the desire of the Senate to adjourn I will not stand in the way of the Senate having an opportunity to express itself.

Mr. TILLMAN. I hope the Senator will not move an adjournment, but that we will stay here until we get this matter settled to-night.

Mr. ELKINS. I want to make an hour's speech and other Senators will want to be heard.

The VICE-PRESIDENT. The Chair calls attention to the fact that the motion is not debatable.

Mr. GALLINGER. I make the point of order that the Senator from Mississippi had the floor and the Senator from West Virginia could not make a motion to adjourn when the Senator from Mississippi had the floor.

The VICE-PRESIDENT. Is the Chair to understand that the Senator from Mississippi yielded for that purpose? The Chair did not hear him distinctly.

Mr. GALLINGER. He yielded for a question.

Mr. KEAN. He yielded for a question, but not for a motion to adjourn.

Mr. CULLOM. I hope the Senator from West Virginia will withdraw his motion.

Mr. BAILEY. If it is to be a rule here that a Senator can ask another Senator occupying the floor to yield to him and the Senator occupying the floor yields, expressly saying he yields only for a question, and then if he be taken off the

floor by a motion to adjourn, we would have a most disorderly proceeding.

The VICE-PRESIDENT. The Chair will ask the Senator from West Virginia whether he asked leave to interrupt the Senator from Mississippi to move an adjournment?

Mr. ELKINS. I expressly said that with the Senator's consent I would move an adjournment, and without that consent I could not make the motion. That is what I said.

Mr. McLAURIN. I said to the Senator when the Senator asked leave to interrupt me that I would yield for a question. I think the stenographer's notes will show that. But if there is a disposition to adjourn I will say frankly that I will not stand in the way of an adjournment. I am myself opposed to an adjournment at this hour, because I think the time of the Senate is——

Mr. ELKINS. I will withdraw the motion.

The VICE-PRESIDENT. The Senator from West Virginia withdraws the motion to adjourn.

Mr. McCUMBER. Mr. President, will the Senator from Mississippi yield to me for the purpose of making a request?

Mr. McLAURIN. I yield to the Senator for that purpose.

Mr. McCUMBER. My request is that the Senate take a recess at a certain reasonable hour this evening and then reconvene at 8 o'clock for the purpose of disposing of the unobjected pension bills on the Calendar and a few other like bills.

Mr. CULLOM. Mr. President—

Mr. McCUMBER. We ought to get those bills through, and I hope that I may have unanimous consent for that purpose.

Mr. CULLOM. Before that consent is asked for, I will state that I think the Senator from Mississippi will not speak very long, and when he gets through I think the Senator in charge of the bill will ask that the bill go back to conference, so that the conferees can consider it to-morrow morning. Then, after that, a night session can be ordered if it is desired.

The VICE-PRESIDENT. Will the Senator from North Dakota kindly restate his request?

Mr. McCUMBER. My request is for unanimous consent that after we dispose of this matter this evening the Senate shall take a recess until 8 o'clock for the purpose of considering unobjected pension bills on the Calendar and unobjected bills to correct military records, including also pension bills that have been reported to-day.

Mr. GALLINGER. It will be recalled that earlier in the day I asked and obtained unanimous consent that after the morning business the Senate should proceed to the consideration of unobjected House bills of a general character, subject to appropriation bills and conference reports. There are comparatively few of those bills on the Calendar, but it is extremely important that they should be acted on. I think the Senator had better include in his request House bills of a general character and pension bills, and bills to correct military records.

The VICE-PRESIDENT. Does the Senator from North Dakota modify his request in accordance with the suggestion of the Senator from New Hampshire?

Mr. McCUMBER. I have no objection.

Mr. BAILEY. The trouble about that is that the request assumes that we are going to conclude the matter now under consideration in a very few moments, and I hardly think any of us are justified in assuming that. I shall not interpose an objection, but suppose we do not conclude this matter by 6 or half past 6 o'clock or 7 o'clock?

Mr. McCUMBER. I will withhold my request for the present, but I wish to give notice that if in a reasonable time we dispose of the conference report I shall ask that an evening session be held for this purpose.

The VICE-PRESIDENT. The Senator from Mississippi will proceed.

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Alabama?

Mr. McLAURIN. For a question I will yield.

Mr. MORGAN. I wish to make a statement about the order of business, only.

Mr. McLAURIN. I would prefer that the Senator would wait until I have finished what I have to say. I will not take long.

Mr. MORGAN. I merely wish to give notice about a resolution.

Mr. McLAURIN. Very well, if the Senator will be brief I yield.

Mr. MORGAN. The junior Senator from Ohio [Mr. DICK] has informed me that he desires to-morrow morning to submit some observations, of a brief character, I have no doubt, upon a resolution that is pending in this body and that has the privilege of being called before the body at any time. I wish to have it understood that in any agreement made about the disposal of the morning hour to-morrow the rights of the junior Senator from Ohio shall be respected under that agreement, and that whatever agreement is made shall be subordinate to those rights.

The VICE-PRESIDENT. The Senator from Mississippi will proceed.

Mr. McLAURIN. Mr. President, since all this confusion I hardly know where I had begun, but I believe I had just started. The very first section of the first article of the Constitution says:

> All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

This, then, is a Senate of the United States. The House of Representatives is the House of Representatives of the United States. It is stated by the Senator from Wisconsin [Mr. SPOONER] that members of the Senate and Members of the House of Representatives are officers. I shall show presently that the Supreme Court of the United States, so far from deciding that they are not officers of the United States, have decided this far that they are not officers of the State.

Now, Mr. President, I take it that nobody will question that the Vice-President of the United States is an officer of the United States. Section 3, Article I, says:

> The Vice-President of the United States shall be President of the Senate, but shall have no vote unless they be equally divided.

I am reading now from this same section 3 of the Constitution. Now, let us see:

> The Senate shall choose their other officers, and also a President pro tempore in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

That is to say, this body is a Senate of the United States. The Vice-President of the United States is an officer of this Senate. What can it mean when it says "other officers?" The Vice-President is to be President of the Senate, but the Senate is to choose its other officers. Then the Vice-President, by all the rules of logic that I have ever heard of, is bound to be an officer of the United States Senate, and the United States Senate is the Senate of the United States.

Now, then, the members of the United States Senate are officers. Those who deny that they are officers of the United States say they are officers. They are not State officers. Of what are they officers? It seems to me to be wanting in every principle of reason—I will not say absurd, because that might be offensive to some Senators—but it seems to me that the proposition is without logic upon any principle of logic to say that a Senator is an officer, that he is an officer of the Senate of the United States which is a part of the Congress of the United States, and yet he is not an officer of the United States. Further, they say he is an officer of the Congress of the United States, but not an officer of the United States. He is not a State officer, as the Supreme Court has decided.

It was not decided in the Burton case that a Senator is not an officer of the United States. It was decided that he is not an officer under the Government of the United States. A clerk in one of the Departments is an officer under the Government of the United States. He comes up to all the definition of an officer. The chief of one of the bureaus, of one of the divisions, is an officer under the Government of the United States. He is an officer because he fulfills the definition of an officer, and if he is an officer he is an officer under the Government of the United States.

The Supreme Court, when it was deciding the question that the court had no power to remove a Senator from his office, was only holding that he was not an officer under the United States Government.

The Constitution provides how a Senator can be removed from office, and "the naming of one is the exclusion of all others" is a legal maxim. When the Constitution provided that a Senator could be removed by expulsion and named no other means by which he could be removed, then it was equal to saying that there is no other way by which a Senator can be removed, just as forcible as if the Constitution had said that a Senator can be removed by expulsion, but not removed in any other way.

The Blount case never decided that a Senator was not an officer of the United States. Two points were presented to the Senate, and they were voted on together. One was that a Senator is not a civil officer of the United States, and the other was that even if a Senator is a civil officer of the United States, not being an officer at the time of impeachment he did not come within the rules prescribed in section 4 of Article II, because it is stated that—

> The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

Now, these two questions were put to the Senate in one resolution. A man might hold that a Senator was a civil officer of the United States and yet vote against the resolution of im-

peachment, because he might hold that the provision of section 4, Article II, of the Constitution did not and does not apply to ex-officers of the United States.

Mr. SPOONER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Wisconsin?

Mr. McLAURIN. I yield to the Senator.

Mr. SPOONER. Does the Senator contend that a Senator is impeachable?

Mr. McLAURIN. No, sir; I hold he is not impeachable; not because he is not an officer of the United States, but because the Constitution provides another way of excluding him or expelling him or getting rid of him after he has committed any crime for which he ought to be expelled. What other question did the Senator want to ask? He started to ask another question.

Mr. SPOONER. That is all right.

Mr. BACON. I suggest to the Senator there are a great many officers of the United States who could be impeached and also removed by the President of the United States.

Mr. McLAURIN. I think where there is a general provision made for the removal of an officer by the Senate or by the President he can not be removed in any other way. Whenever the Constitution provides a particular way for the removal of an officer I do not think he can be removed in any other way. I never heard it denied that the naming of one is the exclusion of all others.

Mr. BACON. The Supreme Court of the United States has decided that in the absence of any express prohibition the President of the United States can remove any officer of the Executive Department.

Mr. McLAURIN. That is all right. I have no objection to that.

Mr. BACON. Those officers are certainly subject to impeachment by the House and trial by the Senate for the same offense for which the President would also be authorized to remove them summarily.

Mr. McLAURIN. Under what authority would they be impeachable?

Mr. BACON. Under the constitutional authority which makes all officers officers of the United States.

Mr. McLAURIN. If the Constitution provides two modes of removing an officer, then he can be removed by either of them, but when the Constitution provides for the removal or for the expulsion of a Senator and makes each House the judge of the qualifications of its own members, I do not believe that a Senator is impeachable for that reason, not because he is not a civil officer of the United States. The House can not interfere with a Senator's seat by impeachment or otherwise any more than a Senator can interfere with a Representative's seat.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. McLAURIN. I will yield for a question.

Mr. SPOONER. Does not the Senator think that every officer of the United States is an officer holding an office under the United States?

Mr. McLAURIN. Does the Senator say under the Government of the United States?

Mr. SPOONER. Under the United States; under the Government of the United States.

Mr. McLAURIN. No, sir; every officer is not an officer holding office under the Government of the United States. The Senator holds his office under the Constitution of the United States. He does not hold it under the Government. The Government of the United States is one thing; the administration of the Government of the United States is a very different thing. They are not identical, nor are they synonymous. The Government of the United States is administered by certain bodies; the Government of the United States is administered by the executive department of the United States. This legislative department makes the laws for the Government of the United States, to be administered by the executive department. The judicial department expounds those laws. I am sure the Senator from Wisconsin does not hold his office under the Government of the United States, but I am sure he holds it under the Constitution of the United States.

Mr. SPOONER. I admit that.

Mr. MORGAN. Under the ægis of the United States.

Mr. McLAURIN. Now, Mr. President, when this matter was up once before, I called attention to two Supreme Court reports, and I put in the RECORD on the 18th of May two decisions of the Supreme Court of the United States that these officers are not officers of the State governments. Now, let us see. In the case of Ex parte Siebold, in 100 United States Reports, at page 393, this language is used. I find it in the RECORD on page 7289. The court say:

> In what we have said it must be remembered that we are dealing only with the subject of elections of Representatives to Congress."

Now, I call attention to this:

> If, for its own convenience, a State sees fit to elect State and county officers at the same time and in conjunction with the election of Representatives, Congress will not be thereby deprived of the right to make regulations in reference to the latter.

There it is. They are not State officers. The court distinguishes them from State officers. No lawyer would hold that this is not a clear adjudication that they are not State officers.

There was a dissenting opinion, not on this proposition, but on other propositions in that case. Justice Field delivered the dissenting opinion, not particularly in that case, but in the Clarke case, which came in this report just after the Siebold case, and the same principle was involved in both. The dissenting opinion of Judge Field was delivered in the Clarke case, but it applied to the Siebold case. He said:

> The same thing is true in all cases where the agency of State officers is used; and this doctrine applies with special force to judges of elections at which numerous State officers are chosen at the same time with Representatives to Congress.

It shows that the court was unanimous on the proposition that they were not State officers. I believe one or two of the judges concurred in the dissenting opinion. It proceeds further:

> So far as the election of State officers and the registration of voters for their election are concerned, the Federal Government has confessedly no authority to interfere.

On page 419, in the same dissenting opinion, Judge Field said:

> The views expressed derive further support from the fact that the constitutional provision applies equally to the election of Senators, except as to the place of choosing them, as it does to the election of Representatives.

In the case of Ex parte Yarbrough, in the one hundred and tenth volume of United States Reports, at page 662, Judge Miller said.

> If this be so, and it is not doubted, are such powers annulled because an election for State officers is held at the same time and place? Is it any less important that the election of Members of Congress should be the free choice of all the electors because State officers are to be elected at the same time?

There is a decision that they are not State officers; and if they are not State officers, but are officers, as the Senator from Wisconsin says they are, then of what are they officers? Of what are these officers, if they are not officers of the United States?

I want to say another thing with reference to the Burton case, that any lawyer who will take the pains to examine that case will see that the court was speaking with reference to the power of the court to remove Senators of the United States, and they held that they had not the power. Counsel for Burton contended that Senators are not officers of the United States, and therefore not amenable to the legislation of section 1782, Revised Statutes, and the court decided against this contention.

The proposition that Senators must be citizens of the State for which they are chosen does not change the fact that they are officers of the United States. They are officers of the United States chosen for a State. Each State has a right to choose for itself these two officers of the United States. It does not follow because a State chooses two officers that therefore they are not officers of the United States, because in time of war the State has a right to appoint officers of the volunteer regiments and companies, but still they are officers of the United States Army and not officers of the State.

The United States pays the salary of Senators and Representatives. The State does not pay it. Can any Senator point to any other officer of a State or any other officer who is not an officer of the United States whose salary is paid by the United States Government?

Mr. President, as there was some restlessness manifested when I took the floor, and these views, while they might be elaborated, present my objections to the proposition that a Senator or a Representative is not an officer of the United States, I will submit them without any further elaboration; but I could not let this proposition, which I think is unsound as a legal proposition, go nem. con., as if all Senators agreed that it was sound legal doctrine, when I for one must say that I do not regard it as sound doctrine at all.

Mr. TILLMAN. Mr. President, I move that the Senate disagree to the report of the committee of conference.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

Mr. ELKINS. I want to be heard on that question, Mr. President.

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from West Virginia?

Mr. TILLMAN. Certainly. I have been accused of monopolizing all the time, and I do not want to have any such accusation as that imputed to me again.

Mr. ELKINS. Mr. President——

Mr. FORAKER. If the Senator from West Virginia desires to address the Senate, I hardly think he ought to be compelled to do so at half past 6 o'clock in the evening. If the Senator desires to speak at any length, would he not prefer to address the Senate to-morrow?

Mr. ELKINS. I think we had better adjourn.

Mr. NELSON. I suggest to the Senator from West Virginia that we meet to-morrow at 11 o'clock.

Mr. ELKINS. I think so; I am agreeable to that.

Mr. NELSON. If the Senator will allow me, I will make the motion that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

The VICE-PRESIDENT. The Senator from Minnesota moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow. The question is on that motion.

The motion was agreed to.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. ELKINS. Certainly.

Mr. McCUMBER. I ask unanimous consent, Mr. President, that the Senate take a recess until 8 o'clock this evening for the purpose of considering unobjected House bills, and also Senate pension bills on the Calendar, including the Senate bills reported to-day, and also including one concurrent resolution to recall from the President Senate bill 3028, granting an increase of pension to Helen C. Sanderson.

Mr. HOPKINS. And including a joint resolution now on the Calendar favorably reported and recommended by the War Department.

Mr. BLACKBURN. To what resolution does the Senator from Illinois refer?

Mr. McCUMBER. I hope the Senator from Illinois will not ask that the resolution be taken up. The concurrent resolution to which I have referred is merely to recall a pension bill. That is the reason I included it.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I yield.

Mr. TILLMAN. I was out of the Senate for a moment, and I should like to know what has become of the conference report.

Mr. McCUMBER. I will say that the Senator from West Virginia [Mr. ELKINS] has stated to me that he intends to make quite a long speech, so long that he would probably not get through in time to allow us to vote on the report this evening, but he desired to proceed in the morning at 11 o'clock. The motion already has been agreed to that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. TILLMAN. The Senator from West Virginia is not as anxious to adjourn and get away from here as some of us are. I hope the Senate will not consent to any such arrangement as that. The Senator can continue his speech. I hope he will and that the Senate will see to it that we get this conference report back into conference to-night, because, under the conditions that exist here, no one knows when we will get away from here if we are tied up in this way.

Mr. McCUMBER. I made a motion, Mr. President, and that can be put to the Senate.

The VICE-PRESIDENT. Will the Senator restate his motion?

Mr. McCUMBER. I move that the Senate now take a recess until 8 o'clock this evening, and that at 8 o'clock this evening there shall only be considered prior to adjournment unobjected House bills and unobjected Senate pension bills on the Calendar, including pension bills reported to-day, and also to consider a concurrent resolution asking for the return of a certain pension bill that has been already passed, being Senate bill 3028.

Mr. TILLMAN. Is that a request for unanimous consent?

Mr. McCUMBER. No; I make a motion. I put it in the form of a motion.

The VICE-PRESIDENT. The Senator moves that the Senate now take a recess until 8 o'clock to-night.

Mr. TILLMAN. That puts the conference report over until to-morrow inevitably.

The VICE-PRESIDENT. It would have that effect if the motion prevails. The Chair will put the motion.

Mr. CLAY. Mr. President, can the Senator make two motions at the same time—first, that the Senate take a recess until 8 o'clock, and then that when the Senate meet at 8 o'clock it transact certain business? I ask that the question be divided. If the Senator wants to make a motion to take a recess until 8 o'clock, all right; but if we take that recess, let the Senate when it reassembles determine what business we shall transact. If we expect to get away from here this week, we at least ought to make this conference report the first thing that we consider.

Mr. TILLMAN. I hope the Senator from North Dakota will understand that I am entirely willing and anxious to facilitate and help him to get his pension matters attended to; but every Senator here must realize the importance of our not deferring and putting off getting this conference report back into conference.

Mr. McCUMBER. I am willing to divide the motion, as suggested.

The VICE-PRESIDENT. The Chair thinks the motion is divisible.

RECESS.

Mr. McCUMBER. I move that the Senate take a recess until 8 o'clock this evening.

The motion was agreed to.

The Senate thereupon (at 6 o'clock and 30 minutes p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

UNLADING OF BONDED MERCHANDISE.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 7099) to amend section 2171 of the Revised Statutes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendments, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. GALLINGER, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

PROTECTION OF WILD BIRDS AND ANIMALS IN THE DISTRICT.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendment of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. GALLINGER. I move that the Senate insist upon its amendment, agree to the conference asked by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. BLACKBURN, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

COLUMBIA INDIAN RESERVATION, WASHINGTON.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House (the Senate concurring), That the President be requested to return to the House of Representatives the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington.

WORKS OF RIVER AND HARBOR IMPROVEMENT.

Mr. MALLORY submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered ——, and agree to the same with an amendment as follows, to wit: That the second section of said bill be stricken out, so that the bill may read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:* That an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, be amended so as to read as follows:

"That whenever any person, company, or corporation, munici-

pal or private, shall undertake to secure any land or easement therein needed in connection with a work of river and harbor improvement duly authorized by Congress for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings, and any award that may be made thereunder, shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced."

S. R. MALLORY,
KNUTE NELSON,
J. H. GALLINGER,
Managers on the part of the Senate.

T. E. BURTON,
R. P. BISHOP,
T. H. BANKHEAD,
Managers on the part of the House.

The report was agreed to.

HELEN C. SANDERSON.

Mr. McCUMBER submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to.

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return to the Senate the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

CONSIDERATION OF UNOBJECTED BILLS.

Mr. McCUMBER. I ask unanimous consent that the Senate proceed to the consideration of unobjected House bills on the Calendar and unobjected Senate pension bills on the Calendar, and also such pension bills as were reported to-day, and unobjected bills correcting military records, including resolutions for the return of pension bills.

The VICE-PRESIDENT. The Senator from North Dakota asks unanimous consent that the Senate proceed to the consideration of unobjected House bills and unobjected pension bills on the Calendar, and pension bills reported to-day, and unobjected bills correcting military records, and resolutions for the return of pension bills. Is there objection?

Mr. CLAPP. Do I understand from that that we are to commence with the Calendar and proceed with it?

Mr. GALLINGER. Yes.

Mr. CLAPP. All right.

Mr. LONG. And unobjected Senate bills?

Mr. WARREN. Unobjected House bills.

Mr. NELSON. I suggest a modification—that we proceed with the bills until the Senator from South Carolina [Mr. TILLMAN] comes in and is ready to take up the conference report on the rate bill. That was the pending matter when we took a recess, and it is pending. I ask that it be temporarily laid aside, and that the request be granted subject to the conference report on the rate bill.

The VICE-PRESIDENT. Is there objection to the modification suggested?

Mr. BERRY. I should like to ask unanimous consent that after the conclusion of the business which is requested, no other business on the Calendar shall be taken up to-night.

Mr. GALLINGER. That is right. That will be understood.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from North Dakota?

Mr. NELSON. The request for unanimous consent I shall have to object to, because I think the conference report should be disposed of this evening.

Mr. GALLINGER. Let the conference report be laid aside temporarily.

Mr. McCUMBER. I ask, then, that the conference report be temporarily laid aside. I wish to state in this connection that I do not believe many Senators understood that we would take up the conference report again this evening.

Mr. NELSON. It was the matter pending when we took our recess.

Mr. McCUMBER. I am aware of that, but I think many thought there would scarcely be enough Senators present this evening to take up the conference report.

Mr. NELSON. If there should be a desire to take it up I do not want this order to interfere with it.

Mr. GALLINGER. Let the conference report be laid aside. I will state that the Senator from West Virginia [Mr. ELKINS] suggested that probably he would not be ready to proceed this evening.

The VICE-PRESIDENT. Without objection, the conference report will be temporarily laid aside, and the first unobjected House bill on the Calendar will be stated.

JOSEPH LAWRENCE.

Mr. CULLOM. Will the Senator allow me to have a couple of pension bills passed? I do not care to stay here very long. There will be no opposition to them.

Mr. McCUMBER. Very well.

Mr. CULLOM. I ask unanimous consent for the consideration of the bill (H. R. 17652) granting an increase of pension to Joseph Lawrence.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Lawrence, late of Company G, First Regiment Missouri Volunteers (St. Louis Legion), war with Mexico, and Company C, First Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CALVIN CORSINE.

Mr. CULLOM. I ask unanimous consent for the consideration of the bill (H. R. 19220) granting an increase of pension to Calvin Corsine.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Calvin Corsine, late of Company B, Twelfth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SPEED OF AUTOMOBILES.

The bill (H. R. 16384) regulating the speed of automobiles in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, on page 1, line 11, after the word "avenues," to insert "nor at a greater rate of speed than 15 miles an hour through any of the parks within said District."

The amendment was agreed to.

The next amendment was, on page 2, line 2, after the word "streets," to strike out "on which there are no railroad or street-railway tracks."

The amendment was agreed to.

The next amendment was, on page 2, line 4, after the word "hour," to strike out "nor at a greater rate of speed than 5 miles an hour across any intersecting streets or avenues on which there are railroad or street railway tracks."

The amendment was agreed to.

The next amendment was, in line 7, before the word "miles," to strike out "four" and insert "six;" so as to read:

Nor at a greater rate of speed than 6 miles an hour around the corners of any street or avenue.

The amendment was agreed to.

The next amendment, was on page 2, line 24, to strike out "fifteen" and insert "twenty;" so as to read:

Outside of said fire limits at a greater rate of speed than 20 miles an hour.

The amendment was agreed to.

The next amendment was, one page 2, line 25, after the words "miles an hour," to insert:

And when meeting or passing any other vehicle the speed shall not exceed 12 miles an hour, and any automobile shall be brought to a full stop whenever the driver of a horse-drawn vehicle shall signal by raising the hand.

The amendment was agreed to.

The next amendment was, on page 3, line 15, after the words "first offense," to insert "and for any and all subsequent offenses."

The amendment was agreed to.

The next amendment was, on page 3, line 17, after the word "dollars," to strike out "or at the discretion of the court" and insert "and;" so as to read:

Be fined not less than $50 nor more than $250, and be imprisoned in the workhouse for not less than thirty days nor more than six months.

The amendment was agreed to.

Mr. MALLORY. I should like to inquire what is the penalty provided.

Mr. GALLINGER. I will say to the Senator that the penalty for the first offense is a fine of not less than $5 and not more than $50; for the second offense, a fine of not less than $10 nor more than $100, or imprisonment, in the discretion of the court, for thirty days, and for the third offense, if committed within one year, and for subsequent offenses, a fine of not less than $50 nor more than $250 and imprisonment for not less than thirty days nor more than six months.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

CONTRACTS WITH THE DISTRICT OF COLUMBIA.

The bill (H. R. 10074) in relation to contracts with the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PENSIONS FOR PARTICIPANTS IN BATTLES WITH INDIANS.

Mr. CLAPP. The next bill on the Calendar is a Senate bill proposing to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn. I ask that it be taken up.

There being no objection, the bill (S. 752) to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862, was considered as in Committee of the Whole. It proposes to place on the pension roll, subject to laws and regulations as to ratability for pensions, those citizens of the State of Minnesota enrolled in any company serving under command of Charles E. Flandrau during the battles of New Ulm, between the 19th and 24th days, both inclusive, of August, 1862, or who were organized by the commanding officer at Fort Ridgely and served under Ordnance Sergt. John Jones, United States Army, during the attack of Sioux Indians on Fort Ridgely in August, 1862, and whose names appear on the roster of citizens participating in the defense of New Ulm or Fort Ridgely in Charles E. Flandrau's list of "Citizen soldiers engaged in the Sioux Indian war," prepared and published under an act of the legislature of Minnesota, dated April 16, 1889, which is published and known as "Minnesota in the Civil and Indian Wars," or, in case of death, the surviving widow and minor children of any such citizen.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUNISHMENT FOR EXTORTION.

The bill (H. R. 9721) to amend section 5481 of the Revised Statutes of the United States was considered as in Committee of the Whole. It proposes to amend section 5481 of the Revised Statutes of the United States, so as to read:

SEC. 5481. Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who is guilty of extortion, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, and every person who shall attempt any act which if performed would make him guilty of such extortion, shall be punished by a fine of not more than $500 or by imprisonment for not more than one year, or by both such fine and imprisonment, except those officers or agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC HEALTH AND NATIONAL QUARANTINE.

The bill (H. R. 14316) to further protect the public health and make more effective the national quarantine was announced as next in order.

Mr. MALLORY. I move that that bill be indefinitely postponed. The Senate has passed on this subject. The House amended the Senate bill, and the conferees partly agreed upon it and the bill has passed, and I understand has been signed. Therefore this bill has no point in being on the Calendar.

The VICE-PRESIDENT. The Senator from Florida moves that the bill be indefinitely postponed.

The motion was agreed to.

BRIDGE ACROSS TUG BRANCH OF BIG SANDY RIVER.

The bill (H. R. 17945) authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COURTS AT ALBANY, GA.

The bill (H. R. 11501) to amend an act to provide for circuit and district courts of the United States at Albany, Ga., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DIRECTOR OF RECLAMATION SERVICE.

The bill (H. R. 17833) providing for the administration of the operations of the act of Congress approved June 17, 1902, known as the "Reclamation Service," was announced as next in order.

Mr. McCUMBER. As there is no one here to look after that bill, and it is very important——

Mr. WARREN. I hope objection will not be made.

Mr. McCUMBER. I will not make objection if there is somebody here who will stand sponsor for it.

Mr. WARREN. It is a bill to which there is no opposition, and it ought to pass without delay.

The VICE-PRESIDENT. The bill will be read.

The Secretary read the bill, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. McCUMBER. On page 1, line 6, I move to strike out the words "six thousand," where they appear in the bill, and insert in lieu thereof the words "three thousand."

Mr. WARREN. I will ask the Senator to withhold that amendment until the Secretary reads the clause in the bill about salary and the committee amendments to the bill.

The VICE-PRESIDENT. Does the Senator from North Dakota yield?

Mr. McCUMBER. I yield, Mr. President.

The VICE-PRESIDENT. There are several Senate amendments reported by the committee.

The first amendment of the Committee on Irrigation was, in section 2, page 1, line 8, after the word "That," to strike out "under the direction of the Secretary of the Interior;" in line 11, after the word "works," to strike out "for the storage, diversion, and development of waters, including artesian wells;" and on page 2, line 4, after the word "thereto," to insert "and he shall, subject to the approval of the Secretary of the Interior, select and appoint the scientific, professional, and technical employees of the service exclusively for their qualifications as professional experts;" so as to make the section read:

SEC. 2. That the Director of the Reclamation Service shall make examinations and surveys for and locate and construct, operate and maintain irrigation or reclamation works, as provided in the act of June 17, 1902, known as the reclamation act, and any act amendatory thereof or supplementary thereto, and he shall, subject to the approval of the Secretary of the Interior, select and appoint the scientific, professional, and technical employees of the service exclusively for their qualifications as professional experts.

The amendment was agreed to.

The next amendment was, in section 3, page 2, line 10, after the word "the," to strike out "Secretary of the Interior" and insert "Director of the Reclamation Service;" in line 11, after the word "Congress," to insert "through the Secretary of the Interior," and on page 3, line 2, after the word "law," to insert "including the aggregate amount to be paid to laborers directly employed by the Government on each project;" so as to make the section read:

SEC. 3. That immediately after the close of each fiscal year the Director of the Reclamation Service shall prepare and submit to Congress through the Secretary of the Interior a report covering the fiscal year just closed of all operations and expenditures under the reclamation act, the results of all examinations and surveys, the condition of each project proposed and undertaken, the quantity and location of lands which can be irrigated from each, estimates of costs of all works contemplated or under construction; also detailed report of expenditures of each and every kind on each project under construction and total of expenditures on such project; also all returns and reimbursements to the reclamation fund; also a statement of all employees of the Reclamation Service, other than laborers, giving their names, salaries, and where employed; also all expenditures in the acquisition of lands, canals, or other property, and all other information that may be necessary to inform Congress as to all the operations under the law, including the aggregate amount paid to laborers directly employed by the Government on each project. And in order that said report may be in print for the information of Congress at the beginning of each regular session thereof the Secretary of the Interior, as soon as said report is completed, is hereby authorized to transmit the same to the Public Printer with the statement that the usual number of copies is required, and the Public Printer is hereby directed to print the same.

The amendment was agreed to.

The next amendment was in section 4, page 3, line 11, after the word "That" to insert "through;" in the same line, after the word "Interior," to insert "the Director of the Reclamation Service;" in line 18, after the word "expenses," to insert "including traveling expenses to be separately stated;" so as to make the section read:

SEC. 4. That through the Secretary of the Interior the Director of the Reclamation Service shall submit in the Annual Book of Estimates,

under the head of Irrigation of Arid Lands, a statement of the amounts proposed to be expended during the succeeding year, under the provisions of the reclamation act, for examinations and surveys, for construction, for operation and maintenance, and for general expenses, including traveling expenses to be separately stated; also the number of persons employed in the Reclamation Service in the city of Washington and elsewhere and the rate of compensation paid to each during the fiscal year next preceding the fiscal year for which estimates are submitted, excluding temporary employees and laborers. The expenditures made in pursuance of such estimates shall be dependent upon conditions of practicability, as developed by the surveys and investigations and upon compliance with the provisions of the said reclamation act and of any act amendatory thereof or supplementary thereto.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 6, after the word "the," where it occurs the first time, to insert "present;" in line 9, after the word "exceed," to strike out "one" and insert "four;" in the same line, after the word "thousand," to strike out "five hundred," and in the same line, after the word "dollars," to insert "per annum," so as to make the section read:

SEC. 5. That until the President appoints a Director of the Reclamation Service, as provided herein, the duties of said office shall be performed by the present Director of the Geological Survey, who shall receive for such services, in addition to any other official salary he may be receiving, a sum not to exceed $4,000 per annum, to be determined by the President and paid from the reclamation fund, said additional sum to be paid to said Director notwithstanding section 1765 of the Revised Statutes or section 3 of the act of June 20, 1874, chapter 328.

The amendment was agreed to.

Mr. McCUMBER. I wish the Senator would allow the bill to go over. It is an important measure. I do not want to insist on it, but I do feel, Mr. President, that when we take a clerkship of this character and give a salary greater than that given to a Member of Congress we are going too far. It is proposed to give a salary equivalent to that which is given to the Director of the Geological Survey. The salary fixed here is so entirely out of harmony with salaries of other officers of like grades that it does not seem to me we ought to pick out one man and double his salary for the character of labor that is performed by others at from $2,000 to $3,000 per annum.

Mr. WARREN. Either the Senator is mistaken or I am. The salary named, as I recall it, is not exceeding a certain amount. I have not the bill here before me just at this moment—perhaps the Senator from Montana can give us some information.

Mr. McCUMBER. The Senator will understand that wherever we provide that a salary shall not exceed a certain amount it is always construed to be that it shall be up to that figure.

Mr. WARREN. It never will be more and it may be less.

Mr. McCUMBER. It never will be less than that. I wish the Senator would let the bill go over.

The VICE-PRESIDENT. Is there objection to the further consideration of the bill?

Mr. McCUMBER. If we should vote on it to-night we could not get a voting quorum.

Mr. WARREN. I understand the Senator objects to it, and of course it must go over. I ask that it may go over without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

SEAL FOR UNITED STATES COMMISSIONERS.

The bill (H. R. 7) to provide a seal for United States Commissioners was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHILD LABOR IN THE DISTRICT.

The bill (H. R. 17838) to regulate the employment of child labor in the District of Columbia was announced as next in order.

Mr. McCUMBER. I understand when this bill was before the Senate on a previous occasion objection was made to it by the Senator from Maine [Mr. HALE]. Neither that Senator nor the Senator from Iowa [Mr. DOLLIVER] being present, I ask that the bill go over.

The VICE-PRESIDENT. The bill will go over without prejudice.

OCEAN SHORE RAILWAY COMPANY.

The bill (H. R. 15078) granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEIRS AT LAW OF MASSALON WHITTEN, DECEASED.

The bill (H. R. 12252) for the relief of the heirs at law of Massalon Whitten, deceased, was considered as in Committee of the Whole. It directs the Secretary of the Treasury to pay to the heirs at law of Massalon Whitten, deceased, $137.50, for services performed by Massalon Whitten in his lifetime as mail contractor on route No. 10256, in the State of Tennessee, between the 1st day of January, 1861, and the 31st day of March, 1861.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROHIBITION OF SHANGHAIING.

The bill (H. R. 19374) to prohibit shanghaiing in the United States was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COAL-LAND LOCATIONS IN ALASKA.

The bill (H. R. 17415) to authorize the assignees of coal-land locations to make entry under the coal-land laws applicable to Alaska was announced as next in order.

Mr. NELSON. Mr. President, that bill has passed and a motion has been entered by the Senator from Wisconsin to reconsider the vote by which it was passed.

Mr. GALLINGER. Let the bill go over, then.

The VICE-PRESIDENT. The bill will go over.

APPEALS IN CRIMINAL PROSECUTIONS.

The bill (H. R. 15434) to regulate appeals in criminal prosecutions was announced as next in order.

The VICE-PRESIDENT. The bill has been twice heretofore considered as in Committee of the Whole. The question is on the amendment proposed by the Senator from Colorado.

Mr. NELSON. That amendment has been disagreed to, and the amendment reported by the committee has been agreed to, I understand.

The VICE-PRESIDENT. Without objection, the amendment will be considered as agreed to.

Mr. MALLORY. That bill, I believe, was up the other day, and has been twice objected to.

The VICE-PRESIDENT. Is there objection to its present consideration?

Mr. MALLORY. I should like to hear the bill again read.

The VICE-PRESIDENT. The bill will be again read.

The SECRETARY. The bill was reported by the Committee on the Judiciary with an amendment to strike out all after the enacting clause and to insert:

That a writ of error may be taken by and on behalf of the United States from the district or circuit courts to the Supreme Court or the circuit courts of appeals, as prescribed in an act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, and the acts amendatory thereof, in all criminal cases, in the following instances, to wit:

From the decision or judgment quashing or setting aside an indictment;

From the decision or judgment sustaining a demurrer to an indictment or any count thereof;

From the decision arresting a judgment of conviction for insufficiency of the indictment;

From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy.

In all these instances the United States shall be entitled to a bill of exceptions as in civil cases.

Mr. MALLORY. Mr. President, that is a very important bill and creates very great changes in existing law. While I am not prepared to say that I should vote against it after I had an opportunity of making a very careful examination of it, I should vote against it now without having had an opportunity to make such investigaion. I therefore object to its consideration.

The VICE-PRESIDENT. The bill being objected to, will go over without prejudice.

NATIONAL EDUCATION ASSOCIATION.

The bill (H. R. 10501) to incorporate the National Education Association of the United States was announced next in order.

Mr. CULBERSON. I take it that that is a very important bill. A report has been made in support of it, which I have not had an opportunity to examine.

Mr. McCUMBER. I ask that the bill may go over, Mr. President.

The VICE-PRESIDENT. The bill will go over without prejudice.

SOUTHERN HISTORICAL SOCIETY.

The joint resolution (H. J. Res. 92) authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags was considered as in Committee of the Whole. It authorizes the Secretary of War to deliver to the Confederate Memorial Literary Society of Richmond, Va., all of the Confederate battle flags now in the custody of the War Department which it has been found impossible, after

thorough investigation, to trace to the former ownership or custody of the troops of any particular State.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSCAR B. MORRISON.

The bill (H. R. 717) granting an increase of pension to Oscar B. Morrison was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oscar B. Morrison, late captain Company A, Ninety-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

PETER NOBLET.

The bill (H. R. 14345) granting an increase of pension to Peter Noblet was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Noblet, late of Company I, Twenty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MORTIMER F. SPERRY.

The bill (H. R. 10965) granting an increase of pension to Mortimer F. Sperry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mortimer F. Sperry, late of Company D, One hundred and thirty-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. DAWES.

The bill (H. R. 8903) granting an increase of pension to John W. Dawes was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John W. Dawes, late of Company B, Fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RICHARD A. ROBERTS.

The bill (H. R. 6510) granting an increase of pension to Richard A. Roberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Richard A. Roberts, late of Company C, Seventeenth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT SRIVER.

The bill (H. R. 3369) granting an increase of pension to Albert Sriver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert Sriver, late of Company F, Forty-first Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM ADAMS.

The bill (H. R. 19068) granting an increase of pension to William Adams was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Adams, late of Company C, Sixth Regiment United States Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WICKLINE.

The bill (H. R. 19262) granting an increase of pension to John Wickline was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Wickline, late of Company H, Twentieth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALMUS HARRINGTON.

The bill (H. R. 19305) granting an increase of pension to Almus Harrington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Almus Harrington, late of Company D, Twenty-fourth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE MERRILL.

The bill (H. R. 3222) granting an increase of pension to George Merrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George Merrill, late of Company A, Fiftieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN J. SCHNELLER.

The bill (H. R. 6190) granting an increase of pension to John J. Schneller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John J. Schneller, late of Company E, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN HECKER.

The bill (H. R. 6914) granting an increase of pension to John Hecker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Hecker, late of Company K, First Regiment Wisconsin Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT A. SCOTT.

The bill (H. R. 7589) granting an increase of pension to Robert A. Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert A. Scott, late of Company B, Second Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BENJAMIN F. ANDREWS.

The bill (H. R. 7508) granting an increase of pension to Benjamin F. Andrews was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Benjamin F. Andrews, late of Company G, Twenty-first Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCY A. THOMAS.

The bill (H. R. 8140) granting a pension to Lucy A. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucy A. Thomas, widow of Harvey B. Thomas, late of band, First Brigade, First Division, Seventh Army Corps, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISHA G. HORTON.

The bill (H. R. 8552) granting an increase of pension to Elisha G. Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha G. Horton, late assistant surgeon, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEREMIAH Y. ANTRIM.

The bill (H. R. 16857) granting an increase of pension to Jeremiah Y. Antrim was considered as in Committee of the Whole. It proposes to place on the pension roll the name of

Jeremiah Y. Antrim, late of Company A, Seventh Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISABELLA ELLIS.

The bill (H. R. 16807) granting an increase of pension to Isabella Ellis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isabella Ellis, widow of George H. Ellis, late of Company A, Eleventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PARDON B. LAMOREUX.

The bill (H. R. 13075) granting an increase of pension to Pardon B. Lamoreux was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Pardon B. Lamoreux, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB STAUFF.

The bill (H. R. 18165) granting an increase of pension to Jacob Stauff was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Stauff, late of Company I, Twenty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILHELM GRIESE.

The bill (H. R. 1825) granting an increase of pension to Wilhelm Griese was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wilhelm Griese, late of Company K, First Regiment Wisconsin Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR SLATER.

The bill (H. R. 17528) granting an increase of pension to Edgar Slater was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edgar Slater, late of Company F, Thirty-sixth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. VAN DE BOGART.

The bill (H. R. 1294) granting an increase of pension to George W. Van de Bogart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Van de Bogert, late of Company K, Forty-ninth Regiment Wisconsin Volunteer Infantry, and to pay him a pendered to a third reading, read the third time, and passed.

The bill was reported to the Senate without amendment, orsion of $24 per month in lieu of that he is now receiving.

JOHN RAWLING.

The bill (H. R. 6900) granting an increase of pension to John Rawling was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Rawling, late of Company F, One hundred and fifty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. BURNS.

The bill (H. R. 19217) granting an increase of pension to William H. Burns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. Burns, late of Company A, Third Regiment Wisconsin Volunteer Infantry, and Company C, Sixth Regiment United States Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WESLEY A. J. MAVITY.

The bill (H. R. 8934) granting an increase of pension to Wesley A. J. Mavity was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Wesley A. J. Mavity, late of Company C, One hundred and thirty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. BAILOR.

The bill (H. R. 1689) granting an increase of pension to William A. Bailor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Bailor, late of Company H, One hundred and fifty-sixth Regiment Ohio National Guard Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL HARTLEY.

The bill (H. R. 3238) granting an increase of pension to Samuel Hartley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Hartley, late of Company K, One hundred and eleventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL LIKENS.

The bill (H. R. 3724) granting an increase of pension to Samuel Likens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Likens, late of Company I, Eighty-third Regiment, and Company I, Sixty-first Regiment, Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HENNON.

The bill (H. R. 4885) granting an increase of pension to James Hennon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Hennon, late of Company H, Thirty-third Regiment Iowa Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. BROWN.

The bill (H. R. 4887) granting an increase of pension to John F. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Brown, late of Company E, Thirty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NOTARIES PUBLIC IN THE DISTRICT.

The bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with an amendment to add the following proviso:

And provided further, That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid.

So as to make the bill read:

Be it enacted, etc., That section 558 of the Code of Law for the District of Columbia, relating to notaries public, be amended by adding at the end of said section the following: "*Provided,* That the appointment of any person as such notary public, or the acceptance of his commission as such, or the performance of the duties thereunder, shall not disqualify or prevent such person from representing clients before any of the Departments of the United States Government in the District of Columbia or elsewhere, provided such person so appointed as a notary public who appears to practice or represent clients before any such Department is not otherwise engaged in Government employ, and shall be admitted by the heads of such Departments to practice therein in accordance with the rules and regulations prescribed for other persons or attorneys who are admitted to practice therein: *And provided further,* That no notary public shall be authorized to take acknowledgments, administer oaths, certify papers, or perform any official acts in connection with matters in which he is employed as counsel, attorney, or agent or in which he may be in any way interested before any of the Departments aforesaid."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

JACOB H. HECK.

The bill (H. R. 17673) granting an increase of pension to Jacob H. Heck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob H. Heck, late of Company B, First Regiment Potomac Home Brigade Maryland Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. LOVENS.

The bill (H. R. 17705) granting an increase of pension to John A. Lovens was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Lovens, late of Company K, Thirteenth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABRAHAM E. SHEPPARD.

The bill (H. R. 18109) granting an increase of pension to Abraham E. Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Abraham E. Sheppard, late of Company I, Fortieth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. LUNGER.

The bill (H. R. 18324) granting a pension to Charles H. Lunger was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Lunger, late of Company C, Twelfth Regiment Pennsylvania Volunteer Infantry, war with Spain.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES J. CHRISTIE.

The bill (H. R. 18732) granting a pension to James J. Christie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James J. Christie, late of U. S. S. *Emerald*, *Cairo*, and *Clara Dolsen*, United States Navy, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM FOX.

The bill (H. R. 18829) granting an increase of pension to William Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Fox, late of Company B, Seventeenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLIS L. AYERS.

The bill (H. R. 18869) granting an increase of pension to Ellis L. Ayers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ellis L. Ayers, late of Company F, Eighty-fourth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL LAMBERT.

The bill (H. R. 18888) granting an increase of pension to Samuel Lambert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Lambert, late of Company B, One hundred and seventy-ninth Regiment Pennsylvania Drafted Militia Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL SMITH.

The bill (H. R. 18896) granting an increase of pension to Samuel Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Smith, late of Company C, One hundred and fourteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SCATTERGOOD.

The bill (H. R. 18956) granting an increase of pension to Joseph Scattergood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Scattergood, late of Company I, One hundred and thirty-eighth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES EDWARDS, ALIAS ST. CLAIR ACUFF.

The bill (H. R. 19010) granting an increase of pension to Charles Edwards, alias St. Clair Acuff, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Edwards, alias St. Clair Acuff, late of Batteries C and A, Fourth Regiment United States Artillery, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MILTON M'FARLAND.

The bill (H. R. 19025) granting an increase of pension to Milton McFarland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Milton McFarland, late of Company C, Sixth Regiment Pennsylvania Reserve Volunteer Infantry, and Company B, One hundred and ninety-first Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. MANKIN.

The bill (H. R. 19351) granting an increase of pension to William C. Mankin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Mankin, late of Company A, Twelfth Regiment New Jersey Volunteer Infantry, and Company D, Sixth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS J. BAUM.

The bill (H. R. 13058) granting an increase of pension to Thomas J. Baum was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas J. Baum, late of Company I, Eighty-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. MORRILL.

The bill (H. R. 13631) granting an increase of pension to James H. Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Morrill, late of Company F, Seventy-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTHA L. WOOD.

The bill (H. R. 14558) granting an increase of pension to Martha L. Wood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martha L. Wood, widow of Anson S. Wood, late captain Company M, and major, Ninth Regiment New York Volunteer Heavy Artillery, and to pay her a pension of $25 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA J. HUDSON.

The bill (H. R. 15653) granting an increase of pension to Eliza J. Hudson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza J. Hudson, widow of William H. Hudson, late of Company I, One hundred and thirtieth Regiment Indiana Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN CAMPBELL.

The bill (H. R. 15674) granting an increase of pension to Susan Campbell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan Campbell, widow of Miles E. Campbell, late of Company B, Twenty-second Regiment Iowa Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DOUGLAS A. HUNT.

The bill (H. R. 17901) granting an increase of pension to Douglas A. Hunt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Douglas A. Hunt, late of Company F, One hundred and ninety-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LAFAYETTE H. M'CLUNG.

The bill (H. R. 19009) granting an increase of pension to Lafayette H. McClung was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lafayette H. McClung, late of U. S. S. *Grampus*, *Milwaukee*, and *Winnebago*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC OVERTON.

The bill (H. R. 19121) granting an increase of pension to Isaac Overton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Overton, late of Company G, Ninth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARK HAM.

The bill (S. 6151) granting an increase of pension to Mark Ham was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mark Ham, late of Company H, Thirteenth and Thirtieth Regiments Maine Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARGARET HIMMEL.

The bill (S. 5637) granting an increase of pension to Margaret Himmel was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaret Himmel, widow of John Himmel, late of Company D, Ninety-third Regiment Pennsylvania Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

DAVID C. WINEBRENER.

The bill (H. R. 16836) granting an increase of pension to David C. Winebrener was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Winebrener, late captain Company A, Ninety-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

KATHERINE STUDDERT.

The bill (H. R. 17102) granting an increase of pension to Katherine Studdert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Katherine Studdert, widow of Thomas Studdert, late chief machinist United States ship *Marcellus*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IDA M. WARNER.

The bill (H. R. 18235) granting a pension to Ida M. Warner was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ida M. Warner, widow of Norman C. Warner, late first lieutenant Company E, Thirty-ninth Regiment Illinois Volunteer Infantry, and to pay her a pension of $17 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN C. BARNWELL.

The bill (H. R. 13998) granting an increase of pension to John C. Barnwell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John C. Barnwell, late of Company K, One hundred and twentieth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL B. SMITH.

The bill (H. R. 15676) granting an increase of pension to Samuel B. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel B. Smith, late of Company H, One hundred and thirty-third Regiment, and Company F, Two hundred and ninth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY DELONG.

The bill (H. R. 18609) granting an increase of pension to Henry Delong was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Delong, late of Company D, Thirtieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NANCY V. J. FERRELL.

The bill (H. R. 18725) granting a pension to Nancy V. J. Ferrell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nancy V. J. Ferrell, widow of John H. Ferrell, late pilot U. S. S. *Moose*, United States Navy, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY HORTON.

The bill (H. R. 18833) granting an increase of pension to Henry Horton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry Horton, late of Company G, First Regiment Minnesota Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEMUEL HAND.

The bill (H. R. 18876) granting an increase of pension to Lemuel Hand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lemuel Hand, late of Company I, Seventy-seventh Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA E. WHITLEY.

The bill (H. R. 19120) granting a pension to Eliza E. Whitley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza E. Whitley, widow of Silas A. Whitley, late of Company E, Third Regiment Illinois Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER M'ALISTER.

The bill (H. R. 19128) granting a pension to Alexander McAlister was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander McAlister, late of Captain Martin's company, California Volunteers, California Indian war, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALICE W. MORRILL.

The bill (H. R. 19272) granting an increase of pension to Alice W. Morrill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alice W. Morrill, widow of Lewis Morrill, late of Company D, Thirteenth

Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELISHA BROWN.

The bill (H. R. 19408) granting an increase of pension to Elisha Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elisha Brown, late of Company C, Eighth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HANSFORD G. GILKESON.

The bill (S. 6205) granting a pension to Hansford G. Gilkeson was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 7, after the word "Infantry," to insert "and Hospital Corps, United States Army, war with Spain;" and in line 9, before the word "dollars," to strike out "thirty" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hansford G. Gilkeson, late of Company K, Second Regiment Virginia Volunteer Infantry, and Hospital Corps, United States Army, war with Spain, and pay him a pension at the rate of $20 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHARLES E. HENRY.

The bill (S. 6197) granting an increase of pension to Charles E. Henry was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "late," to insert "second lieutenant Company A, and;" and in line 9, before the word "dollars," to strike out "seventy-five" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles E. Henry, late second lieutenant Company A, and first lieutenant and adjutant, Forty-second Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LYCURGUS D. RIGGS.

The bill (S. 4991) granting a pension to Lycurgus D. Riggs was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" and in the same line, after the word "month," to insert "in lieu of that he is now receiving;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lycurgus D. Riggs, late of Company E, Twenty-eighth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Lycurgus D. Riggs."

SAMUEL WHITE.

The bill (S. 2225) granting an increase of pension to Samuel White was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel White, late of Company B, Twenty-fifth Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL M. DAUGHENBAUGH.

The bill (S. 5710) granting an increase of pension to Samuel M. Daughenbaugh was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "of" and insert "captain;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Samuel M. Daughenbaugh, late captain Company G, Ninety-third Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CLARA A. R. DEVEREUX.

The bill (S. 6283) granting an increase of pension to Clara A. R. Devereux was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "late," to strike out "lieutenant-colonel" and insert "colonel;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara A. R. Devereux, widow of Arthur F. Devereux, late colonel Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BETSEY HATTERY.

The bill (S. 6228) granting a pension to Betsey Hattery was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "twelve" and insert "eight;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Betsey Hattery, widow of John Hattery, late of Company C, Third Regiment Wisconsin Volunteer Infantry, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES C. COAD.

The bill (S. 2880) granting an increase of pension to James C. Coad was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James C. Coad, late of Company K, First Regiment Missouri Volunteer Engineers, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN DICKEY.

The bill (S. 5994) granting an increase of pension to John Dickey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty-six" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John Dickey, late of Company I, Ninety-first Regiment Ohio Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LUCY FLORETTE NICHOLS.

The bill (S. 5081) granting a pension to Lucy Florette Nichols was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Lucy Florette Nichols, widow of William Nichols, late surgeon Third Regiment Massachusetts Volunteer Heavy Artillery, and pay her a pension at the rate of $8 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ANNA RING.

The bill (H. R. 19364) granting an increase of pension to Anna Ring was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, after the word "receiving," to insert "and $2 per month additional on account of the minor child of the said William Ring until it reaches the age of 16 years;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Anna Ring, widow of William Ring, late of Ordnance Department, United States Army, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving, and $2 per month additional on account of the minor child of the said William Ring until it reaches the age of 16 years.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HUGH REID.

The bill (H. R. 18523) granting an increase of pension to Hugh Reid was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hugh Reid, late hospital steward, First Regiment United States Volunteer Engineers, war with Spain, and to pay him a pension of $10 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANNIE A. TOWNSEND.

The bill (H. R. 2053) granting an increase of pension to Annie A. Townsend was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Annie A. Townsend, widow of George D. Townsend, late assistant surgeon Seventy-second Regiment New York Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL EATON.

The bill (H. R. 2759) granting an increase of pension to Daniel Eaton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Eaton, late of Company H, Third Regiment Maine Volunteer Infantry; Company D, Second Regiment United States Volunteer Sharpshooters, and Company C, First Regiment Maine Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID C. AUSTIN.

The bill (H. R. 4647) granting an increase of pension to David C. Austin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David C. Austin, late of Company I, Second Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

AUGUSTA C. REICHBURG.

The bill (H. R. 6893) granting a pension to Augusta C. Reichburg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Augusta C. Reichburg, widow of Peter Reichburg, late of Company B, Forty-seventh Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL S. CHASE.

The bill (H. R. 8291) granting an increase of pension to Daniel S. Chase was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel S. Chase, late of Company F, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES SPENCER.

The bill (H. R. 10280) granting an increase of pension to James Spencer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Spencer, late of Company G, Forty-second Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA E. GOODWIN.

The bill (H. R. 10282) granting an increase of pension to Emma E. Goodwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma E. Goodwin, widow of Francis E. Goodwin, late captain Company A, Twenty-fifth Regiment Massachusetts Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BROWNE.

The bill (H. R. 11100) granting an increase of pension to John Browne was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Browne, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE B. TRUE.

The bill (H. R. 11422) granting an increase of pension to George B. True was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George B. True, late of Company A, Twentieth Regiment Maine Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. GUILE.

The bill (H. R. 13609) granting an increase of pension to Charles H. Guile was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Guile, late of Company D, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM BARRETT.

The bill (H. R. 17809) granting a pension to William Barrett was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Barrett, helpless and dependent son of John Barrett, late of Company C, Twenty-eighth Regiment Massachusetts Volunteer Infantry, and Fifty-eighth Company, Second Battalion Veteran Reserve Corps, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES F. YOUNG.

The bill (H. R. 18384) granting an increase of pension to James F. Young was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James F. Young, late of Company D, Second Regiment New York Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA A. SMITH.

The bill (H. R. 19179) granting an increase of pension to Eliza A. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza A. Smith, widow of John H. Smith, late of Company A, First Regiment West Virginia Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL S. CONOVER.

The bill (H. R. 19238) granting an increase of pension to Daniel S. Conover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel S. Conover, late of Company D, Twenty-fourth Regiment New York Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO W. SHEDD.

The bill (H. R. 19249) granting an increase of pension to Lorenzo W. Shedd was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo W. Shedd, late of Company F, Ninth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE L. HODGDON.

The bill (H. R. 19301) granting an increase of pension to Caroline L. Hodgdon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline L. Hodgdon, widow of Charles A. Hodgdon, late of Company L, Sixth Regiment New York Volunteer Cavalry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. PRINCE.

The bill (H. R. 19457) granting an increase of pension to Charles H. Prince was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Prince, late of Company C, Fifty-fourth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT BRANDAU, ALIAS BRANDON.

The bill (H. R. 651) granting an increase of pension to Robert Brandau, alias Brandon, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert Brandau, alias Brandon, late of Company D, First Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M. BYERS.

The bill (H. R. 4397) granting an increase of pension to John M. Byers was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John M. Byers, late of Company G, Sixty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. AMES.

The bill (H. R. 6336) granting a pension to Elizabeth A. Ames was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Ames, widow of John S. Ames, late of Company A, Sixteenth Regiment Kansas Volunteer Cavalry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REUBEN VAN BUSKIRK.

The bill (H. R. 6421) granting an increase of pension to Reuben Van Buskirk was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Reuben Van Buskirk, late of Company D, Eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI A. CANFIELD.

The bill (H. R. 6423) granting an increase of pension to Levi A. Canfield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi A. Canfield, late of Company G, Tenth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALBERT H. BRADISH.

The bill (H. R. 13466) granting an increase of pension to Albert H. Bradish was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Albert H. Bradish, late second lieutenant Company H, Fifty-fifth Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM O. TOBEY.

The bill (H. R. 13652) granting an increase of pension to William O. Tobey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William O. Tobey, late of Company C, One hundred and thirty-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FANNY G. POMEROY.

The bill (H. R. 18360) granting an increase of pension to Fanny G. Pomeroy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fanny G. Pomeroy, widow of Willis B. Pomeroy, late of Company C, Twenty-fourth Regiment New York Volunteer Cavalry, and One hundred and seventieth, Third, Sixteenth, and Eighth companies, Second Battalion Veteran Reserve Corps, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. KING.

The bill (H. R. 7763) granting a pension to James S. King was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. King, late contract surgeon, United States Army, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW J. LANE.

The bill (H. R. 8920) granting an increase of pension to Andrew J. Lane was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew J. Lane, late chaplain Sixty-second Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL WHALEN.

The bill (H. R. 18631) granting an increase of pension to Daniel Whalen was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Whalen, late of Company G, Tenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN B. DOTY.

The bill (H. R. 10356) granting an increase of pension to Martin B. Doty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin B. Doty, late of Company H, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES HOLDERBY.

The bill (H. R. 10902) granting an increase of pension to James Holderby was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of James Holderby, late of Company H, Forty-eighth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. DURYEA.

The bill (H. R. 13949) granting an increase of pension to Mary A. Duryea was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Duryea, widow of Benjamin Duryea, late second lieutenant Company F, One hundred and sixty-ninth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS THORNTON.

The bill (H. R. 14323) granting an increase of pension to Thomas Thornton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Thomas Thornton, late of Company B, First Regiment New York Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LUCINDA BRADY.

The bill (H. R. 14798) granting a pension to Lucinda Brady was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lucinda Brady, widow of Simon D. Brady, late of Company G, Eighth Regiment Indiana Volunteer Infantry, and pay her a pension of $12 per month and $2 per month additional on account of each minor child of said soldier until each of said children shall arrive at the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM T. HOSLEY.

The bill (H. R. 11072) granting an increase of pension to William T. Hosley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William T. Hosley, late of Company C, Second Regiment United States Sharpshooters, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES COLLINS.

The bill (H. R. 12531) granting a pension to Charles Collins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Collins, late of Company D, Sixth Regiment Delaware Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER EBERTS.

The bill (H. R. 16371) granting an increase of pension to Peter Eberts was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Eberts, late of Company F, One hundred and thirty-second Regiment Pennsylvania Volunteer Infantry, and Company F, Thirty-fourth Regiment Pennsylvania Emergency Militia, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH H. TRUAX.

The bill (H. R. 17332) granting an increase of pension to Joseph H. Truax was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph H. Truax, late of Company G, Forty-ninth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN NAY.

The bill (H. R. 1420) granting a pension to John Nay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Nay, late guide, United States Volunteers, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY M. STONE.

The bill (H. R. 18764) granting an increase of pension to Mary M. Stone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary M. Stone, widow of Roy Stone, late colonel One hundred and forty-ninth Regiment Pennsylvania Volunteer Infantry, and brigadier-general, United States Volunteers, war with Spain, and to pay her a pension of $50 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACKSON ADKINS.

The bill (H. R. 16620) granting a pension to Jackson Adkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jackson Adkins, late of Capt. Thomas Damron's independent company West Virginia Volunteer Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM A. CARROLL.

The bill (H. R. 14544) granting an increase of pension to William A. Carroll was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William A. Carroll, late of Company K, One hundred and seventy-third Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES ROSS.

The bill (H. R. 7683) granting an increase of pension to James Ross was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Ross, late of Company F, Second Regiment Ohio Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN P. VEACH.

The bill (H. R. 5707) granting an increase of pension to John P. Veach was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John P. Veach, late of Company F, Ninth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $17 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DELIA GIBBS.

The bill (H. R. 7635) granting a pension to Delia Gibbs was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Delia Gibbs, dependent mother of James Gibbs, late of Company K, Twenty-second Regiment United States Colored Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MICHAEL KEARNS.

The bill (H. R. 10808) granting an increase of pension to Michael Kearns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Michael Kearns, late of U. S. S. *Tuscumbia*, United States Navy, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM MABERY.

The bill (H. R. 8660) granting a pension to William Mabery was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William Mabery, late of Company A, Sixth Regiment Tennessee Volunteer Mounted Infantry, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALEXANDER B. WILSON.

The bill (H. R. 18451) granting an increase of pension to Alexander B. Wilson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alexander B. Wilson, late first lieutenant Company F, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM H. H. MALLALIEU.

The bill (H. R. 9876) granting an increase of pension to William H. H. Mallalieu was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William H. H. Mallalieu, late of Company D, Eighth Regiment Maryland Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN BEHYMER.

The bill (H. R. 10394) granting an increase of pension to John Behymer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Behymer, late of Company D, Fifty-seventh Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE COLE.

The bill (H. R. 11655) granting an increase of pension to Theodore Cole was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore Cole, late of Company D, First Battalion, Sixteenth Regiment United States Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ARANTHA J. LIVINGSTON.

The bill (H. R. 12183) granting an increase of pension to Arantha J. Livingston was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Arantha J. Livingston, widow of Abel F. Livingston, late of Company K, Seventh Regiment Wisconsin Volunteer Infantry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOPHIE M. STAAB.

The bill (H. R. 13967) granting a pension to Sophie M. Staab was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sophie M. Staab, helpless and dependent daughter of Frederick Staab, late of Company K, Twelfth Regiment New Jersey Volunteer Infantry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN WELCH.

The bill (H. R. 14554) granting an increase of pension to John Welch was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Welch, late of Company B, Twenty-sixth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THEODORE T. DAVIS.

The bill (H. R. 18124) granting an increase of pension to Theodore T. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Theodore T. Davis, late of Company D, Thirteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOEL GAY.

The bill (H. R. 18409) granting an increase of pension to Joel Gay was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joel Gay, late of Captain Johnston's independent company, Florida Mounted Volunteers, Florida Indian war, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY NAVY.

The bill (H. R. 19026) granting an increase of pension to Mary Navy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary Navy, widow of John E. Navy, late of Captain Brown's company, Georgia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANN W. WHITAKER.

The bill (H. R. 19276) granting an increase of pension to Ann W. Whitaker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ann W. Whitaker, widow of Horace Whitaker, late of Captain Chestnut's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALLEN CROW.

The bill (H. R. 1206) granting an increase of pension to Allen Crow was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Allen Crow, late of Company A, Ninety-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN R. STALCUP.

The bill (H. R. 1238) granting a pension to Susan R. Stalcup was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan R. Stalcup, widow of William B. Stalcup, late of Company A, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID H. HAIR.

The bill (H. R. 7539) granting an increase of pension to David H. Hair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David H. Hair, late of Company F, Thirty-seventh Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PRIOR M. PAVY.

The bill (H. R. 7543) granting an increase of pension to Prior M. Pavy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Prior M. Pavy, late of Company I, One hundred and fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH D. CUMMINS.

The bill (H. R. 10563) granting an increase of pension to Joseph D. Cummins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph D. Cummins, late of Company D, Eighty-eighth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN L. HOLCOMB.

The bill (H. R. 10604) granting an increase of pension to Martin L. Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin L. Holcomb, late of Company K, Forty-fourth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JACOB SHEIL.

The bill (H. R. 15105) granting an increase of pension to Jacob Sheil was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jacob Sheil, late of Company H, Eighteenth Regiment New York Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN FRICK.

The bill (H. R. 17632) granting an increase of pension to John Frick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Frick, late of Company D, Forty-first Regiment New York Volunteer In-

fantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES L. GAMBLE.

The bill (H. R. 18428) granting an increase of pension to James L. Gamble was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James L. Gamble, late of Company C, Thirty-first Regiment Ohio Volunteer Infantry, and Company G, Ninth Regiment Ohio Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZA REBECCA SIMS.

The bill (H. R. 18694) granting an increase of pension to Eliza Rebecca Sims was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eliza Rebecca Sims, widow of James T. Sims, late of Captain Elmore's company, South Carolina Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLUMBUS COX.

The bill (H. R. 19099) granting an increase of pension to Columbus Cox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Columbus Cox, late of Company G, First Regiment North Carolina Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRIETTA G. CARTER.

The bill (H. R. 18904) granting an increase of pension to Henrietta G. Carter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henrietta G. Carter, widow of Jonathan H. Carter, late passed midshipman, United States Navy, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPHINE HARDESTER.

The bill (H. R. 18997) granting an increase of pension to Josephine Hardester was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Josephine Hardester, widow of Thomas H. A. Hardester, late of Company C, First Regiment Massachusetts Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY E. MUNDY.

The bill (H. R. 19061) granting an increase of pension to Mary E. Mundy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary E. Mundy, widow of William N. Mundy, late of Captain Childs's company, Goodwyn's regiment South Carolina Mounted Volunteer Militia, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELLA DONNALD.

The bill (H. R. 18720) granting an increase of pension to Ella Donnald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella Donnald, widow of David L. Donnald, late second lieutenant Company E, Palmetto Regiment, South Carolina Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LORENZO G. TOMASELLI.

The bill (H. R. 18772) granting an increase of pension to Lorenzo G. Tomaselli was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lorenzo G. Tomaselli, late of Company K, Thirteenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JULIA A. ABNEY.

The bill (H. R. 18903) granting an increase of pension to Julia A. Abney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Julia A. Abney, widow of William Abney, late of Capt. David Denney's company, South Carolina Militia Volunteers, Florida Indian war, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. DUFFIELD.

The bill (H. R. 15547) granting an increase of pension to Henry D. Duffield was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Duffield, late of Company F, Second Regiment Iowa Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. SWEENEY.

The bill (H. R. 12400) granting an increase of pension to Charles H. Sweeney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Sweeney, late captain Company B, One hundred and nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN A. BLANTON.

The bill (H. R. 2223) granting an increase of pension to John A. Blanton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John A. Blanton, late of Company B, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LYTLE M'CRACKEN.

The bill (H. R. 2229) granting an increase of pension to Lytle McCracken was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lytle McCracken, late of Company H, Fourteenth Regiment Illinois Volunteer Infantry, and Company H, Fourth Regiment Veteran Reserve Corps, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. SAUNDERSON, ALIAS SANDERSON.

The bill (H. R. 5554) granting an increase of pension to James T. Saunderson, alias Sanderson, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Saunderson, alias Sanderson, late of Company A, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL SHARPLEY.

The bill (H. R. 8285) granting an increase of pension to Daniel Sharpley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Sharpley, late of Company A, One hundred and nineteenth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARTIN HALEY.

The bill (H. R. 10031) granting an increase of pension to Martin Haley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Martin Haley, late of Company C, One hundred and thirty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS F. DAVIS.

The bill (H. R. 10474) granting an increase of pension to Lewis F. Davis was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Lewis F. Davis, late of Company B, Eighteenth Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN L. CLIFTON.

The bill (H. R. 14505) granting an increase of pension to John L. Clifton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John L. Clifton, late of Companies A and L, Second Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARMON HOUCK.

The bill (H. R. 15502) granting an increase of pension to Harmon Houck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harmon Houck, late of Company G, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE S. GREEN.

The bill (H. R. 17393) granting an increase of pension to George S. Green was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George S. Green, late of Company B, Fifty-seventh Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL H. DAVIS.

The bill (H. R. 18905) granting an increase of pension to Samuel H. Davis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel H. Davis, late of Company D, Thirty-ninth Regiment Missouri Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH A. WALLER.

The bill (H. R. 19014) granting an increase of pension to Elizabeth A. Waller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth A. Waller, widow of Edward L. Waller, late of Company B, District of Columbia and Maryland Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE WARNOCK.

The bill (H. R. 19222) granting an increase of pension to Catherine Warnock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Catherine Warnock, widow of Joseph Warnock, late of Company I, Second Regiment Illinois Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SANFORD WEAVER.

The bill (H. R. 5567) granting an increase of pension to Sanford Weaver was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sanford Weaver, late of Company H, Fortieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN S. M'CLARY.

The bill (H. R. 9159) granting an increase of pension to John S. McClary was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John S. McClary, late quartermaster-sergeant, Thirteenth Regiment Illinois Volunteer Infantry, and to pay him a question of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES STAIR.

The bill (H. R. 11780) granting an increase of pension to Charles Stair was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles Stair, late of Company D, First Regiment Ohio Volunteer Light Artillery, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN KAMERER.

The bill (H. R. 11811) granting an increase of pension to John Kamerer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Kamerer, late of Company A, Second Regiment Colorado Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEWART M'KENEY.

The bill (H. R. 13032) granting an increase of pension to Stewart McKeney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Stewart McKeney, late of Company H, Twenty-seventh Regiment Iowa Volunteer Infantry, and to pay him a pension $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. FOX.

The bill (H. R. 16613) granting an increase of pension to William C. Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Fox, late of Company A, Fourteenth Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE E. YAGER.

The bill (H. R. 17603) granting an increase of pension to George E. Yager was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George E. Yager, late of Company L, Second Regiment Nebraska Volunteer Infantry, war with Spain, and to pay him a pension of $10 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JONATHAN M. HUNTER.

The bill (H. R. 18320) granting an increase of pension to Jonathan M. Hunter was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jonathan M. Hunter, late of Company K, Twentieth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANTHONY W. MILLER.

The bill (H. R. 19242) granting an increase of pension to Anthony W. Miller was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Anthony W. Miller, late of Company G, Fifth Regiment Missouri State Militia Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. CHARLES.

The bill (H. R. 2714) granting an increase of pension to Charles H. Charles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Charles, late of Company A, Eighty-sixth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. SWADLEY.

The bill (H. R. 4891) granting an increase of pension to George W. Swadley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Swadley, late of Company G, One hundredth Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FAYETTE E. FORD.

The bill (H. R. 6181) granting an increase of pension to Fayette E. Ford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fayette E. Ford, late of Company B, Fourth Regiment Minnesota Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL PALMER.

The bill (H. R. 12347) granting an increase of pension to Samuel Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Palmer, late of Company G, Sixteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC MAINES.

The bill (H. R. 14107) granting an increase of pension to Isaac Maines was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac Maines, late of Company B, Ninth Regiment Kentucky Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES H. WARFORD.

The bill (H. R. 16399) granting an increase of pension to James H. Warford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James H. Warford, late of Company D, First Regiment Kentucky Volunteer Cavalry, war with Mexico, and Company G, Seventh Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. SMITH.

The bill (H. R. 16973) granting an increase of pension to John H. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Smith, late of Company B, Twenty-sixth Regiment United States Colored Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH F. COOK.

The bill (H. R. 18475) granting an increase of pension to Joseph F. Cook was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph F. Cook, late of Company H, Fifth Regiment Pennsylvania Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. GORDON.

The bill (H. R. 18656) granting an increase of pension to George W. Gordon was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Gordon, late of Company A, Ninety-fifth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MINNA HILDEBRAND.

The bill (H. R. 18974) granting an increase of pension to Minna Hildebrand was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Minna Hildebrand, widow of John Hildebrand, alias John Brinkman, late of Company D, Second Regiment New York Volunteer Mounted Rifles, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PETER CRAMER.

The bill (H. R. 19279) granting an increase of pension to Peter Cramer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Peter Cramer, late of Company B, Ninety-fifth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HORACE H. SICKLES.

The bill (H. R. 609) granting an increase of pension to Horace H. Sickles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Horace H. Sickels, late of Company H, Nineteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN T. HEANEY.

The bill (H. R. 19053) granting an increase of pension to John T. Heaney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John T. Heaney, late of Company I, One hundred and fourteenth Regiment Illinois Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. ENGLISH.

The bill (H. R. 18901) granting an increase of pension to John E. English was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. English, late of Captain Hawley's company, First Regiment Texas Volunteer Cavalry, war with Mexico, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN N. BURTON

The bill (H. R. 18836) granting an increase of pension to John N. Burton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John N. Burton, late of U. S. S. *Fairplay* and *Great Western*, United States Navy, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CATHERINE BAUSMAN.

The bill (H. R. 18587) granting an increase of pension to Catherine Bausman was considered as Committee of the Whole. It proposes to place on the pension roll the name of Catherine Bausman, widow of Rinehart A. Bausman, late of U. S. S. *Louisville*, and acting master, United States Navy, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN R. FREEMAN.

The bill (H. R. 18398) granting an increase of pension to Susan R. Freeman was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan R. Freeman, widow of Thomas Freeman, late of Conner's battalion, Texas Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES K. DICKINSON.

The bill (H. R. 17896) granting an increase of pension to James K. Dickinson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James K. Dickinson, late of Company K, Second Regiment Arkansas Volunteer Cavalry, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES D. TAYLOR.

The bill (H. R. 17271) granting an increase of pension to James D. Taylor was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James D. Taylor, late of Capt. R. Touzalin's company, California Volunteers, California Indian disturbances, and to pay him a pension of $16 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEVI M. HALL.

The bill (H. R. 14774) granting an increase of pension to Levi M. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Levi M. Hall, late of Company A, First Regiment Potomac Home Brigade, Mary-

land Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ALVA BEEBE.

The bill (H. R. 14705) granting an increase of pension to Alva Beebe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Alva Beebe, late of Company E, First Regiment Michigan Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA C. SHEPPARD.

The bill (H. R. 14919) granting an increase of pension to Maria C. Sheppard was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria C. Sheppard, widow of Thomas Sheppard, late of Company G, Eighteenth Regiment Ohio Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY W. BROWN.

The bill (H. R. 15063) granting an increase of pension to Henry W. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry W. Brown, late assistant surgeon Thirty-first Regiment Massachusetts Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY L. OVERLEY.

The bill (H. R. 16571) granting an increase of pension to Mary L. Overley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary L. Overley, widow of Charles L. Overley, late of Company H, Sixteenth Regiment Kentucky Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAROLINE E. PERRY.

The bill (H. R. 17780) granting a pension to Caroline E. Perry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Caroline E. Perry, widow of Louis E. Perry, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Spain, and to pay her a pension of $12 per month, and $2 per month additional on account of each of the minor children of said Louis E. Perry, until they reach the age of 16 years.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW M. LOGAN.

The bill (H. R. 18092) granting an increase of pension to Andrew M. Logan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew M. Logan, late of Company I, Second Regiment Illinois Volunteer Light Artillery, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMUEL DAILEY.

The bill (H. R. 18462) granting an increase of pension to Samuel Dailey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samuel Dailey, late of Company H, Forty-ninth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ROBERT L. FULTON.

The bill (H. R. 18624) granting an increase of pension to Robert L. Fulton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Robert L. Fulton, late of Company K, One hundred and twenty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK FITZGERALD.

The bill (H. R. 18784) granting an increase of pension to Patrick Fitzgerald was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Patrick Fitzgerald, late of Company L, Sixteenth Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN E. MINNICK.

The bill (H. R. 18974) granting an increase of pension to John E. Minnick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John E. Minnick, late of Company B, One hundred and fifty-seventh Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW P. GLASPIE.

The bill (H. R. 19495) granting an increase of pension to Andrew P. Glaspie was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Andrew P. Glaspie, late of Company H, Seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $50 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HELEN G. POWELL.

The bill (H. R. 1507) granting a pension to Helen G. Powell was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Helen G. Powell, widow of Isaac P. Powell, late captain Company G, and major One hundred and forty-sixth Regiment New York Volunteer Infantry, and to pay her a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY D. JORDAN.

The bill (H. R. 1507) granting an increase of pension to Henry D. Jordan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry D. Jordan, late of Company A, Seventeenth Regiment Vermont Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SATURNIN JASNOWSKI.

The bill (H. R. 2410) granting an increase of pension to Saturnin Jasnowski was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Saturnin Jasnowski, late second lieutenant Company D, Twenty-seventh Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEAH BEDFORD.

The bill (H. R. 2867) granting an increase of pension to Leah Bedford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Leah Bedford, widow of John Bedford, late second lieutenant Company C, Second Regiment Veteran Reserve Corps, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS KARNS.

The bill (H. R. 7910) granting an increase of pension to Nicholas Karns was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Karns, late of Company B, Eighteenth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID BUSSEY, ALIAS GEORGE BROWN.

The bill (H. R. 10224) granting an increase of pension to David Bussey, alias George Brown, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Bussey, alias George Brown, late of Company G, Eighth Regiment Michigan Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JORDAN H. BANKS.

The bill (H. R. 11217) granting an increase of pension to Jordan H. Banks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jordan H. Banks, late of Company F, One hundred and thirty-fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA FOX.

The bill (H. R. 12013) granting a pension to Emma Fox was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Fox, widow of Joseph S. Fox, late of Company I, Sixteenth Regiment, and Company G, Twenty-third Regiment, Michigan Volunteer Infantry, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PATRICK CONLIN.

The bill (H. R. 7226) for the relief of Patrick Conlin was considered as in Committee of the Whole. It directs the Secretary of War to place the name of Patrick Conlin on the records as a member of Company I, Fifty-seventh Regiment Ohio Volunteer Infantry, and grant him an honorable discharge, to date from September 1, 1865.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

E. J. KOLB, ALIAS E. J. KULB.

The bill (H. R. 18900) correcting the military record of E. J. Kolb, alias E. J. Kulb, was considered as in Committee of the Whole. It directs the Secretary of War to correct the military record of E. J. Kolb, alias E. J. Kulb, late private in Company F, Forty-sixth Pennsylvania Infantry Volunteers, and issue to him an honorable discharge.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL SULLIVAN.

The bill (S. 4235) granting an increase of pension to Daniel Sullivan was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "First," to strike out "Battalion" and insert "Regiment;" and in line 8, before the word "dollars," to strike out "fifty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Daniel Sullivan, late of Company B, First Regiment Minnesota Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OAKALEY RANDALL.

The bill (S. 6259) granting an increase of pension to Oakley Randall was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the name "Randall," to strike out "Oakley" and insert "Oakaley;" and in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Oakaley Randall, late of Company P, Sixth Regiment West Virginia Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Oakaley Randall."

JOSEPH P. GARLAND.

The bill (S. 4174) granting an increase of pension to J. P. Garland was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, after the word "of" where it occurs the first time, to strike out the initial "J." and insert "Joseph;" in line 6, before the word "Company," to strike out "of" and insert "captain;" and in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph P. Garland, late captain Company D, Twenty-first Regiment Maine Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Joseph P. Garland."

JOHN H. MULLEN.

The bill (S. 4695) granting an increase of pension to John H. Mullen was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "captain;" in the same line, after the word "Company," to strike out the letter "B" and insert "C;" and in line 8, before the word "dollars," to strike out "seventy-five" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John H. Mullen, late captain Company C, Twelfth Regiment Connecticut Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

Mr. CLAPP. I move to amend the amendment by striking out "forty" and inserting "sixty."

Mr. McCUMBER. I suggest to the Senator that he put it at $50.

Mr. CLAPP. Rather than have any discussion I accept the suggestion.

The amendment to the amendment was agreed to.

The amendments as amended were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MATHEW KERWIN.

The bill (S. 4365) granting an increase of pension to Mathew Kerwin was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twenty-four;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mathew Kerwin, late of Company B, Forty-seventh Regiment Wisconsin Volunteer Infantry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HILLARY BEYER.

The bill (S. 5547) granting an increase of pension to Hillary Beyer was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 6, before the word "Company," to strike out "of" and insert "first lieutenant;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Hillary Beyer, late first lieutenant Company H, Ninetieth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JAMES DEAREY.

The bill (S. 6339) granting an increase of pension to James Dearey was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with

an amendment, in line 8, before the word "dollars," to strike out "fifty" and insert "forty;" so as to read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of James Dearey, late of Company D, Second Regiment Minnesota Volunteer Cavalry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MARGARETTA E. HUTCHINS.

The bill (H. R. 14500) granting an increase of pension to Margaretta E. Hutchins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Margaretta E. Hutchins, widow of Moses F. Hutchins, late of Company I, Twelfth Regiment New Hampshire Volunteer Infantry, and to pay her a pension of $20 per month in lieu of that she is now receiving: *Provided*, That in the event of the death of Ernest B. Hutchins, helpless and dependent son of said Moses F. Hutchins, the additional pension herein granted shall cease and determine: *And provided further*, That in the event of the death of Margaretta E. Hutchins, the name of said Ernest B. Hutchins shall be placed on the pension roll at $12 per month from and after the date of death of said Margaretta E. Hutchins.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES S. WHITLOCK.

The bill (S. 6148) granting an increase of pension to James S. Whitlock was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James S. Whitlock, late of Company B, Eighth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE B. BARNES.

The bill (S. 4185) granting an increase of pension to George B. Barnes was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

J. DILLON TURNER.

The bill (S. 4345) granting an increase of pension to J. Dillon Turner was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of J. Dillon Turner, late of Company I, One hundred and fifth Regiment Ohio Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ETHAN A. WILLEY.

The bill (H. R. 5834) granting an increase of pension to Ethan A. Willey was considered as in Committee of the Whole.

It proposes to place on the pension roll the name of Ethan A. Willey, late of Company G, Ninety-sixth Regiment Ohio Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISAAC A. M'CULLEY.

The bill (H. R. 11841) granting an increase of pension to Isaac A. McCulley was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isaac A. McCulley, late of Company H, Second Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES E. TOMPKINS.

The bill (H. R. 15542) granting an increase of pension to Charles E. Tompkins was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles E. Tompkins, late of Company A, First Regiment California Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES T. RAMBO.

The bill (H. R. 18504) granting an increase of pension to James T. Rambo was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James T. Rambo, late of Company F, Fourth Regiment Tennessee Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN H. BRADBERRY.

The bill (H. R. 18623) granting an increase of pension to John H. Bradberry was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John H. Bradberry, late of Company K, Sixth Regiment Tennessee Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES MURPHY.

The bill (H. R. 18790) granting an increase of pension to James Murphy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James Murphy, late of Company E, Thirtieth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH A. DAWSON.

The bill (H. R. 18813) granting an increase of pension to Sarah A. Dawson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah A. Dawson, widow of William H. Dawson, late of Company H, One hundred and twenty-fourth Regiment New York Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WAKELAND HERYFORD.

The bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heryford was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Wakeland Heryford, late private of Light Battery K, First Regiment of Artillery, and grant him an honorable discharge: *Provided*, That, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TAYLOR WARE.

The bill (H. R. 13836) for the relief of Taylor Ware was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That Taylor Ware be held and considered to have been honorably discharged as a private of Company D, Fifty-second United States Colored Infantry Volunteers, as of date of July 17, 1864, and the Secretary of War is hereby authorized to issue a discharge in accordance with this act: *Provided*, That no pay, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM SAPHAR.

The bill (H. R. 9238) for the relief of William Saphar was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That William Saphar shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of Company F, Seventh Regiment United States Veteran Volunteer Infantry, on the 14th day of December, 1865: *Provided*, That no pay, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

RUSSELL SAVAGE.

The bill (H. R. 5509) for the relief of Russell Savage was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Russell Savage, a private, Company L, Fourth Regiment Tennessee Cavalry Volunteers, was enlisted on the 9th day of April, 1864, and was mustered into the service April 21, 1864, and that he was honorably discharged at Nashville, Tenn., on the 1st day of August, 1865: *Provided*, That, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

WILLIAM P. KNOWLTON.

The bill (H. R. 6963) granting a pension to William P. Knowlton was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 7, after the word "Infantry," to insert "and pay him a pension at the rate of $20 per month;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William P. Knowlton, late of Company E, Fifteenth Regiment United States Infantry, and pay him a pension at the rate of $20 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MARY WHISLER.

The bill (H. R. 14930) granting a pension to Mary Whisler was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 9, before the word "dollars," to strike out "twelve" and insert "sixteen;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Whisler, helpless and dependent daughter of George W. Whisler, late of Company F, Second Regiment Missouri Volunteer Cavalry, and pay her a pension at the rate of $16 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

JOHN BRADFORD.

The bill (H. R. 19255) granting an increase of pension to John Bradford was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John Bradford, late of Company H, Tenth Regiment New Jersey Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CERTIFICATES OF NATURALIZATION.

The bill (H. R. 18713) to validate certain certificates of naturalization was considered as in Committee of the Whole.

The bill had been reported from the Committee on Immigration with amendments.

The first amendment was, in section 1, page 1, line 10, after the word "section," to strike out "but shall not be by this act further validated or legalized" and to insert the following proviso:

Provided, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

So as to make the section read:

That naturalization certificates issued after the act approved March 3, 1903, entitled "An act to regulate the immigration of aliens into the United States," went into effect, which fail to show that the courts issuing said certificates complied with the requirements of section 30 of said act, but which were otherwise lawfully issued, are hereby declared to be as valid as though said certificates complied with said section: *Provided*, That in all such cases applications shall be made for new naturalization certificates, and when the same are granted, upon compliance with the provisions of said act of 1903, they shall relate back to the defective certificates, and citizenship shall be deemed to have been perfected at the date of the defective certificate.

The amendment was agreed to.

The next amendment was, on page 2, section 2, line 8, after the word "from," to strike out "any court having a clerk and a seal" and insert "the criminal court of Cook County, Ill;" so as to make the section read:

SEC. 2. That all the records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to the time when this act takes effect in or from the criminal court of Cook County, Ill., shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

SALE OF INTERNAL-REVENUE STAMPS IN PORTO RICO.

The bill (H. R. 15071) to provide means for the sale of internal-revenue stamps in the island of Porto Rico was considered as in Committee of the Whole. It provides that all United States internal-revenue taxes now imposed by law on articles of Porto Rican manufacture coming into the United States for consumption or sale may hereafter be paid by affixing to such articles before shipment thereof a proper United States internal-revenue stamp denoting such payment.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES N. ROBINSON AND SALLIE B. M'COMB.

The bill (H. R. 10610) for the relief of James Robinson and Sallie B. McComb was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, in line 5, after the words "sum of," to strike out "five thousand" and insert "two thousand five hundred," and on page 2, line 1, after the words "sum of," to strike out "five thousand" and insert "two thousand five hundred;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $2,500, to James N. Robinson and Sallie B. McComb, of Marion County, Ind., on account of damages sustained by them because of the wrongful confiscation by the United States of 335 acres of land and $300 in promissory notes, all the property of the said James N. Robinson and Sallie B. McComb, and the sum of $2,500 is hereby appropriated for such purpose.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LOAN OF NAVAL EQUIPMENT.

The bill (H. R. 14975) amending chapter 863, volume 31, of the Statutes at Large was considered as in Committee of the Whole. It proposes to amend the statute referred to so as to authorize the President, upon the application of the governor of any State having seacoast line or bordering on one or more of the Great Lakes, to direct the Secretary of the Navy to furnish to one well-established military school in that State, desiring to

afford its cadets instruction in elementary seamanship, one fully equipped man-of-war's cutter for every 25 cadets in actual attendance, and such other equipment as may be spared and be deemed adequate for instruction in elementary seamanship.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN M'CAULEY, ALIAS JOHN H. HAYES.

The bill (H. R. 15140) to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes, was considered as in Committee of the Whole. It authorizes the Secretary of the Navy to remove the charge of desertion now borne on the records of the Navy Department, against the name of John McCauley, alias John H. Hayes, late of the U. S. S. *Agawam*.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA K. TOURGÉE.

The bill (S. 4880) granting a pension to Emma K. Tourgée, was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws the name of Emma K. Tourgée, widow of Albion W. Tourgée, late of Company E, Twenty-seventh Regiment New York Volunteer Infantry, and first lieutenant Company G, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Emma K. Tourgée."

FRANCIS D. GARNSEY.

The bill (S. 6359) granting an increase of pension to F. D. Garnsey was considered as in Committee of the Whole. The bill was reported from the Committee on Pensions with an amendment, in line 6, after the word "of" where it occurs the first time, to strike out the letter "F" and insert "Francis;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Garnsey, late of Company C, Ninety-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 dollars per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Francis D. Garnsey."

JOSEPHINE S. JONES.

The bill (S. 5042) granting an increase of pension to Josephine S. Jones was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Josephine S. Jones, widow of Samuel E. Jones, late second lieutenant Company I, First Regiment Missouri Volunteer Light Artillery, and Twelfth Independent Battery, Wisconsin Volunteer Light Artillery, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ELLEN BERNARD LEE.

The bill (S. 5104) granting a pension to Ellen Bernard Lee was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "one hundred" and insert "fifty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ellen Bernard Lee, widow of Fitzhugh Lee, late brigadier-general, United States Army, and pay her a pension at the rate of $50 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOSEPH JOHNSTON.

The bill (S. 6367) granting an increase of pension to Joseph Johnston was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Joseph Johnston, late of Captain Cox's company, Georgia Volunteers, Cherokee Indian disturbances, and pay him a pension at the rate of $16 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN M'DONOUGH.

The bill (S. 6381) granting an increase of pension to John McDonough was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "forty" and insert "thirty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonough, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HENRY B. WILLHELMY.

The bill (S. 4366) granting an increase of pension to Henry B. Willhelmy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Henry B. Willhelmy, late of Company G, Thirteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF SAMUEL LEE, DECEASED.

The bill (H. R. 850) making appropriation to pay to the legal representatives of the estate of Samuel Lee, deceased, to wit, Samuel Lee, Anna Lee Andrews, Clarence Lee, Robert Lee, Harry A. Lee, and Phillip Lee, heirs at law, in full for any claim for pay and allowances made by reason of the election of said Lee to the Forty-seventh Congress and his services therein, was announced as the next business in order on the Calendar.

Mr. OVERMAN. I ask that the bill be passed over, in the absence of the Senators from South Carolina.

Mr. McCUMBER. Will the Senator withhold his objection until I offer an amendment? I offer an amendment to strike out all after the enacting clause and insert what I send to the desk.

Mr. FULTON. I dislike to object to the bill, because I reported it myself——

Mr. McCUMBER. I understand there is an objection, but I wish to offer an amendment and then let it go over under the objection.

Mr. FULTON. That is all right. I felt it was incumbent upon me to say that.

Mr. GALLINGER. Let the amendment be printed.

Mr. McCUMBER. I ask that it be printed.

The VICE-PRESIDENT. The amendment will be printed, and the bill will go over.

EPHRAIM D. ACHEY.

The bill (H. R. 1143) granting an increase of pension to Ephraim D. Achey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ephraim D. Achey, late of Company G, Seventy-ninth Regiment Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA ROGERS.

The bill (H. R. 19670) granting a pension to Maria Rogers was considered as in Committee of the Whole. It proposes to

place on the pension roll the name of Maria Rogers, widow of Francis Rogers, late of Company C, Fifth Regiment United States Cavalry, and to pay her a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MERRILL JOHNSON.

The bill (H. R. 2789) granting an increase of pension to Merrill Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Merrill Johnson, late first lieutenant Company B, Eleventh Regiment New Hampshire Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELI CERO.

The bill (H. R. 2772) granting an increase of pension to Eli Cero was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Eli Cero, late of Company H, Second Battalion, Fourteenth Regiment United States Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GORDON A. THURBER.

The bill (H. R. 15856) granting a pension to Gordon A. Thurber was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Gordon A. Thurber, late of Company E, First Regiment Colorado Volunteer Infantry, war with Spain, and to pay him a pension of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDNA BUCHANAN.

The bill (H. R. 7546) granting a pension to Edna Buchanan was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edna Buchanan, widow of William P. Buchanan, late of Company A, Ninth Regiment Indiana Legion, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HARRIET WEATHERBY.

The bill (H. R. 18816) granting an increase of pension to Harriet Weatherby was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Harriet Weatherby, widow of Henry C. Weatherby, late of Captain Page's company, Massachusetts Militia, in the war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID P. KIMBALL.

The bill (H. R. 6944) granting an increase of pension to David P. Kimball was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David P. Kimball, late of Company M, Second Regiment Iowa Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF KALORAMA ROAD NW.

The bill (H. R. 130) authorizing the extension of Kalorama road NW. was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION AND WIDENING OF SHERMAN AVENUE.

The bill (H. R. 18666) to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GRADE CHANGES IN CONSTRUCTION OF UNION STATION.

The bill (H. R. 14511) amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILADELPHIA, BALTIMORE AND WASHINGTON RAILROAD COMPANY.

The bill (H. R. 17452) to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS W. HIGGINS.

The bill (H. R. 1572) for the relief of Thomas W. Higgins was considered as in Committee of the Whole. It proposes to pay $350 to Thomas W. Higgins, late major, Seventy-third Regiment Ohio Volunteer Infantry, for the loss of two horses killed in battle during the war for the suppression of the rebellion.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FEDERAL COURTS AT EUREKA, CAL.

The bill (H. R. 19522) establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal., was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 1, section 1, beginning in line 8, to strike out the proviso as follows:

Provided, however, That Humboldt County, Cal., shall furnish a suitable place in which to hold said court, free of all charges and expenses, until such time as the United States shall make provisions for a place in which to hold the same.

So as to make the section read:

That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Eureka, Cal., in each year from and after the passage of this act, said term to begin on the third Monday in July and continue as long as the business may require.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

ELLA E. KENNEY.

The bill (S. 6471) granting an increase of pension to Ella E. Kenney was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ella E. Kenney, widow of Gilbert A. Kenney, late of Company K, Tenth Regiment Rhode Island Volunteer Infantry, and Company C, Second Regiment Rhode Island Volunteer Cavalry, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JOHN K. HART.

The bill (H. R. 16875) granting an increase of pension to John K. Hart was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John K. Hart, late of Company C, One hundred and second Regiment United States Colored Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSHUA HOLCOMB.

The bill (H. R. 4967) granting an increase of pension to Joshua Holcomb was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joshua Holcomb, late of Company C, Fifth Regiment Tennessee Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILLIAM C. HOOVER.

The bill (H. R. 19245) granting an increase of pension to William C. Hoover was considered as in Committee of the Whole. It proposes to place on the pension roll the name of William C. Hoover, late of Captain Clarkson's Company F, Third Regiment Missouri Mounted Volunteer Infantry, war with Mexico, and Company I, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

FLEMING H. FREELAND.

The bill (H. R. 14257) granting an increase of pension to Fleming H. Freeland was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Fleming H. Freeland, late of Company I, Eleventh Regiment

Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES W. LOOMIS.

The bill (H. R. 9101) granting an increase of pension to James W. Loomis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James W. Loomis, late of Company F, Eighteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID W. FARINGTON.

The bill (H. R. 10267) granting an increase of pension to David W. Farington was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David W. Farington, late of Company F, Second Regiment Indiana Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SLAGG.

The bill (H. R. 8214) granting an increase of pension to Joseph Slagg was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Slagg, late of Company D, Twenty-third Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DEBORAH J. PRUITT.

The bill (H. R. 14211) granting an increase of pension to Deborah J. Pruitt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Deborah J. Pruitt, widow of Samuel Pruitt, late of Company C, Twenty-fifth Regiment Indiana Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARY A. HALL.

The bill (H. R. 19533) granting an increase of pension to Mary A. Hall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Mary A. Hall, widow of James S. Hall, late captain, Signal Corps, United States Army, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN F. MORRIS.

The bill (H. R. 4659) granting an increase of pension to John F. Morris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John F. Morris, late of Company C, Fourth Regiment Rhode Island Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SETH DAVIS.

The bill (H. R. 12892) granting an honorable discharge to Seth Davis was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out "That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dishonorably discharging from the service Seth Davis, first lieutenant Company E, Fourth Regiment Michigan Volunteer Infantry, and to issue to him an honorable discharge to date from April 23, 1866; and the said Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date" and insert "That Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant, Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866;" so as to make the bill read:

Be it enacted, etc., That Seth Davis shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a first lieutenant, Company E, Fourth Regiment Michigan Volunteer Infantry, on April 23, 1866: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

MARION F. HALBERT.

The bill (H. R. 1148) granting an increase of pension to Marion F. Halbert was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Marion F. Halbert, late of Company A, Fifty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEWIS MARQUIS.

The bill (H. R. 19389) granting an increase of pension to Lewis Marquis was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Lewis Marquis, late of Company D, Sixth Regiment Illinois Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CYNTHIA A. COMPTON.

The bill (H. R. 15945) granting a pension to Cynthia A. Compton was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Cynthia A. Compton, widow of Jonathan W. Compton, late of Company K, First Regiment Indiana Volunteer Heavy Artillery, and to pay her a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HIRAM B. THOMAS.

The bill (H. R. 1836) granting an increase of pension to Hiram B. Thomas was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Hiram B. Thomas, late of Company I, Thirty-seventh Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOUISA STORY.

The bill (H. R. 18769) granting an increase of pension to Louisa Story was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louisa Story, widow of Thomas Story, late of Capt. Thomas Metcalf's company, Kentucky Militia, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ELIZABETH C. KENNEDY.

The bill (H. R. 19337) granting an increase of pension to Elizabeth C. Kennedy was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Elizabeth C. Kennedy, widow of Duncan Kennedy, late captain, United States Navy, and to pay her a pension of $40 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ERNEST LANGENECK.

The bill (H. R. 19091) granting an increase of pension to Ernest Langeneck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ernest Langeneck, late of Company F, Seventeenth Regiment Missouri Volunteer Infantry, and to pay him a pension of $36 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH JANE DOUGHERTY.

The bill (H. R. 19538) granting an increase of pension to Sarah Jane Dougherty was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah Jane Dougherty, widow of John P. Dougherty, late of Company E, Fourteenth Regiment United States Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NEWTON MOORE.

The bill (H. R. 16411) granting an increase of pension to Newton Moore was considered as in Committee of the Whole. It

proposes to place on the pension roll the name of Newton Moore, late of Company B, Fourth Regiment Tennessee Volunteer Infantry, war with Mexico, and Company K, Thirty-seventh Regiment Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN B. JOHNSON.

The bill (H. R. 2212) granting a pension to John B. Johnson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of John B. Johnson, late of Commissary Department, United States Army, and to pay him a pension of $20 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES M. FOLLIN.

The bill (H. R. 18543) granting an increase of pension to James M. Follin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of James M. Follin, late of Company K, Seventy-ninth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NAMES OF CERTAIN SAILING VESSELS.

The bill (H. R. 17600) to grant authority to change the names of certain sailing vessels was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WHITE RIVER (ARKANSAS) LOCK AND DAM.

The bill (H. R. 18596) to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COLDWATER RIVER BRIDGE, IN MISSISSIPPI.

The bill (H. R. 20097) to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DEVLIN.

The bill (H. R. 6492) to correct the military record of James Devlin was considered as in Committee of the Whole. It proposes to grant an honorable discharge in lieu of the discharge heretofore granted to James Devlin, of the county of Kings, State of New York, late a hospital steward in the United States Army; but no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SPILLARD F. HORRALL.

The bill (H. R. 1217) granting an increase of pension to Spillard F. Horrall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Spillard F. Horrall, late second and first lieutenant Company G, Forty-second Regiment Indiana Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ISUM GWIN.

The bill (H. R. 7254) granting an increase of pension to Isum Gwin was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Isum Gwin, late captain Company D, Eightieth Regiment Indiana Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MOSES S. ROCKWOOD.

The bill (H. R. 19033) granting an increase of pension to Moses S. Rockwood was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Moses S. Rockwood, late of Company F, Fourteenth Regiment Massachusetts Volunteer Infantry, and Company E, Third Regiment Veteran Reserve Corps, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ODOM BUTLER.

The bill (H. R. 13318) granting an increase of pension to Odom Butler was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Odom Butler, late of Company I, Sixty-third Regiment Illinois Volunteer Infantry, and to pay him a pension of $40 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

OSBERT D. DICKEY.

The bill (H. R. 17015) granting an increase of pension to Osbert D. Dickey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Osbert D. Dickey, late of Company L, First Regiment United States Veteran Volunteer Engineers, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEPHEN A. WEST.

The bill (S. 6082) for the relief of Stephen A. West was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to insert at the end of the bill the following proviso:

Provided, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

So as to make the bill read:

Be it enacted, etc., That the Secretary of War be, and he is hereby, required to remove the charge of desertion now standing on the rolls against the said Stephen A. West, as private of Company C, Eighteenth Regiment Ohio Volunteer Infantry, and of Company D, Seventy-seventh Regiment Ohio Volunteer Infantry, and to grant him an honorable discharge from said service: *Provided*, That, etc.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

AMOS DAHUFF.

The bill (S. 265) to correct the record of discharge of Amos Dahuff was considered as in Committee of the Whole.

The bill was reported from the Committee on Military Affairs with an amendment, to strike out all after the enacting clause and insert:

That Amos Dahuff shall herafter be held and considered to have been honorably discharged from the military service of the United States as captain of Company H, Twelfth Indiana Cavalry Volunteers, on February 19, 1865: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an honorable discharge to Amos Dahuff."

SUBPORT OF SUPERIOR, WIS.

The bill (H. R. 19519) to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BRIDGE ACROSS YAZOO RIVER, MISSISSIPPI.

The bill (H. R. 11030) to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JEROME L. BROWN.

The bill (H. R. 7871) granting an increase of pension to Jerome L. Brown was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome L. Brown, late of Company C, Sixteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES W. TIMMS.

The bill (H. R. 7652) granting an increase of pension to Charles W. Timms was considered as in Committee of the

Whole. It proposes to place on the pension roll the name of Charles W. Timms, late of Company F, Eleventh Regiment West Virginia Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HEMAN A. HARRIS.

The bill (H. R. 11888) granting an increase of pension to Heman A. Harris was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Heman A. Harris, late of Company H, Tenth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

IRA PALMER.

The bill (H. R. 8215) granting an increase of pension to Ira Palmer was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Ira Palmer, late of Company C, First Regiment Ohio Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BEVERLY M'K. LACEY.

The bill (H. R. 19604) granting an increase of pension to Beverly McK. Lacey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Beverly McK. Lacey, late of Company D, Battalion Mississippi Volunteer Rifles, war with Mexico, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

UNIVERSITY PREPARATORY SCHOOL OF OKLAHOMA.

The bill (H. R. 17186) granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BUREAU OF IMMIGRATION AND NATURALIZATION.

The bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States was announced as next in order.

Mr. NELSON. That is a very lengthy and important bill, and it ought to go over.

The VICE-PRESIDENT. The bill will lie over without prejudice at the request of the Senator from Minnesota.

FRANCES BECKER.

The bill (H. R. 18911) granting an increase of pension to Frances Becker was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Frances Becker, widow of Ferdinand Becker, late of Company E, Twenty-third Regiment Ohio Volunteer Infantry, and Company G, Third Regiment New York Volunteer Light Artillery, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SARAH V. MALONE.

The bill (H. R. 19043) granting an increase of pension to Sarah V. Malone was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Sarah V. Malone, widow of James R. Malone, late second lieutenant Company E, Battalion Alabama Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SUSAN C. SMITH.

The bill (H. R. 19047) granting an increase of pension to Susan C. Smith was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Susan C. Smith, widow of Jordan Smith, late of Capt. Jesse Thomas's company, Georgia Militia Volunteers, war of 1812, and to pay her a pension of $24 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LARSEY BOLT.

The bill (H. R. 19130) granting an increase of pension to Larsey Bolt was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Larsey Bolt, widow of Martin Bolt, late of Company D, Battalion Georgia Mounted Volunteers, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JANE ELIZABETH KERR.

The bill (H. R. 19177) granting an increase of pension to Jane Elizabeth Kerr was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jane Elizabeth Kerr, widow of Jerome B. Kerr, late of Company I, First Regiment Mississippi Volunteer Infantry, war with Mexico, and to pay her a pension of $12 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EMMA BYLES.

The bill (H. R. 19221) granting an increase of pension to Emma Byles was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Emma Byles, widow of William H. Byles, late of Company B, Tenth Regiment Maryland Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES H. THOMPSON.

The bill (H. R. 19253) granting an increase of pension to Charles H. Thompson was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles H. Thompson, late of Company I, Fifteenth Regiment Missouri Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. LYON.

The bill (S. 5402) granting an increase of pension to C. M. Lyon was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, to strike out all after the enacting clause and insert:

That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Charles M. Lyon, late captain Company I, Forty-fourth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Charles M. Lyon."

JEROME LANG.

The bill (H. R. 14163) granting an increase of pension to Jerome Lang was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Jerome Lang, late of Companies A and F, Fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET S. MILLER.

The bill (H. R. 19659) granting an increase of pension to Margaret S. Miller was considered as in Committee of the Whole.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "sixteen" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret S. Miller, widow of Charles H. Miller, late of Company I, Second Regiment Michigan Volunteer Infantry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

LOUIS H. GEIN.

The bill (H. R. 1549) granting an increase of pension to Louis H. Gein was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Louis H. Gein, late second lieutenant Company F, Fifty-fifth Regiment New York Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH SCOTT.

The bill (H. R. 17732) granting an increase of pension to Joseph Scott was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Scott, late of Company I, Second Regiment Mississippi Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOHN W. COATES.

The bill (H. R. 18544) granting an increase of pension to John W. Coates was considered as in Committee of the Whole. It prbposes to place on the pension roll the name of John W. Coates, late of Company I, Fiftieth Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARIA A. MAHER.

The bill (H. R. 18606) granting an increase of pension to Maria A. Maher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Maria A. Maher, widow of Michael Maher, late of detachment of Ordnance Corps, United States Army, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EFFINGHAM VANDERBURGH.

The bill (H. R. 19118) granting an increase of pension to Effingham Vanderburgh was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Effingham Vanderburgh, late of Company I, First Regiment New York Volunteer Engineers, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GEORGE W. LAKING.

The bill (H. R. 6201) granting an increase of pension to George W. Laking was considered as in Committee of the Whole. It proposes to place on the pension roll the name of George W. Laking, late of Company H, First Regiment Michigan Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

NICHOLAS SCHUE.

The bill (H. R. 18657) granting an increase of pension to Nicholas Schue was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Nicholas Schue, late of Companies E and D, Thirteenth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SAMANTHA B. MARSHALL.

The bill (H. R. 19317) granting an increase of pension to Samantha B. Marshall was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Samantha B. Marshall, widow of David R. Marshall, late of Company A, Twenty-third Regiment New York Volunteer Cavalry, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHILIP KILLEY.

The bill (H. R. 19352) granting an increase of pension to Philip Killey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Philip Killey, late of Company G, One hundred and twelfth Regiment Illinois Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ORRIN S. RARICK.

The bill (H. R. 19686) granting an increase of pension to Orrin S. Rarick was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Orrin S. Rarick, late captain Company B, Sixth Regiment Iowa Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DAVID DIRCK.

The bill (H. R. 18432) granting an increase of pension to David Dirck was considered as in Committee of the Whole. It proposes to place on the pension roll the name of David Dirck, late of Company B, Fourth Regiment Kentucky Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

DANIEL MORRISSEY.

The bill (H. R. 675) granting an increase of pension to Daniel Morrissey was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Daniel Morrissey, late first lieutenant Company F, Twenty-fourth Regiment New York Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ASA G. BROOKS.

The bill (H. R. 19100) granting an increase of pension to Asa G. Brooks was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Asa G. Brooks, late of Company H, Eighth Regiment New York Volunteer Heavy Artillery, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ENOCH M'CABE.

The bill (H. R. 2014) granting an increase of pension to Enoch McCabe was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Enoch McCabe, late of Company G, Ninety-fifth Regiment, Pennsylvania Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JOSEPH KIRCHER.

The bill (H. R. 19662) granting an increase of pension to Joseph Kircher was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Joseph Kircher, late of Company D, Fifth Regiment Pennsylvania Volunteer Cavalry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TAYLOR BATES, ALIAS BAITS.

The bill (H. R. 16575) granting a pension to Taylor Bates, alias Baits, was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Taylor Bates, alias Baits, late of Michael Gilbreath's company, Alabama Scouts and Guides, and to pay him a pension of $8 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CAVE RIVER, LOUISIANA.

The bill (H. R. 7083) to repeal section 5, chapter 1482, act of March 3, 1905, was considered as in Committee of the Whole.

Mr. MALLORY. I should like to inquire if the bill declares Cave River to be navigable?

Mr. GALLINGER. It was declared by a former act nonnavigable, but this repeals that act inasmuch as the river is navigable. It was so represented to the Committee on Commerce.

Mr. MALLORY. Does the Senator know whether the Senator from Louisiana [Mr. FOSTER] favors the bill?

Mr. GALLINGER. The Senator from Louisiana [Mr. FOSTER] gave that statement to the committee. It was under the force of that statement that the bill was reported favorably.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar of bills to be considered under the unanimous-consent agreement.

RETURN OF BILLS FROM THE HOUSE.

Mr. WARREN. Certain bills have passed the Senate and gone to the House, and the items have also been passed in the Army appropriation bill. I desire to have those bills recalled, and therefore I submit a resolution.

The resolution was considered, by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.; the bill (S. 5288) appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina, and the bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; the matters covered by the said bills having been included in the Army appropriation bill approved June 12, 1906.

Mr. CARTER. I move that the Senate adjourn.

The motion was agreed to; and (at 9 o'clock and 44 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, June 26, 1906, at 11 o'colck a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *June 25, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of Saturday's proceedings was read and approved.

EVENING SESSION.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that at 6 o'clock to-day the House take a recess until 8 o'clock this evening and continue in session until not later than 11 o'clock for the purpose of debate, and that nothing shall be in order except general debate in Committee of the Whole House on the state of the Union on the bill (H. R. 19750) an act to simplify the laws in relation to the collection of revenue, the purpose being to have general debate in the interest of some gentlemen who think they have a special message to the country at this time.

Mr. HEPBURN. Why should this evening's session be for debate only? Do you mean that nobody will be here except those gentlemen who desire to speak? Why should not this be an open session for the transaction of ordinary business? I think gentlemen can afford to have one night's session for the transaction of general business.

Mr. PAYNE. Well, this night is especially for debate upon this bill. There is great pressure for political debate, and it has been suggested from time to time that there should be an opportunity. Now, this is for this evening, and some other evening the gentleman might make his own proposition.

Mr. HEPBURN. I hope the gentleman will modify his proposition, so as to be a reasonable proposition.

Mr. PAYNE. I can not modify it at this time.

Mr. COCKRAN. Mr. Speaker, it is impossible to find out what is going on.

The SPEAKER. The point is made by the gentleman from New York that the House is not in order so that it can intelligently transact business. The point of order is sustained. The House will please be in order. Will the House indulge the Chair for one statement? In these, what all of us hope will be the closing days of the session, more business of importance to the country will be transacted than has been transacted in any three months of the session. It can not be transacted with intelligence or safety unless the House is in order, which means to cease conversation upon the floor and enable everybody to hear. Begging pardon for what might seem to be a lecture, but is simply a suggestion, the Chair recognizes the gentleman from New York.

Mr. PAYNE. Mr. Speaker, I will state my proposition again, because some gentlemen have come in since the proposition was first stated. It is that not later than 6 o'clock this evening the House take a recess until 8 o'clock, and then remain in session until not later than 11 o'clock, the evening session being devoted exclusively to general debate on the bill which I have mentioned (H. R. 19750), being a bill to simplify the laws in relation to the collection of revenue. The debate will be general on the bill in Committee of the Whole House on the state of the Union, and no other business to be in order.

Mr. WILLIAMS. The gentleman means by general debate on that bill, and not to confine it to the bill, but in Committee of the Whole House on the state of the Union?

Mr. PAYNE. It will be in Committee of the Whole House on the state of the Union, and any debate will be in order.

stand that the gentleman's request touches the question of the right of general debate during the daytime when this bill is brought up.

Mr. WILLIAMS. In that case, Mr. Speaker, I do not under-

Mr. PAYNE. It does not affect the daytime at all. This is just for to-night.

Mr. WILLIAMS. Merely to-night, from 8 to 11 o'clock?

Mr. PAYNE. Which time is given for general debate.

Mr. WILLIAMS. Adding three hours.

The SPEAKER. The Chair so understands. Is there objection?

Mr. UNDERWOOD. Wait a moment, Mr. Speaker. Reserving the right to object, I want to ask the gentleman this question: I understand by to-day's paper—I do not know whether it is official—that the bill known as the "immigration bill" was to come up to-day.

Mr. PAYNE. I will state to the gentleman that after the immigration bill is considered this is simply for general debate on this bill.

Mr. UNDERWOOD. I understand; but if when 6 o'clock comes the immigration bill is not disposed of, this may sidetrack that, may it not?

Mr. PAYNE. We will have another day to-morrow.

Mr. UNDERWOOD. But if we agree to this it might cut off the proposition, as it will be brought in under the rule.

Mr. PAYNE. I do not know anything about the terms of the rule. I am not a party to that. I am not in that secret, but I hardly think a rule would be brought in that would not enable the business to be completed.

Mr. UNDERWOOD. If the gentleman will make it so that it will not interfere with the consideration of the immigration bill, if it comes up.

Mr. PAYNE. I think it would not interfere. I do not know anything about the immigration bill, nor want it interfered with, and the debate will not interfere with it.

Mr. UNDERWOOD. I would not be willing for it to interfere with the immigration bill. If I thought it would, I would object.

Mr. PAYNE. I am at liberty to say that it will not interfere with the immigration bill.

Mr. UNDERWOOD. If it is under consideration at 6 o'clock, it shall not interfere with the consideration of the bill.

Mr. PAYNE. It shall not.

Mr. UNDERWOOD. With that understanding, I do not object.

The SPEAKER. The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 16013. An act providing medals for certain persons;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, White River, Arkansas;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. J. Res. 21. Joint resolution authorizing the President of the

United States to appoint a commission to examine and report upon a route for the construction of a free open waterway to connect the waters of the Chesapeake and Delaware Bays; and

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1860, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia; and

H. R. 13190. An act to protect birds and their eggs in game and bird preserves.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4387. An act for the relief of Florence Lambert;

S. 3739. An act for the relief of A. A. Noon;

S. 3535. An act to authorize the President to appoint John E. Phelps, late brigadier-general of volunteers, first lieutenant in the United States Army, and place him on the retired list;

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park;" and

S. 1430. An act for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, disagreed to by the House of Representatives; had agreed to the conference asked by the House, and had appointed Mr. MALLORY, Mr. NELSON, and Mr. GALLINGER as the conferees on the part of the Senate.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 4387. An act for the relief of Florence Lambert—to the Committee on Claims.

S. 3739. An act for the relief of A. A. Noon—to the Committee on Claims.

S. 3535. An act to authorize the President to appoint John E. Phelps, late Colonel Second Arkansas Cavalry Volunteers, first lieutenant in the United States Army, and place him on the retired list—to the Committee on Military Affairs.

S. 1430. An act for the relief of George Stoll and the heirs of Charles P. Regan, Marshall Turley, Edward Lannigan, James Manley, and John Hunter—to the Committee on Claims.

S. Res. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park"—to the Committee on Indian Affairs.

GENERAL DEFICIENCY APPROPRIATION.

Mr. LITTAUER, from the Committee on Appropriations, reported the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year 1906, and for prior years; which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report, ordered to be printed.

Mr. FITZGERALD reserved all points of order.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I ask unanimous consent that the minority views of the committee may be filed to-day.

There was no objection.

COLUMBIA INDIAN RESERVATION.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the concurrent resolution, which I send to the Clerk's desk.

The concurrent resolution was read, as follows:

Resolved by the House (the Senate concurring), That the President of the United States be, and is hereby, requested to return to the House of Representatives the bill (H. R. 18668) ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation in the State of Washington.

Mr. FINLEY. What is the necessity for this?

Mr. JONES of Washington. Some of the terms of the bill do not cover the real purpose that was desired.

Mr. FINLEY. Why not?

Mr. JONES of Washington. There were some terms used which commonly do not have the same meaning that they do technically, and we used them in their common sense instead of in the technical sense, so that they make the bill much broader than was intended. Therefore the Department objects to the bill in its present form, and wants to have it sent back so we can get it corrected. We would rather have it sent back than to have it vetoed.

Mr. FINLEY. The bill is objectionable to the Department in its present form?

Mr. JONES of Washington. Yes.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

NAVAL APPROPRIATION BILL.

Mr. FOSS. Mr. Speaker, I call up the conference report on the naval appropriation bill, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman calls up the conference report on the naval appropriation bill and asks unanimous consent that the statement may be read in lieu of the report. Is there objection?

Mr. FINLEY. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Illinois what is there now in the way of difference between the House and Senate conferees?

Mr. FOSS. The only matter of disagreement is the amendment in regard to Port Royal, S. C., and that is reported in disagreement. If this report be adopted, that will be the only matter in disagreement.

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I assume that there will be some little time given when that other amendment comes up, say ten minutes, on this subject.

Mr. FOSS. That matter will be considered after the conference report is disposed of.

The SPEAKER. The only thing that unanimous consent is asked for, the report being privileged, is that the statement be read in lieu of the report.

Mr. FINLEY. Mr. Speaker, I understand that.

The SPEAKER. The Chair hears no objection; and the Clerk will read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 9, 32, 33, 34, 35, 38, 47, and 55.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 5, 11, 12, 14, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 52, 53, 54, 57, 58, 59, and 63, and agree to the same.

Amendment numbered 6: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 6.

Amendment numbered 7: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 7.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with amendments as follows:

In line 10 of said amendment strike out the colon and insert in lieu thereof a period.

In lines 10, 11, 12, 13, 14, 15, 16, and 17 of said amendment strike out the following: "*Provided*, That hereafter the pay and allowances of chaplains shall be the same, rank for rank, as is or may be provided by law for officers of the line and of the Medical and Pay Corps, all of whom shall hereafter receive the same pay on shore duty as is now provided for sea duty: *And provided further*, That the present pay and allowances of any officer now in the Navy shall not be reduced: *Provided further*," and insert in lieu thereof, as a new paragraph:

"That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains

hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five members, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving."

In line 17 of said amendment, commencing with the word "That," have a new paragraph; and in lines 17 and 18 of said amendment strike out the words "pay and," and in line 21 of said amendment strike out the words "pay and."

And the Senate agree to the same.

Amendment numbered 10: That the Senate agree to the amendment of the House to the amendment of the Senate numbered 10.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In said amendment, after the word "million," strike out the words "three hundred thousand;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the words "immediately available and to be;" and the Senate agree to the same.

Amendment numbered 36: That the House recede from its disagreement to the amendment of the Senate numbered 36, and agree to the same with an amendment as follows: In the last line of said amendment strike out the comma and the words "to be immediately available;" and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two million nine hundred and fifty-two thousand four hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 51: That the House recede from its disagreement to the amendment of the Senate numbered 51, and agree to the same with an amendment as follows: In line 6 of said amendment, after the word "graduation," insert the following: "or that may occur for other reasons;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In said amendment strike out the words "one million" and insert in lieu thereof the words "five hundred thousand;" and the Senate agree to the same.

Amendment numbered 61: That the House recede from its disagreement to the amendment of the Senate numbered 61, and agree to the same with an amendment as follows: On page 76 of the bill, at the end of line 5, insert the following: "But this provision shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy;" and the Senate agree to the same.

Amendment numbered 62: That the House recede from its disagreement to the amendment of the Senate numbered 62, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three million four hundred and seventy-five thousand eight hundred and twenty-nine dollars;" and the Senate agree to the same.

On amendment numbered 13 the committee of conference have been unable to agree.

GEO. EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

EUGENE HALE,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes, submit the following written statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report on each of the amendments of the Senate, viz:

On amendment No. 1: Strikes out hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them, as proposed by the Senate.

On amendment No. 2: Increases the appropriation for pay of the Navy from $20,000,000 to $20,269,637.

On amendment No. 3: Provides that the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty, as proposed by the Senate.

On amendment No. 5: Reimburses officers and enlisted men of the Navy and Marine Corps who were on duty under orders in San Francisco during the recent fire in that city for losses of clothing and other personal effects sustained by them through said fire, $7,000, or so much thereof as may be necessary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him in each case, as proposed by the Senate.

On amendment No. 6: Provides that any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special act of Congress.

On amendment No. 7: Provides that any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been or may hereafter be retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of provisions of a special act of Congress.

On amendment No. 8: Provides that the provision contained in section 13 of an act approved March 3, 1899, entitled "An act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but 15 per cent less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section 12 of this act," be, and the same is hereby, repealed.

And further provides that all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commanders in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving.

And further provides that the civil engineers and professors

of mathematics shall receive the same allowances as are or may be provided by or in pursuance of law for naval constructors and the assistant civil engineers the same allowances as provided for assistant naval constructors.

On amendment No. 9: Strikes out the provision that a sum not to exceed $5,000 may be expended by the Secretary of the Navy for legal advice out of this appropriation, as proposed by the Senate.

On amendment No. 10: Provides that the Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of $4,000 during the service of the present incumbent.

On amendment No. 11: Strikes out the provision for transportation to the places of enlistment, or to their homes if residents of the United States, of enlisted men and apprentice seamen discharged on account of expiration of enlistment, with subsistence and transfers en route, or cash in lieu thereof, as proposed by the Senate.

On amendment No. 12: Provides that hereafter enlisted men discharged on account of expiration of enlistment shall receive, in lieu of transportation and subsistence, travel allowance of 4 cents per mile from the place of discharge to the place of enlistment, for travel in the United States, as proposed by the Senate.

On amendment No. 14: Provides that for the performance of such additional services in and about the Naval Home as may be necessary the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the Home, as proposed by the Senate.

On amendment No. 15: Appropriates $2,000,000 for reserve supply of powder and shell, instead of $2,300,000, as proposed by the Senate.

On amendment No. 16: Appropriates $750,000 for reserve guns, as proposed by the Senate.

On amendment No. 17: Inserts the word "torpedo" after "naval;" so as to read "naval torpedo station," as proposed by the Senate.

On amendment No. 18: Provides for the preparation of sites, furnishing and erecting masts, buildings, and machinery foundations for United States naval wireless-telegraph stations on the Pacific coast in the States of Washington, Oregon, and California, to be limited to the purposes above named, $65,000.

On amendment No. 19: Provides that $1,500 may be expended by the Secretary of the Navy in procuring a survey and estimate of cost for a channel into Welles Harbor, Midway Islands, as proposed by the Senate.

On amendment No. 20: Provides that the Chief of the Bureau of Yards and Docks shall be selected from the members of the Corps of Civil Engineers of the Navy having not less than seven years' active service, as proposed by the Senate.

On amendments Nos. 21 and 22: Appropriates $75,000 for boiler shops and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 23, 24, 25, and 26: Reduces appropriation toward the dry dock $50,000 and appropriates $40,000 for quay wall at dry-dock entrance; dry-dock latrines, $3,000; one officers' quarters, $7,000; dispensary building, $12,000, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 27, 28, and 29: Appropriates $30,000 for dredging and filling in at naval station at Key West, Fla.; also $3,000 for sewer system, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 30 and 31: Increases appropriations for navy-yard, Puget Sound, Wash., as follows: Telephone system, extensions, $1,500; central power plant, $60,000; water-closets for ships in dock, $2,500, and changes totals accordingly, as proposed by the Senate.

On amendments Nos. 32 and 33: Provides for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

On amendments Nos. 34 and 35: Strikes out language "and power plant," as proposed by the Senate.

On amendment No. 36: Appropriates $35,000, or so much thereof as may be necessary, for the reclamation of that portion of the naval station at Honolulu, Hawaii, known as the "Reef."

On amendment No. 37: Provides for changes in the totals, public works, navy-yards and stations, from $2,848,450 to $2,952,450.

On amendment No. 38: Applies the word "all" to officers outside of the naval hospital, Newport, R. I., so that it will read "building quarters for all officers," etc.

On amendments Nos. 39 and 40: Provides for a heading, "Public works, Marine Corps," and the erection of barracks and quarters, Marine Corps: Erection and equipment of two laundries for enlisted men, marine barracks, $12,000, as proposed by the Senate.

On amendments Nos. 41, 42, 43, 44, 45, and 46: Provides for the completion of marine barracks on the Schmoele tract of land at the Norfolk Navy-Yard, in the State of Virginia, including plumbing, interior woodwork, painting, grading, and proper connections with the local waterworks, $15,000; for the construction of two additional sets of officers' quarters, Norfolk Navy-Yard, $24,000; in all, Norfolk Navy-Yard, $39,000.

For the erection of marine barracks and officers' quarters, naval station, New Orleans, La., $15,000, which sum shall be in addition to $15,000 appropriated for this object in the naval appropriation act approved March 3, 1901, and $6,500 provided in the naval appropriation act approved April 27, 1904.

For the erection of marine barracks and completion of officers' quarters, marine barracks, naval training station, San Francisco, Cal., $15,000.

For the necessary repairs and improvements to such buildings at the naval station, New London, Conn., as have been assigned to the Marine Corps by the Navy Department, $25,000.

For the purchase of land adjoining marine reservation, naval station, Sitka, Alaska, $400.

In all, public works, Marine Corps, $106,400, as proposed by the Senate.

On amendment No. 47: Strikes out provision that the Secretary of the Navy be, and he is hereby, authorized and directed to cause to be constructed a fully completed model of each vessel of war of the Navy of the United States which now has or may hereafter be given the name borne by any State of the United States, said model to be deposited in the capitol building of said State, and in every case said model shall be placed in a prominent position, convenient to public view: *Provided*, That such model shall not cease to be, when so deposited, the property of the Government of the United States, but shall be at all times subject to the authority and direction of the Secretary of the Navy, no model to cost in excess of $3,500, and the sum of $50,000 is hereby appropriated, as proposed by the Senate.

On amendment No. 48: Appropriates $60,000 to outfit boiler shop and changes totals accordingly, as proposed by the Senate.

On amendment No. 49: Changes totals, as proposed by the Senate.

On amendment No. 50: Changes totals, as proposed by the Senate.

On amendment No. 51: Provides hereafter the Secretary of the Navy shall, as soon as possible after the 1st day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons, and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill such vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the 4th day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year 1908, as proposed by the Senate.

On amendment No. 52: Provides that the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list and who shall take rank as now held by them.

On amendment No. 53: Provides that all records (such as muster and pay rolls and reports) relating to the personnel

and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication, as proposed by the Senate.

On amendment No. 54: Provides for prizes for excellence in gunnery exercise and target practice, both afloat and ashore.

On amendment No. 55: Strikes out provision, etc., that from and after the date of the approval of this act the Commandant of the Marine Corps shall have the rank, pay, and allowances of a major-general in the Army, and when a vacancy shall occur in the office of Commandant of Corps, on the expiration of the service of the present incumbent, by retirement or otherwise, the Commandant of the Marine Corps shall thereafter have the rank, pay, and allowances of a brigadier-general.

On amendments Nos. 57, 58, 59, and 60: Provides for tests of subsurface and submarine torpedo boats to take place within nine months, instead of twelve, from the date of the passage of this act, and appropriates $500,000.

On amendment No. 61: Provides that the following clause, "That no part of this appropriation shall be expended for armor for vessels herein authorized except upon contracts for such armor when awarded by the Secretary of the Navy, to the lowst responsible bidder, having in view the best results and most expeditious delivery," shall not apply to or interfere with contracts for such armor already entered into, signed, and executed by the Secretary of the Navy.

On amendment No. 62: Changes totals from $32,975,829 for total increase of the Navy to $33,475,828.

On amendment No. 63: Provides that no part of any sum appropriated by this act shall be used for any expense of the Navy Department at Washington unless specific authority be given for such expenditure.

The committee of conference have been unable to agree on the following amendment:

On amendment No. 13, which provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

GEORGE EDMUND FOSS,
H. C. LOUDENSLAGER,
ADOLPH MEYER,
Managers on the part of the House.

The Clerk, proceeding with the reading of the statement, read as follows:

On amendments Nos. 32 and 33: Provides for the construction of a graving dock of concrete and granite, to cost in all $1,400,000, $100,000; in all, navy-yard, Pensacola, $140,000.

Mr. FOSS. One moment, please. I desire to interrupt the reading of the statement. In the paragraph which has just been read the words "provides for" should be stricken out and the words "strikes out" inserted. It is a clerical error, and I ask that the correction be made.

The SPEAKER. If there be no objection it will be read.

The Clerk resumed and completed the reading of the statement.

Mr. FOSS. Mr. Speaker, as I stated a moment ago, this is almost a complete report on all matters in disagreement between the two Houses, there being but one matter now in disagreement, that of the Senate amendment relating to Port Royal, S. C.

Mr. PAYNE. Mr. Speaker, I should like to ask the gentleman if the Senate accepted the amendment which the House made to their amendment relative to the solicitor in the office of the Judge-Advocate-General of the Navy?

Mr. FOSS. Yes. If no other gentleman desires to ask me any question, I move the previous question upon the adoption of the report.

Mr. FINLEY. After that the matter I spoke of will come up?

Mr. FOSS. After the adoption of the report the matter in which the gentleman is interested will come up.

The question being taken, the previous question was ordered.

The conference report was agreed to.

Mr. FOSS. Now, Mr. Speaker, I call for the reading of the Senate amendment, which is the only matter in disagreement.

The Clerk read as follows:

Amendment No. 13 provides that the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable, and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000.

Mr. FOSS. Mr. Speaker, I desire to state that I shall make a motion at the proper time to insist upon the disagreement of the House to this amendment, but as I understand the gentleman from South Carolina desires to make a motion to recede and concur in this amendment, I shall yield to him for that purpose, and also yield to him twenty minutes.

Mr. PATTERSON of South Carolina. Mr. Speaker, I move that the House recede and concur in the Senate amendment No. 13.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from South Carolina moves that the House recede from its disagreement to amendment No. 13 and concur therein.

Mr. PATTERSON of South Carolina. Mr. Speaker, this amendment was made and reported by the Senate Committee on Naval Affairs and passed the Senate by a unanimous vote. It was done at the special request of the Secretary of the Navy, contained in a letter bearing date of May 21, 1906, addressed to the chairman of Naval Affairs Committee of the Senate. The Senate committee, realizing the importance and necessity of this appropriation, amended the House bill as requested by the Secretary of the Navy, and now it is before the House on a report of disagreement from the conferees. It has been in conference time and again. The same report made this morning has been made repeatedly, and the House has as often sent it back to conference. It will, no doubt, surprise many Members of this House when I state that, in my opinion, this appropriation is the most important one in this very important bill. If the Members of this House will give this matter a fair, careful, and impartial consideration I am satisfied that they will agree with me that it is a most important appropriation, and the House should recede from its disagreement and concur in the Senate amendment.

Now, Mr. Speaker, Secretary Bonaparte, in making this request, says, in his letter addressed to the Naval Committee of the Senate, that this amendment is requested for the reason that the Department thinks it necessary to have available some station for the training of recruits should an epidemic of disease render one of the other training stations inadequate. This condition, he says, has existed for the past two winters. Gentlemen, please give your attention to this. The Secretary says this condition has existed for the past two winters, causing the partial suspension of enlistment and unnecessary deaths to several men, besides risking the lives of a large number of others who were exposed to fatal diseases. Now, Mr. Speaker, is that a matter worthy of the consideration of this House? Here is a condition that not only involves the comfort and the health and the lives of the young men of the United States who have voluntarily entered the service of the Navy of their country: Is it not your duty, when the Secretary of the Navy calls upon you and lays the matter before you so plainly, so clearly, and so forcibly—is it not your duty to see that the proper provision is made to take care of these young men? If we are to have a navy, and if our Navy is to be manned by American men and boys, we must of necessity provide training stations where the young men of this country may be trained in the art of war, taught and prepared for service, how to handle our war ships and manage them in times of battle and war.

It is surprising to hear it stated that our battle ships are manned by so many foreigners, a part of whom can not speak the English language. In times of war, in times of great battles and peril, we can not expect these foreigners to give the exalted and patriotic service that is inspired by the love and the patriotism of the native American. It is therefore to the interests of the service that our battle ships and war craft be manned and officered by native-born Americans—men who love their country, honor the American flag, American ideals, and American institutions. [Applause.] This desirable condition can not be attained until we can induce young Americans to enter the naval service in numbers sufficient to meet the requirements. The raw recruit is useless—a menace, a danger to the orderly conduct and management of a battle ship or war vessel. Then we must have skilled officers and seamen

to man our warships. We can not have them unless we provide sufficient schools and training stations, where they may be prepared for the service. We have not sufficient provision for this purpose at present, and the Secretary of the Navy has requested this appropriation to fit out and prepare the Port Royal Naval Station for a training station, to be used as an adjunct to the Rhode Island training station. The Secretary's reasons for asking for this appropriation are good and must appeal to every Member of this body. He has the good of the service at heart, and, at the same time, he has the proper appreciation and solicitude for the comfort, health, and lives of the young men who have volunteered in the service of our Government. This exhibition of a manly heart, filled with the milk of human kindness, prompting him to ask this appropriation, must appeal to every Member of this body. The mothers and fathers of America who are surrendering their sons to the service of their country at least expect that their country will exercise due care in preserving the health of their boys, and if by reason of the refusal of this House to enact this amendment into law the health of these young men be undermined from exposure, disease, and epidemics which prevail in the cold and rigorous climates where the training stations are at present located, the country will not hold you guiltless. [Applause.]

Mr. Speaker, it may be that some Member of this House is opposed to and will vote against this amendment on the ground of economy. I want to say to you that this is the most economical expenditure of public funds that has been made at this session of Congress, and it will no doubt surprise you when I tell you—and I have the records here to prove what I say—that the Government property at Port Royal, S. C., is worth to-day nearly $1,000,000. The Government has expended on these grounds and buildings more that $1,000,000. I read from the report of Secretary Moody where he says that the Government has expended at Port Royal Naval Station on the lands and buildings that we have there to-day the sum of $1,225,648.94, and he gives in this report a detailed statement of this expenditure, giving a description of the houses and buildings, and he says these houses are all in good condition, comparatively new, some of them having never been used at all. These buildings are suitable for officers' quarters and for berthing and messing men. This property has been abandoned since the dry dock has been constructed at Charleston, and will in a few years go to ruin and be worthless, whereas the expenditure of the amount provided for in this appropriation will not only preserve this valuable property, but will serve as a very important and much-needed station for the Navy, as set forth in the letter above referred to.

These are the grounds and buildings for which the Secretary of the Navy has made this urgent appeal to you. This is the amendment that was put in by the Committee on Naval Affairs at the other end of the Capitol and passed unanimously by the Senate. And now it is up to the House to say whether we shall grant that request and turn over these grounds and buildings to the Secretary of the Navy, to be used as an adjunct to the training station in Rhode Island, or shall we refuse this appropriation, refuse this request, and allow this valuable property to be forever abandoned and go to rack and ruin, at a loss to this Government of nearly $1,000,000.

I appeal to the business sense and good judgment of the Members of this House, and ask you to care for and protect the Government's property as you would protect your own.

Mr. RIXEY. Mr. Speaker, I would like to ask the gentleman a question.

The SPEAKER pro tempore (Mr. OLMSTED).. Does the gentleman from South Carolina yield to the gentleman from Virginia?

Mr. PATTERSON of South Carolina. Yes.

Mr. RIXEY. Do I understand the gentleman to say that the Secretary of the Navy has recommended this amendment?

Mr. PATTERSON of South Carolina. Yes; he requested it in a strong letter addressed to the chairman of the Committee on Naval Affairs of the Senate.

Mr. RIXEY. Has the gentleman the letter there?

Mr. PATTERSON of South Carolina. Yes; I have the letter, and I shall send it to the Clerk and ask that it be read.

Mr. JOHNSON. Mr. Speaker, this amendment, as I understand it, simply undertakes to utilize property that the Government has already expended a million dollars on.

Mr. PATTERSON of South Carolina. That is all we ask for in this amendment.

Mr. JOHNSON. And the question is whether the Government will expend a little money to utilize the property or let it rot down?

Mr. PATTERSON of South Carolina. That is the proposition. I now send up to the Clerk the letter of the Secretary of the Navy to the Hon. EUGENE HALE, chairman of the Committee on Naval Affairs, United States Senate, and ask that it be read.

The SPEAKER pro tempore. Without objection, it will be read in the time of the gentleman from South Carolina.

The Clerk read as follows:

NAVY DEPARTMENT,
Washington, May 21, 1906.

SIR: I have the honor to recommend the following amendment to the naval appropriation bill now pending in the Senate (H. R. 18750), in order that the Department may make such use of the Port Royal Naval Station for a winter training station as may be found desirable and necessary:

On page 8, after line 8 of the bill (naval training station, Rhode Island), add:

"*Provided*, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the Naval Training Station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000."

This amendment is requested for the reason that the Department deems it necessary to have available some station for the training of recruits should an epidemic of disease render one of the present training stations inadequate. This condition has existed for the past two winters, causing the partial suspension of enlistments and the unnecessary deaths of several men, besides risking the lives of a large number of others who were exposed to fatal disease.

Respectfully,

CHARLES J. BONAPARTE,
Secretary.

HON. EUGENE HALE,
Chairman Committee on Naval Affairs,
United States Senate.

Mr. PATTERSON of South Carolina. Mr. Speaker, I hold in my hand quite a voluminous report, made by a naval board, of which Capt. J. J. Hunter, United States Navy, was senior member, that goes carefully into this subject, and recommends most highly the use of this Port Royal station as a training station, and I send it up and ask that the Clerk read section 2 of this report.

The SPEAKER pro tempore. Without objection, the Clerk will read the same in the time of the gentleman from South Carolina.

The Clerk read as follows:

2. The board is of unanimous opinion that the Port Royal station is a most suitable one for the purpose of training landsmen, owing to its mild and healthful climate; to the opportunities furnished by the commodious buildings for quarters, drill and inspection rooms; to the quiet and spacious waters adjoining for boat drill, gunnery practice, and exercise afloat; to the extensive, level grounds that can be made available for drill and parade; to its remoteness from large cities, with their accompanying distractions, and to its ready access by rail and water, and believes that if a sufficient quantity of fresh water could be furnished to allow a liberal supply for the purpose of cooking, washing, bathing, and scrubbing clothes, hammocks, etc., the site would fulfill every requirement.

Mr. PATTERSON of South Carolina. I have only this to say to the Members of this House, that I have presented in the short time that I have had the facts in this case as I have been able to gather them from the records; and I ask that you take it under careful consideration, and vote for this amendment, and give the Secretary of the Navy the right and the authority to use those buildings and grounds, and vote for this appropriation to protect the property of the Government. [Applause.]

Mr. FINLEY. Mr. Speaker, I want to say this, that there is no question of pull from the district bringing about this effort that is made here to-day to utilize the Government property at Port Royal, S. C., for the purposes of the Navy Department—none at all. The South Carolina delegation in Congress raised no protest when it was proposed to remove the naval station from Port Royal to Charleston, because they were convinced that the authorities were opposed to Port Royal. But there is a question to-day that is important to the American people; it is important that Congress should take it up and deal with it, and that is the enlargement, the development, of the American Navy. I desire to say to my friend from Illinois, the distinguished chairman of the Committee on Naval Affairs [Mr. Foss], that in the opinion of a great many people the development, the building of the Navy in the matter of vessels and war ships is proceeding at a faster rate than is the training and equipment of men and of officers to properly man the vessels. So I hold, Mr. Speaker, that this proposition is one which will add to the efficiency of the Navy, because it will tend to bring to the Navy trained and efficient men to man our battle ships when they are placed in commission. If I should talk for one hour, and I only have a few minutes, I do not know that I could say more than this. If you build ships by the dozen each year and do not have men to man those vessels, you have an inefficient Navy. Here is a small proposition, one that asks for a small appropriation,

one making the Government property at Port Royal an addition to the Rhode Island Naval Training Station.

The Secretary of the Navy holds that for present conditions the present equipment is insufficient. He asks for this as an addition to the equipment the Government now has in the way of naval training facilities. I think that no better appropriation can be made, and I want to say that the cry has gone up all over this land that young men, seamen, men in the employ of the Government in the naval department are to-day put in the service of the Government when they are not equipped, when they are unprepared, when they are unfit for service. I submit that this is a condition that is serious and one that should be remedied. I believe in a great navy. I believe in making the Navy of this country as good as there is in all the world, because I believe it makes for the peace of the world. I believe it makes for the security of the people of this country, and when it is proposed in an appropriation bill to provide requisite, necessary, asked-for facilities in order to turn out trained seamen, I submit that the appropriation is one that should appeal to the judgment, wisdom, and to the patriotism of the House.

There should be no question of section in this. I may state that Port Royal is more than 200 miles from where I live. I have no personal interest in the proposition, but when I am asked here, as I have been for the past seven years, time after time, to vote for an increase in the Navy in the way of war ships, then I submit that I have a right to bring to the attention of the House facts which I know, that the crying need of the Navy to-day is trained seamen, men properly equipped and prepared to manage the war vessels of the Government. [Applause.]

Mr. FOSS. Mr. Speaker, I would like to say a few words upon this proposition, if I can have the attention of the House. Mr. Speaker, this amendment, as I stated a few moments ago, is the only amendment in disagreement between the two Houses upon the naval appropriation bill. In 1890 the Government owned a small amount of property at Port Royal, and since then, or during a few years succeeding then, it increased its holdings and started in to build a navy-yard. It built a dry dock there which cost $518,521, and also made some improvements in the way of shops in connection with the building of a navy-yard at Port Royal. In all, the appropriations for Port Royal amounted to $1,200,000. Then a few years later came up the question of the repair of the dry dock; and I may say that prior to that time we had some trouble in securing a right of way to the dry dock, because some gentleman down in the neighborhood claimed that they had the right to the land under the water in connection——

Mr. FINLEY. Mr. Speaker——

The SPEAKER. Does the gentleman from Illinois yield?

Mr. FOSS. I do.

Mr. FINLEY. Now, is it not true this land that you had so much trouble about was owned by a corporation which was not composed of men living in South Carolina—in other words, living in other States?

Mr. FOSS. I will say to my friend that I do not care who owned it, so far as that is concerned; I am only stating in a general way——

Mr. FINLEY. I know; but you stated "gentlemen living down there."

Mr. FOSS. I think some were interested in it, were they not?

Mr. FINLEY. I think if my friend will investigate——

Mr. FOSS. Were not some interested in the corporation?

Mr. FINLEY. If my friend will investigate the matter he will find it was a foreign corporation.

Mr. FOSS. I do not care whether it was foreign or not; but, anyhow, the Department came to the conclusion that it was not a fit place for a navy-yard, that we could not get a sufficient depth of water, and it would be of no use to repair the dry dock and attempt to build up a navy-yard there; and that was the situation then. Under those circumstances Congress passed a law providing for transferring the navy-yard to Charleston, S. C., where to-day we are building up a navy-yard, and those things which were available for use and equipment of a navy-yard at Charleston, S. C., have been removed or are being removed or will be removed from Port Royal.

Mr. MONDELL. Will the gentleman yield for a question?

Mr. FOSS. I will.

Mr. MONDELL. What has the Government there in the way of buildings?

Mr. FOSS. Oh, the Government has some shops there—machine shops and a few things which——

Mr. MONDELL. Has it buildings which could be used for barracks and accommodations, and that sort of thing for a training station?

Mr. FOSS. I presume some of the buildings could be used for barracks, but I do not know just how many, but all the machinery, tools, and everything of that sort—the fire engines, steel tower tank, railway track and scales, machinery, shop for steam engineering, locomotive train and track, electric light and power plant—have been taken away, or will be, to Charleston, so there is not so much left at Port Royal to-day, and while we have appropriated $1,200,000, a large part of that appropriation went into this dry dock, that is absolutely worthless.

Mr. PATTERSON of South Carolina. The gentleman stated that the dry dock was instituted at a cost of about $500,000. The statement of Secretary Moody, which I hold in my hand, shows that there was expended there one million two hundred and odd thousand dollars, which shows a balance in building alone of seven or eight hundred thousand dollars. I will ask the gentleman if he does not know that Secretary Moody in his report, giving a detailed statement of the buildings covering a page and a half, giving the number and the size of those buildings, states that a great number of those buildings are new and some of them have never been used at all?

Mr. FOSS. Secretary Moody made a personal inspection of this yard, and in his report he said that the property was of very little value except to use by the Government for the purposes for which it was designed, and that was a navy-yard.

But Congress, in its wisdom, abandoned Port Royal and went to Charleston, and it was the understanding that Port Royal *should be abandoned*. Ever since Congress has taken that action there have been attempts now and then to open up Port Royal, and this is another attempt. Port Royal is within 62 miles of Charleston, S. C.

Mr. FINLEY. There is no naval training school at Charleston.

Mr. FOSS. We are building up a navy-yard at Charleston.

Mr. FINLEY. No naval training school at Charleston?

Mr. FOSS. No.

Mr. FINLEY. Is it not a fact that the buildings at Port Royal cost the Government between $700,000 and $800,000?

Mr. FOSS. Well, whatever is stated in this report of Mr. Moody's.

Mr. FINLEY. No part of those buildings have been moved to Charleston, nor can they be moved.

Mr. FOSS. I think, though I am not sure—some of these buildings have been removed, as I stated a moment ago, or parts of these buildings or the equipment of the buildings.

Mr. FINLEY. There would only be such an equipment as would enter into a naval station; it would not be the building proper, would it?

Mr. FOSS. Not the building proper, but I mean the parts that could be properly transferred.

Mr. FINLEY. Is it not true, from the report of the Secretary of the Navy, that there are ample buildings at Port Royal to-day for this naval training school?

Mr. FOSS. Why, with an appropriation of money to change them over and to improve them and repair them and fix them up I presume they could establish a naval training station at Port Royal without any question, but the point I wish to make here is that when this Congress said that they would go to Charleston, we agreed to abandon Port Royal.

Mr. FINLEY. As a naval station?

Mr. FOSS. And that was the understanding, that we ought to abandon Port Royal. Now, Mr. Speaker, I want to say that Secretary Moody went down there and examined into the condition of the property. He stated:

> The property, of course, could be devoted to the purpose for which it was originally designed. It is, however, assumed that when the naval station at Charleston is completed the station at Port Royal will be discontinued. There is absolutely no reason for two stations in these waters. From light to light the stations are but 62 statute miles apart. There are no public uses for more than one station in this region, and that proposed at Charleston will be more than sufficient. No other use for the property has been suggested or occurs to me.
>
> Until buildings are erected at Charleston those at Port Royal can be employed for any uses which are desired, but as the Charleston buildings are completed those at Port Royal should be abandoned. It is believed that the property could be suitably guarded, at a small expense.
>
> It would be avisable to sell this property, but the probabilities of finding a purchaser for it would be remote.

Mr. Speaker, this is an amendment offered here for an appropriation for nearly $100,000, which, in my judgment, is only the beginning, to open up this whole abandoned navy-yard for a naval training station. Now, as I stated a moment ago, it was clearly the purpose and the understanding that when we went from Port Royal to Charleston this station at Port Royal should be abandoned. For that reason the House conferees, knowing the action of Congress at that time, and the understanding and sentiment of this House, have reported here a disagreement upon this proposition, and I trust that the motion of the gentleman will be voted down.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask a question. Have we not been having more trouble in getting men to man the ships than getting these battle ship appropriations here?

Mr. FOSS. Yes. I will say frankly to the gentleman that we ought to pay more attention to our personnel.

Mr. CLARK of Missouri. Now, why not go on and man these ships by establishing or using this naval station down there?

Mr. FOSS. We have a training station at Newport and one out on the Pacific coast and practically one down at Norfolk, Va.

Mr. CLARK of Missouri. It is patent that we do not have enough. If we are going to have battle ships, it is absolutely a waste of money not to man them.

Mr. JOHNSON. Mr. Chairman——

Mr. FOSS. I will yield to the gentleman for a question.

Mr. JOHNSON. Is this amendment not put in the bill at the request of the Navy Department?

Mr. FOSS. It may be.

Mr. JOHNSON. Well, I would like to call the gentleman's attention to a letter from Mr. Bonaparte.

Mr. FOSS. I have seen the letter, I will say to the gentleman, and the letter has been read. Mr. Speaker, I move the previous question on the motion made by the gentleman from South Carolina.

The SPEAKER pro tempore (Mr. OLMSTED). The gentleman from South Carolina moves that the House do recede and concur in amendment No. 13 of the Senate; and upon that the gentleman from Illinois demands the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER pro tempore. The question is on the motion of the gentleman from South Carolina, that the House recede from its disagreement to amendment No. 13 and concur therein.

The question was taken, and the Speaker pro tempore announced that the noes appeared to have it.

Mr. PATTERSON of South Carolina. Division!

The House divided; and there were—ayes 59, noes 111.

So the motion was rejected.

Mr. FOSS. Mr. Speaker, I move that the House further insist upon its disagreement to Senate amendment No. 13 and agree to the conference asked by the Senate.

The question was taken; and the motion was agreed to.

The Speaker announced the following conferees: Mr. Foss, Mr. LOUDENSLAGER, and Mr. MEYER.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

The SPEAKER laid before the House the bill (H. R. 14396) incorporating the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and facilitate interstate commerce, with Senate amendment, which was read.

Mr. DAVIDSON. I move to nonconcur in the Senate amendment and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER. The Chair announces the appointment of the following conferees: Mr. DAVIDSON, Mr. ROBERTS, and Mr. BURNETT.

IMMIGRATION BILL.

Mr. DALZELL. Mr. Speaker, I offer the following privileged report from the Committee on Rules.

The SPEAKER. The gentleman from Pennsylvania presents the following privileged report from the Committee on Rules, which the Clerk will read.

Mr. DALZELL. With the permission of the Chair, I will read it myself. I do not believe the Clerk can.

Resolved, That immediately upon the adoption of this order the House shall resolve itself into Committee of the Whole House on the state of the Union for consideration of the bill (S. 4403) "To amend an act entitled 'An act to regulate the immigration of aliens into the United States,' approved March 3, 1903," and in the Committee of the Whole the amendment in the nature of a substitute reported by the Committee on Immigration and Naturalization shall be read through, after which section 1 of the said amendment shall be considered for not longer than one hour under the five-minute rule for amendments; and at the end of the consideration of section 1 section 38 shall in the same way be considered for not longer than two hours, with the provision that amendments pending at the end of the two hours shall be voted on by the committee; and immediately after the vote on the said specified amendments to section 38 the Committee of the Whole shall rise and the Chairman shall report the bill and substitute amendment, whereupon a vote shall be taken on the substitute and bill to the final passage, without intervening motion or repeal. General leave is given to print, to be confined to a discussion of the bill, within five legislative days from to-day.

On the adoption of the rule, I move the previous question.

Mr. GOLDFOGLE. Mr. Speaker, I desire to ask the gentleman from Pennsylvania a question.

The SPEAKER. The demand is for the previous question, which cuts off all debate.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 131, noes 60.

So the previous question was ordered.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] is entitled to twenty minutes and the gentleman from Mississippi [Mr. WILLIAMS] is entitled to twenty minutes.

Mr. DALZELL. Mr. Speaker, I shall only take a few moments to explain the provisions of the rule. As the House is probably aware, the Committee on Immigration of the House struck out of the Senate bill on immigration which came over here all after the enacting clause and reported a substitute. The question now before the House is not the Senate bill, but a substitute for the Senate bill, and that substitute, of course, as reported, is an amendment, or, in other words, is one whole paragraph. This bill thus reported by the committee as a substitute has only two features that are significant. All the others are rather matters of administration and in the line of previous legislation. These two features are embodied in section 1 and section 38. Section 1 provides for an increase in the head tax. Section 38 provides for an illiteracy test, providing that parties shall not be admitted as immigrants unless they are able to read in English or in some other language. The committee has selected these two conspicuous features for debate. Section 1 is to be debated under the five-minute rule, open to amendments, for one hour. Section 38 is to be debated, open to amendments, for two hours, and at the end of the two hours the committee is to rise and report the bill with such amendments as may be adopted by the House, and thereupon a vote shall be taken. General leave to print for five legislative days is given by the rule. I reserve the balance of my time.

Mr. BENNET of New York. I should like to ask the gentleman from Pennsylvania a question. After this resolution shall have been adopted, will the Chairman of the Committee of the Whole, whoever he may be, absolutely control the time? Is that correct?

Mr. DALZELL. Certainly.

Mr. BENNET of New York. In the second place, am I to understand from the reading of the rule that section 1 is to be open fully to amendment?

Mr. DALZELL. For one hour.

Mr. BENNET of New York. For one hour, under the five-minute rule?

Mr. DALZELL. For one hour under the five-minute rule.

Mr. GOLDFOGLE. Do I understand from the gentleman from Pennsylvania that the rule will prevent all general debate on the bill?

Mr. DALZELL. There is no provision for general debate.

Mr. GOLDFOGLE. In other words, we are cut off from general debate?

Mr. DALZELL. Yes; if the gentleman chooses to put it that way.

Mr. GOLDFOGLE. Will any other sections than 1 and 38 be open to amendment?

Mr. DALZELL. They will not.

Mr. GOLDFOGLE. Excepting in so far as amendments may be offered to those sections which may relate to other parts of the bill?

Mr. DALZELL. That is all.

The SPEAKER. The gentleman reserves the remainder of his time.

Mr. WILLIAMS. I yield ten minutes, or so much thereof as he may desire, to the gentleman from Missouri [Mr. DE ARMOND].

Mr. DE ARMOND. Mr. Speaker, as a minority member of the Committee on Rules, I am safe in saying for myself, and, I think, also for my associate [Mr. WILLIAMS], that we have no objection to the bringing up of this measure. For my part, I am in favor of bringing it up. The cause of complaint and of objection is that there is not sufficient time allotted for its consideration, and not sufficient liberality with reference to amendments.

The subject is one of vast importance. It deserves very careful consideration. It ought to be the product of mature deliberation, and the measure ought, when it passes the Congress, to be the product of the best judgment and the deepest wisdom of the lawmaking body.

Three hours are to be given for discussion under the five-minute rule; no time for general debate; one hour upon one section, and two hours upon another; or, in all, three hours. As to the other provisions of the bill, there will be no opportunity for discussion, and no opportunity for amendment. And finally, when the bill comes back into the House, the work of the Committee of the Whole, if it adopts any amendments, will have to be

taken in bulk. In other words, after we get into the House the vote will be upon the substitute as the Committee of the Whole makes it or leaves it. It will be seen at once from this statement that the opportunity for the House to consider and intelligently express its judgment upon this most important subject is restricted as to time, and restricted as to the subject-matter.

Mr. GARDNER of Massachusetts. Mr. Speaker, do I understand the gentleman to say that there is no provision for a separate vote on the amendments when the bill gets back into the House?

Mr. DE ARMOND. That is correct. In the Committee of the Whole only amendments can be voted upon to the part of the substitute which deals with those two sections—1 and 38.

Mr. GARDNER of Massachusetts. The substitute proposes to strike out and insert.

Mr. DE ARMOND. In the Committee of the Whole there is to be an opportunity for one hour to offer and discuss amendments to section 1, and for two hours to offer and discuss amendments to section 38 of the substitute reported by the House committee for the Senate bill. At the end of that time, and after the House, in Committee of the Whole, has disposed of these matters, then we go into the House proper, and the vote there is to be upon the substitute for the Senate bill as the Committee of the Whole fixes that substitute, without any chance for a separate vote upon any amendment that may be adopted in Committee of the Whole. That is the provision of the rule.

Mr. GARDNER of Massachusetts. Mr. Speaker, am I to understand that if the House adopts an amendment striking out the educational test, when we come back into the House no yea-and-nay vote can be had on that amendment to the amendment striking out the educational test?

Mr. DE ARMOND. That, Mr. Speaker, is precisely the provision of this rule, and that is one of the reasons why my colleague upon the Committee on Rules and myself opposed reporting the rule in its present form.

Mr. GARDNER of Massachusetts. A parliamentary inquiry, if the gentleman will yield.

Mr. DE ARMOND. If it will not come out of my time.

The SPEAKER. The gentleman from Missouri is entitled to the floor. If he yields to the gentleman from Massachusetts, he will yield out of his own time.

Mr. DE ARMOND. That is the situation, Mr. Speaker, under the rule; as to the educational test and as to any other matter embodied in these two sections, and as to every other part of the bill, the committee action is final, with the one exception that when you get back into the House you can vote for or against the whole substitute bill, as it comes out of the Committee of the Whole.

Now, we think this rule restricts the committee too much and the House too much. It does not tend to get the best judgment of the House, but it does not only tend, but makes it sure that, in the event of the adoption of any amendment in the Committee of the Whole, those who are in favor of this legislation will be compelled to take the bill in the condition in which the Committee of the Whole leaves it, or join its opponents to defeat it in the condition in which the Committee of the Whole leaves it.

Mr. Speaker, this is but another illustration, and a somewhat striking one, of the effect of rules designed to limit and hamper the House in the discharge of its business. These restrictive provisions are restrictions upon us, upon each Member of the House, and the effect may easily be to put this bill, when it comes to a final vote, in such a position that gentlemen can not vote for it or vote against it as they would like to do. They can not have an opportunity for an expression of opinion in the House upon provisions most important, and which greatly improve or greatly injure the bill in its tendency and effect. They are cut off from it. It is a hodge-podge, a lump affair. There is no necessity for that. It would be just as easy, if amendments be adopted in Committee of the Whole, to permit a vote upon those amendments in the House. If the House is in favor of them, the House would adopt them; if the House be opposed to them, then they ought not to be adopted; and no man who desires to vote for this bill, as I do and as I believe a large majority of the Members do, ought to be under compulsion to vote for it with things in it that ought not to be in it, or to vote for it with things out of it that ought to be in it. That is all, Mr. Speaker, that I wish to say upon the subject, and I yield back to the gentleman from Mississippi the remainder of my time.

Mr. GARDNER of Massachusetts. Will the gentleman from Pennsylvania yield to me?

Mr. DALZELL. How much time?

Mr. GARDNER of Massachusetts. Five minutes.

Mr. DALZELL. I will yield five minutes to the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Speaker, I would like to ask the Chair if, in his opinion, this rule as drawn will permit a yea-and-nay vote at any stage, for instance, on the amendment striking out the educational test?

The SPEAKER. In reply to the question of the gentleman from Massachusetts, which the Chair will treat as a parliamentary inquiry, the Chair will say that this rule, if adopted, does not change the ordinary rules of the House upon that subject. The ordinary rules of the House would enable the Committee of the Whole House to perfect the substitute to the Senate bill reported by the committee, and would be treated precisely in that respect as substantially all similar amendments have been treated heretofore.

Mr. GARDNER of Massachusetts. Then I understand, Mr. Speaker, that no yea-and-nay vote would be possible at any stage of proceeding under that rule of the educational test.

The SPEAKER. Amendments perfecting the substitute itself would be in order. This special rule, if adopted, leaves the uniform practice as it has been in Congress for a hundred years.

Mr. GARDNER of Massachusetts. Then I ask that this rule shall be so amended as to permit at some stage in the proceedings a yea-and-nay vote on the educational test.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent as indicated. Is there objection?

Mr. STAFFORD. I object.

Mr. KEIFER. I would like to ask the Chair if the Chair does not mean that after we come into the House there may be a separate vote?

The SPEAKER. There would not be, because this rule, if adopted, orders the previous question to a third reading and final passage of the bill without intervening motion.

Mr. GARDNER of Massachusetts. Will the Chair treat this as a parliamentary inquiry: If after the proper stage of the bill is reached a motion is made to recommit with instructions to report forthwith an educational test, would that be in order, so that we could have a yea-and-nay vote?

The SPEAKER. Under the terms of the rule, while it is hardly a parliamentary question, the Chair will treat it as such. Under the terms of this rule, if it is adopted, a vote is to be taken on this substitute when it comes back into the House on a third reading to the final passage of the bill without intervening motion. Therefore a motion to recommit would not be in order.

Mr. GARDNER of Massachusetts. Then I ask that this order be amended so as to permit of a motion to recommit, with instructions to report forthwith, and that the Member of the House, myself, in charge of the bill be recognized to make that motion and to move the previous question thereon.

The SPEAKER. The request of the gentleman has been heard. Is there objection?

Mr. STAFFORD. I object.

Mr. GOLDFOGLE. I object.

The SPEAKER. Objection is heard.

Mr. GARDNER of Massachusetts. Mr. Speaker, I have nothing more to say, except that this rule is a very bad one indeed, and quite in violation of a great many understandings I have had with people in this building, but I shall vote for its adoption [laughter], because I do not believe that this House is composed of men who will use the fact that they can not be put on record to vote a different way from what they would if they were to be put on record.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, how much time is there left?

The SPEAKER. The gentleman from Pennsylvania has twelve minutes and the gentleman from Mississippi has eleven minutes.

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman from Pennsylvania whether he proposes to take up the balance of his time in one concluding speech?

Mr. DALZELL. No; I do not.

Mr. WILLIAMS. Mr. Speaker, I yield at this time three minutes to the gentleman from New York [Mr. GOLDFOGLE].

Mr. GOLDFOGLE. Mr. Speaker, there are, I understand, several amendments to be offered to this bill of a highly important character, amendments that deserve the close attention and earnest consideration of this House. The questions involved in them are such that they are entitled to receive, and they ought to get, our careful attention and deliberate action. Within the short time proposed in this rule for discussion there will be, I fear, neither fair time for proper con-

sideration of all amendments nor ample time to perfect the bill as it ought to be perfected in justice to all who may be affected by it and in justice to the entire country.

At this moment and at this stage it is not for me or anyone else to discuss the merits or demerits of any of the clauses of the bill. Nor is it my desire to discuss now any of the amendments which are, at the proper time, to be offered.

I have in mind, however, conditions that have arisen in countries wherein bitter persecution arising out of religious bigotry and religious fanaticism has been waged against an unoffending people, causing the victims to abandon home and seek more hospitable shelter in the land of civil and religious liberty. Fleeing from scenes of slaughter, barbaric cruelty, and outrage, the refugees ought, as a matter of common humanity, to receive our consideration. How far and to what extent exception should be made in this bill in their favor will be for us to say. So, too, the educational feature is to be open for amendment. Upon matters so vital, so far-reaching in their consequences, fraught with such importance to the several constituencies whose interest in the subjects involved made itself manifest in the many communications coming from almost every part of the Union, we ought to have fair opportunity for debate even in these closing hours of Congress.

I am one of those who believe we can never suffer from a reasonably full and proper discussion of grave and important national problems. The proposed rule does not afford opportunity for a fair, full, open interchange of views. For want of it I do not regard the rule quite fair. Upon the clauses open for amendment we should be permitted some freedom of debate, some time to carefully and prudently consider amendments. This, it seems to me, the rule cuts off.

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. Mr. Speaker, I yield to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, this rule is not as liberal as I should like to have it. I would like to have several days' discussion on this important question. I want to have a separate vote on the proposition to raise the head tax and on the educational test, a record vote in order that every Member of this House might be able to show his constituents where he stands on the record, but to those who agree with me that this is one of the most important bills that has come before this Congress, a bill to protect the citizenship of our country, I say that we should stand by this rule for this reason. We can not be deprived of opportunity that the House will have a chance to go on record on the important questions in the bill. This is an amendment to the Senate bill. The Senate bill provides an educational qualification, and it provides for a head tax, and even if these provisions of the substitute are stricken out in the Committee of the Whole House the bill must go to conference finally, and when it comes back from conference the issue of a head tax and an educational test will come directly before the House and a roll call will be in order, and every Member will have an opportunity to express his opinion in a record vote. Therefore I say to those who believe that this measure is in the interest of the country, and that it ought to be passed before we adjourn and go home, the wise course for us to pursue is to accept the rule, good or bad, because in the end it has the effect of bringing the two Houses together and ultimately will result in giving us an opportunity to determine what kind of an amendment we want to the present immigration laws. [Applause.]

In my opinion no legislation has come before this House for its consideration in many years past of greater importance to the coming generations of American citizens than the bill now under consideration, which proposes to restrict foreign immigration coming into this country. Rich lands, great rivers, and mineral wealth have never been the test of a nation's greatness. A country to be great must be occupied by great people. It is the man that makes the government; the man that makes the nation. Our country has astonished the world in its rapid progress and development in agriculture, manufactures, science, and the art of free government. The reason for this is the intelligence, character, and industry of the people who compose our citizenship. The Creator of the universe did not make all men with the same intellectual force or the same character, nor did he create all nations on an equal plane. In all animal life the rule is universal that where the inferior animal mixed its blood with the superior, it of necessity pulled down the standard of the higher at least to the extent that it lifted the standard of the lower.

If we open our doors to the unlimited and indiscriminate immigration of people, who are below the American standard of life and living, they will of necessity drag down the price of labor, the conditions of home life, and the characters of our children toward theirs, to the future detriment and injury of the nation. I believe this bill to a large extent will restrict the immigration coming into this country. It will separate the good from the bad. It will prevent the ignorant, degenerate, and pauper classes of Europe from coming here, and yet leave the door open for men of character and intelligence to join our common citizenship.

If I had the time I would discuss the bill in all its details, but as the time is limited, I intend to confine my remarks to one feature of the bill alone, and that is what is known as "the educational test." Under the provisions of the bill as presented to the House, every immigrant coming into this country will be required to read and write in some language. There has been much discussion as to the advisability of adopting this test for the admission of immigrants. Some have said that it is not fair; that it was not a proper test, and does not discriminate between good and bad immigration. Others have taken the extreme view that the educational test would keep out very few immigrants, and would be worthless for that reason. But, in my judgment, the requirement that every immigrant coming to this country shall be able to read and write in some language will stop from coming here about one-third of the immigrants that annually arrive, and, more than that, it will stop the ignorant, the vicious, and the depraved. I admit freely that education is not always a test of intelligence; that it is not always a test of character; nor is it always a test of energy or of thrift.

We all admit that we have at times known men of very great intellectuality who, on account of some peculiar circumstances, have not acquired an education. We all admit that we have known men of the very highest character who were unable to read and write. We have known thrifty and industrious citizens who have passed through the world as successful men without the knowledge of letters. But, Mr. Speaker, we recognize that these are rare exceptions to the rule, that where we find a man or a race of people of high intelligence and character they are sure to acquire a knowledge of letters in keeping with their times. It is a very rare thing that a man of intelligence does not obtain an education, even if he has to dig it out of the books by himself, as was the case with one of the Presidents of the United States, of whom it is said he was unable to read and write until he was a grown man, and learned his letters at the cobbler's bench. As to character, there are some instances that can be given of men of high education and learning who absolutely were lacking in character, but, as I stated before, these are exceptions to the rule. In any community in this country, or anywheres else in the world, when you are classifying the people of character in a locality, you will find them amongst the educated and learned. When you are looking for the degraded and depraved you will find them amongst the uneducated and the ignorant. For the boy or man to acquire an education requires thrift and industry on his part, and therefore demonstrates that these characteristics belong to the man who possesses it. There is no tool that man can use in his efforts to acquire his daily bread and improve the use of his hands in his daily toil that is of more aid to him than an education. It allows him to immediately take advantage of the experience of the past, as well as the improvements of the hour. On the other hand, we often find that the slovenly and the lazy will not take an education when it is within their very grasp. They prove their lack of intelligence and character by their lack of industry.

As I stated before, the intelligence, character, and industry of the citizen makes the greatness of the Republic. We are glad to welcome immigrants to this country who will uphold and maintain our present high standards of life, but we will be doing a serious injury to ourselves and our children if we allow the gates to remain open to the ignorant, vicious, and lazy who seek to come to us from the Old World. We must separate the good ffom the bad when they come to our ports for admission, and I know of no test that we can apply that universally will be more effective and more successful in excluding those whom we do not want and admitting those that we do than the educational test that is proposed in this bill.

The pride of our country is the high position of American labor, our good wages, and our comfortable homes. We do not want to bring our working classes down to the standard of life and living of the Old World; and yet the world over illiteracy is invariably coupled with a low standard of labor. Ignorance and vice, as a rule, stand hand in hand. They are a menace to the free government of our country. Our social institutions depend for their very existence on the ability of our citizens to exchange their views on the great public questions in order to achieve a common purpose for the common good. The greatest means of communication, of course, is through the public press, the magazines, and books of the country. This is a closed door to illiterates, and when the ignorant

exceed the educated in large numbers in any community, it must of necessity be a great detriment to the upbuilding of society and the maintenance of a stable Government. The life of a free nation—democracy itself—depends upon the intelligence and virtue of the average citizen. When intelligence in any community is at a low plane, democracy and free government become an absolute impossibility; an empire takes its place and a despot holds the reins of government. We are to-day suffering untold miseries as a nation from the reckless, selfish, and thoughtless introduction, purely for the purposes of material gain, of an alien people into the midst of our national life in the early history of our country; I mean the negro slaves who were brought here in our colonial days. There is no telling to what extent the introduction of this alien race has prevented the ultimate development and greatness of our people; there is no estimating the amount of money, of blood, and of pain that it has caused the nation and our people; and yet with that example staring us in the face, shall we continue, in order that a few great corporations engaged in the business of transportation may fill their pockets with money, to bring into this country alien races who are unable to live up to American standards and who must of necessity drag down the lives and characters of our own people and destroy the economic conditions at home that have made our nation great?

The keynote of all modern education and development are attention and suggestion. To a man ignorant of all letters, at least one of these—the power of suggestion—is largely cut off, and necessarily his intellectual growth and development is restricted to that extent. Why should we introduce into the body politic as an additional burden to carry people who are bound down by the shackles of ignorance when we are endeavoring in every way to lift our own people above the line of illiteracy? We boast of our great national progress and material development, but I want to say to you that our progress and development are merely the soil in which culture and character grow, and if the stock planted in that soil is poor, the plant will be vitiated and ultimately die.

The class of immigrants that we are receiving to-day are a very different people from those who developed the country a generation ago. They come from different races of people, and a different character of immigrants from the same race of people are coming to-day from those who came in past generations. In the past the strong, independent, and adventurous came. To-day the weak, dependent, and the dissatisfied are coming to our shores to compete in the battle of life with our own people. Education is a far greater test of intelligence, character, and industry to-day that it was in the generations of the past. In the countries of Europe one hundred years ago education for the masses of the people had not progressed to any great extent, nor had it for decades thereafter. Of necessity, opportunity and desire for education had not developed amongst the masses of the people. To-day in all European countries the facilities for education are such that as a rule it can be obtained by the intelligent and thrifty individuals composing the body politic, if they make an effort to acquire it. Therefore, as a rule, when immigrants come to this country uneducated it is a demonstration that they are from the least intelligent and industrious of their own people. Recent immigration has imposed a heavy educational burden on our country. The census of 1900 shows that 13,367,147 children were attending school. Of the total population of the country over 10 years of age there were 6,180,069 illiterate persons, or 10.7 per cent of the total population. But this is not a fair statement of the illiteracy in this country, for we are burdened with the development of the negro race who are only a generation removed from slavery, and only a few generations removed from the barbarity of their African homes. The census of 1900 shows that the illiteracy among the negroes of this country amounted to 44.5 per cent, thereby greatly reducing the average literacy of the nation. On the other hand, the same census report shows that the average illiteracy among the native whites was only 4.6 per cent, whereas the illiteracy among the foreign whites was 12.9 per cent. The great progress we have made in the education of our own people is shown by the fact that the illiteracy in the total population over 10 years of age in 1880 was 17 per cent and under the census of 1890 was 13.3 per cent, a great advance in the education of our children, notwithstanding the fact that millions of the ignorant of Europe have been dumped on our shores in the last two decades. At a conservative estimate at least from 25 to 30 per cent of the immigrants now coming into this country are illiterate, and by their admission we are placing a great burden on our own people to lift the illiterates of foreign lands to the American standard of educational advantages.

The educational test for immigrants is a protection for us in another way: Taking history as a whole, the nations that have left the greatest mark in the world's history in art, religion, and literature have been the homogeneous peoples and decadence has followed the mixture of races. The era of greatness of the people of Judea, Greece, and Rome was when they were homogeneous and before their blood had been contaminated by the mixture of foreign races. The greatness of the French, German, and English-speaking races to-day is due to the homogeneity of their blood and the purity of their race. The people who originally settled and developed this country, who founded our Republic and established our institutions, were practically all of the Teutonic and Celtic races from northern Europe; they maintained their racial integrity and refused to contaminate their blood with the Indian races they found here on landing. On the other hand, the peoples who settled and developed the republics of South America mixed their blood with that of the natives, to a large extent destroyed their own nationality, and the difference between the two Americas is such that it needs no argument to demonstrate that economic and social development must be along racial lines.

But, you say, what effect will the educational test have on maintaining the racial characteristics of our people? The statistics show that of the immigration that is now coming into this country from Europe there is no surer or more certain test that we can apply that will admit the Teutonic and Celtic races of northern Europe and at the same time exclude the Iberic and Slavic races of southern and eastern Europe than the educational test, unless we should pass a law prohibiting certain races from coming to this country, as we have done in the case of the Chinese. The peoples of northern and western Europe are mostly akin, belonging to the Teutonic and Celtic races. The statistics show that for the year 1904 the illiteracy of the peoples that came to this country was: Scotch, six-tenths of 1 per cent; Scandinavian, seven-tenths of 1 per cent; English, 1.3 per cent; Bohemian and Moravian, 1.8 per cent; Finnish, 2.7 per cent; French, 3.2 per cent; Irish, 3.4 per cent; Dutch and Flemish, 4.1 per cent; German, 4.8 per cent; northern Italian, 12.6 per cent, making an average of 4 per cent of illiteracy from the people of the Teutonic and Celtic races from northern Europe. On the other hand, the illiteracy of the Slavic and Iberic races from southern and eastern Europe was: Spanish, 9.8 per cent; Magyar, 14.1 per cent; Greek, 23.6 per cent; Russian, 26 per cent; Slovak, 27.9 per cent; Roumanian, 31.7 per cent; Dalmatian, Bosnian, and Herzegovinan, 35.6 per cent; Polish, 35.8 per cent; Croatian and Slovenian, 36.1 per cent; Bulgarian, Servian, and Montenegrin, 45.4 per cent; Lithuanian, 54.1 per cent; southern Italian, 52.2 per cent; Ruthenian, 58.8 per cent; Portuguese, 67.5 per cent, making an average of 42.6 per cent. This clearly demonstrates that the educational test will not only separate the ignorant, vicious, and the lazy from the intelligent and industrious classes that are coming to this country, but to a large extent it will eliminate the lower classes of immigration from the countries that are not of Teutonic and Celtic origin, and to some degree will solve the problem of the assimilation of the dissimilar races.

The future greatness of our Republic, the stability of our form of government, is dependent in the ages to come on the intelligence and character of the common masses of our people. The theory that some advance, that we can not develop the great mineral and agricultural resources of our country unless we have an ignorant and downtrodden class of people to perform our manual labor, is a false one and inconsistent with the theory of our Government and the traditions of our fathers. It is true that the monopolistic tendencies of great wealth will disappear before the development of the character and the enlightenment of our people, but the aggregate wealth of the country as a whole will increase with the growth of intelligence among the masses of the people. Great wealth in the hands of a few and great poverty in the homes of the many will disappear, and the wealth of the country will of necessity become more equally divided among all, not by socialistic laws or drastic measures, but through the power of the intellectual advancement of all our people.

Mr. WILLIAMS. Mr. Speaker, I will ask the gentleman from Pennsylvania if he will conclude in one speech?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Mr. Speaker, we have had a most amusing illustration this morning of legislation by special rule. Perhaps the attitude of the gentleman from Massachusetts [Mr. GARDNER], the very sponsor of the bill, the questions asked by him of the Speaker, the effect of the responses to those questions upon the intellectual and nervous system of the gentleman from Massachusetts [Mr. GARDNER] is about as amusing an illustra-

tion of the general system of legislation by special rule as anything that ever occurred in the House, except the Speaker's response to the gentleman from Massachusetts.

He responded to the gentleman from Massachusetts that everything was lovely and well, because under the rules of the House, the time-honored rules, when the bill that was to be voted upon was a substitute, then you could not have a separate vote on the amendment. The Speaker neglected to say that in bringing in a special rule at all we already set aside a whole lot of time-honored rules, and that while he was molding a special rule he might just as well as not have so molded it as to meet the objection of the gentleman from Massachusetts, the father and sponsor of the bill, and permit a record vote on these amendments. It is as easy by a special rule to ride over two general rules as to overrule one general rule.

Now, Mr. Speaker, there is no party question presented here. Gentlemen upon both sides of this Chamber are of different opinions about the details of this legislation. Nobody desires to make any party question of it. Nobody could if anybody would, so that there was no party necessity even for this special rule. The gentleman from Massachusetts is right. The object of the rule is to let Members out from being put on record by a yea-and-nay vote on the head-tax and educational-test questions in the House of Representatives. That is plainly the object of the rule.

Mr. GARDNER of Massachusetts rose.

Mr. WILLIAMS. I can not yield. I have only eight minutes.

Mr. GARDNER of Massachusetts. Allow me to say I made no such statement that that was the object of the rule.

Mr. WILLIAMS. The gentleman interrogated the Speaker, and then the gentleman later on said the effect of this rule was to cut off a yea-and-nay vote upon these amendments. Now, the gentleman, I take it, has sufficient common sense to know that the Speaker of this House, the gentleman from Ohio [Mr. GROSVENOR], and the gentleman from Pennsylvania [Mr. DALZELL] are of such high intellectual caliber that they never at any time have brought into this House a rule which had an effect which was not their object. [Laughter and applause.] This is a demonstration, in my opinion.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. WILLIAMS. I have only eight minutes, and the gentleman will have time, and I can not yield.

Mr. GROSVENOR. I would like to ask——

Mr. WILLIAMS. I have only eight minutes, and I can not yield. I have very little of that eight left now. Nor is there any adequate excuse on account of want of time for this rule. It is true now we are at the tail end of the session; very little time left; the dog days are coming on; but we are paid salaries to remain here and attend to public business if necessary, and this is a very important matter, it seems to me, and ought to be attended to right. But that is not all. It is also true that early in the session, when we might have been attending to it, we were literally burning up time upon all sorts of propositions; we had so much time to spare. What is this rule? Let us illustrate: Here is one man that believes that a man landing at Castle Garden with 50 cents in his pocket ought not to be allowed to enter this great Republic, while a man with $50 in his pocket ought to be allowed to enter unquestionably. There will be no opportunity for either of these men—equally patriotic and equally anxious to go on record, I suppose—to get their views upon the record. Everybody is in favor of some bill to regulate immigration; everybody is in favor of keeping away from America those who are mentally, morally, and physically unsound. Then, for a second illustration, here are men who believe that a man ought not to be allowed to work unless he can read and write. Some of them are the very same sort of men, by the way, who say Mississippi is traitorous to the spirit of our institutions because she does not allow men to *vote* who do not read and write, which is totally a different proposition. But to continue, here are men who say that a man ought not to be allowed to *work* unless he can read and write, and here are other men who say they do not see the justice of that proposition with any degree of perfect lucidity. No one of them on either side will ever have an opportunity to express his views by a yea-and-nay vote upon this part of this bill. That is not all. Here are men, for a third illustration, who believe there ought to be inserted an amendment in the bill to the effect that the rule, however stringent it is, ought to have this exception at any rate; that when a man is flying from death as a result of political or of religious persecution somewhere, this one great haven of rest ought to be open to him at any rate. [Applause.] There will be no opportunity to offer that amendment even, and there will be no opportunity to vote upon it separately when the House later on votes to adopt the bill. Then section 33, which you can not amend at all under this rule, purposely cuts the isthmian canal off, so that anyone can go there, unless, perhaps, Chinese prohibited by the Chinese treaty and law.

Mr. GARDNER of Massachusetts. It does not change the law a bit.

Mr. WILLIAMS. I have not time to read section 33, but when you get to it you will find that in that section there is a clause which says:

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone.

Note the language: "Except the Canal Zone." So, Mr. Speaker, there will come one of those saddest moments in any man's life for the gentleman from Massachusetts [Mr. GARDNER] when he shall ascertain that faith is not always knowledge. He has expressed faith in the fact that there are no men in this honorable body that would vote one way in the Committee of the Whole when their vote is not recorded and a different way in the House when it is recorded. It was one of my sad experiences when I was also new to the evil influences of a bad world, but I have found out that the House of Representatives is filled with just such men as that, and that they are always very willing to adopt a rule that lets them out of that sort of a fix.

Now, Mr. Speaker, how much time have I left?

The SPEAKER. One minute and a half.

Mr. WILLIAMS. Now, Mr. Speaker, gentlemen must not deceive themselves. When they adopt this rule they adopt a rule that deprives the House of the power of amendment over any part of this bill, except section 1 and section 38, the parts of the bill dealing with the head-tax question and the educational-test question. When you adopt this rule you adopt a rule that cuts the House off from the right of dealing even with those sections in the House itself, where a record vote alone is possible. It fixes it so that the bill in each of its details must be dealth with in the Committee of the Whole altogether. So that if there should be only a fair quorum of a Committee of the Whole here present—101 or 102—and a majority of them—53 or 54—were to vote a certain way, and it should so happen that that way was not in accordance with the view of the House itself, with a quorum present later of 280 or 300 men, probably, the House still would be unable to control its own special Committee of the Whole except by voting down the entire legislation, which nobody hardly wants to do, because the bill on the whole has many good features. That is the situation. That is the plain alpha and omega of it. Are you going to vote the rule up or vote it down? If you vote it down, gentlemen will then have control of the bill and the bill will be here subject to amendment. [Applause on the Democratic side.]

[Here the hammer fell.]

Mr. DALZELL. Mr. Speaker, I understand that I have nine minutes of time remaining?

The SPEAKER. Nine minutes.

Mr. DALZELL. Mr. Speaker, I yield nine minutes to the gentleman from Indiana [Mr. WATSON].

Mr. WATSON. Mr. Speaker, when properly understood, I apprehend that there will be no difficulty about the adoption of this rule by the Members of the House who desire legislation on the subject of immigration at this session of Congress. The status of this bill at the present time is this: The Senate passed an immigration bill; it came to the House of Representatives in due course of time, and was referred to the Committee on Immigration and Naturalization of this House. In due process of time that committee in this body reported a substitute containing forty-one sections for the entire immigration bill passed by the Senate some weeks before. We shall see, Mr. Speaker, if we consult the report of the committee that it was a unanimous report from that committee, except as to sections 1 and 38, and that the minority report on those two sections was reported back by the gentleman from New York [Mr. BENNET] and his colleague from New York [Mr. RUPPERT], and on every other section of this substitute as reported by that committee there was a unanimous report. No single voice of dissent was raised by Members on this side of the House or on the other side of the House with regard to any other section of this bill. And these sections to which the gentleman from Mississippi [Mr. WILLIAMS] has referred came back from that committee in this House with a unanimous report and without a solitary syllable of dissent by any member of that committee.

So we have a unanimous report from the committee on those sections of the bill which relate to its administrative features and which do not in any very great respect or particular add to the excluded classes or exclude in great numbers those who can now be admitted under existing law. Therefore,

the only points of contest in this bill are in the first section, known as the "head-tax provision," and section 38, known as the "illiteracy test," or the educational qualification. Those are the only two sections in dispute. Therefore, this rule very wisely permits debate and amendment upon those two propositions. Upon the others there is from this committee a unanimous report. Nobody dissents to them. They relate largely to the administrative features of the law. Nobody objects, so far as I know, on either side of the Chamber to any of the provisions of those sections.

The gentleman from Massachusetts said that this is a gold brick. He does not believe it is a gold brick because it passes the other thirty-nine sections of the bill, because he is in favor of every one of them; but his idea is evidently that it is a gold brick because the rule does not cover the other two sections of the bill and prevent discussion and amendment to them and pass them by the operation of the rule itself. So before us now for our settlement is this question: Shall we adopt the rule; shall we thereby pass the administrative features of the bill as unanimously reported by this committee, and at the same time throw open to debate and amendment section 1 and section 38?

Why, they have said, Mr. Speaker, that there is no opportunity for amendment.

Mr. COCKRAN. Will the gentleman yield to me for a question?

Mr. WATSON. Certainly.

Mr. COCKRAN. Merely to elucidate the question before the House. Does the gentleman agree with the gentleman from Mississippi that amendments to sections which are open to discussion and amendment can be voted on in the House?

Mr. WATSON. Not at all. They are voted upon under the operation of the usual rule of this House, and the rule of this House, I will say to my friend from New York, provides, and, as the Speaker well remarked a short while ago, always has provided, that, whenever a substitute is considered in the Committee of the Whole, and amendments to the substitute are adopted, those amendments are not reported by the committee to the House, but the substitute stands as an entirety or falls as an entirety. But I will say to my friend from New York that amendments are in order to section 1 and section 38; and if my friend from Mississippi will pardon me, the refugee feature to which he has referred, and which he has said could not possibly be offered to any section of this bill by way of amendment, is in order as an amendment to either one of these sections.

Mr. WILLIAMS. In Committee of the Whole, but not in the House.

Mr. WATSON. Not in the House of Representatives. No bill is ever perfected in the House. It is considered by the committee and perfected by the committee; and this will be a substitute——

Mr. WILLIAMS. Whenever an amendment is offered in the Committee of the Whole and agreed to the House of Representatives has a right to a separate vote upon it.

Mr. WATSON. Not when a substitute has been adopted, and never has been.

Mr. WILLIAMS. But this is a special rule.

Mr. BARTHOLDT. Will the gentleman permit me?

Mr. WATSON. Certainly.

Mr. BARTHOLDT. I merely desire to call the attention of the House to page 27, lines 23, 24, and 25, which reads:

Provided, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude.

Does this section, in the judgment of the gentleman from Indiana, cover political refugees?

Mr. WATSON. That was intended, I am told by a member of the committee [Mr. BENNET of New York], who intelligently discusses the whole subject, to cover the question of political refugees.

Mr. BARTHOLDT. I so construed it.

Mr. WATSON. Let me call the attention of the House to this fact: The Committee on Rules is not responsible for this parliamentary situation. That was presented by the committee when the committee reported a full substitute for the Senate bill; and it has always been the rule of this House, an invariable and uniform rule throughout its history, that when a substitute was voted on in committee it was reported by the committee as an entirety, and the amendments thereto have not been reported back for separate action.

Mr. WILLIAMS. Not when the committee has acted on it.

Mr. WATSON. On section 1 amendments are permitted. It will be in order to amend it. It will be in order to strike out "five" and insert any other number of dollars. That leaves it absolutely in the power of the majority to determine what the head tax shall be in this bill. It rests, not with the Committee on Rules, but with the majority, to say what the head tax shall be in the years that are to come under the operations of this law. Then, when we come to section 38, it, too, is open to amendment; it, too, is subject to such change and alteration as the majority may see fit to make to it, and is not subject to the dictates of the Committee on Rules. A majority shall determine whether or not that section shall be amended, altered, abridged, amplified, or stricken out altogether, and a majority of this committee shall determine whether or not the illiteracy test shall be ingrafted upon the law relating to immigration.

Now, that is all there is of this question, Mr. Speaker, and I ask for a vote. [Applause.]

Mr. JOHNSON. Mr. Speaker, the special rule under which we are considering this bill limits the debate to three hours. It is therefore impossible to do more than state my position. I am in favor of the bill as amended by the Committee on Immigration. I hope that the restrictive features of the bill will not be removed or modified by amendment.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. WILLIAMS) there were—ayes 151, noes 59.

Accordingly the resolution was agreed to.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the President of the United States, by Mr. BARNES, one of his secretaries, announced that the President had approved and signed bills of the following titles:

On June 19:

H. R. 9813. An act granting a pension to Harriet P. Sanders;

H. R. 10106. An act providing for the setting aside for governmental purposes of certain ground in Hilo, Hawaii;

H. R. 10715. An act to establish an additional collection district in the State of Texas, and for other purposes; and

H. R. 18330. An act transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

On June 20:

H. R. 17510. An act to provide for a reconnoissance and preliminary survey of a land route for a mail and pack trail from the navigable waters of the Tanana River to the Seward Peninsula, in Alaska, and for other purposes;

H. R. 19815. An act to authorize the Georgia, Florida and Alabama Railway Company to construct a bridge across the Chattahoochee River between Columbus, Ga., and Franklin, Ga.;

H. R. 19816. An act to authorize the Georgia, Florida and Alabama Railway Company to construct three railroad bridges across the Chattahoochee River, one at or near the city of Eufaula, Ala., and two between said city of Eufaula and the city of Columbus, Ga.;

H. R. 19432. An act to authorize additional aids to navigation in the Light-House Establishment;

H. R. 3997. An act for the relief of John A. Meroney;

H. R. 4464. An act to classify the officers and members of the fire department of the District of Columbia, and for other purposes;

H. R. 4468. An act to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895;

H. R. 18442. An act to fix and regulate the salaries of teachers, school officers, and other employees of the board of education of the District of Columbia;

On June 21:

H. R. 7771. An act for the relief of Judd O. Hartzell;

H. R. 14968. An act to amend the internal-revenue laws so as to provide for furnishing certified copies of certain records;

H. R. 15331. An act making appropriations for the current and contingent expenses of the Indian Department for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1907;

H. R. 8428. An act to regulate the construction of dams across navigable waters;

H. R. 16125. An act authorizing a license and permit to the Corinth and Shiloh Electric Railway Company to construct a track or tracks through the Shiloh National Park and to operate electric cars thereon;

H. R. 19571. An act to authorize the county court of Gasconade County, Mo., to construct a bridge across the Gasconade River at or near Fredericksburg, Mo.; and

H. R. 20070. An act to authorize the Chattanooga Northern Railway Company to construct a bridge across the Tennessee River at Chattanooga, Tenn.

On June 22:

H. R. 14928. An act for the relief of F. V. Walker;

H. R. 16472. An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 8973. An act to amend section 5200, Revised Statutes of the United States, relating to national banks.

On June 23:

H. R. 5221. An act for the relief of Edward King, of Niagara Falls, in the State of New York;

H. R. 11787. An act ratifying and approving an act to appropriate money for the purpose of building additional buildings for the Northwestern Normal School, at Alva, in Oklahoma Territory, passed by the legislative assembly of Oklahoma Territory and approved the 15th day of March, 1905; and

H. R. 20321. An act to provide for the traveling expenses of the President of the United States.

On June 25:

H. R. 118. An act to amend sections 713 and 714 of "An act to establish a code of law for the District of Columbia," approved March 3, 1901, as amended by acts approved January 31 and June 30, 1902, and for other purposes;

H. R. 10292. An act granting to the town of Mancos, Colo., the right to enter certain lands;

H. R. 16290. An act to modify the requirements of the act entitled "An act to promote the education of the blind," approved March 3, 1879;

H. R. 18600. An act to amend section 10 of an act of Congress approved June 21, 1898, to make certain grants of land to the Territory of New Mexico, and for other purposes; and

H. R. 20210. An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River.

PRESERVATION OF NIAGARA FALLS.

Mr. BURTON of Ohio. Mr. Speaker, I desire to present a conference report, with the accompanying statement, on the bill (H. R. 18024) for the control and regulation of the waters of the Niagara River, for the preservation of Niagara Falls, and for other purposes, and I ask that the same be printed in the RECORD under the rule.

The SPEAKER. The conference report and statement will be printed under the rule.

WILD BIRDS AND ANIMALS IN THE DISTRICT OF COLUMBIA.

The SPEAKER pro tempore (Mr. GROSVENOR) laid before the House the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, with Senate amendment thereto.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move that the House disagree to the Senate amendments and ask for a conference.

The motion was agreed to; and the Speaker pro tempore appointed as conferees on the part of the House Mr. CAMPBELL of Kansas, Mr. TAYLOR of Ohio, and Mr. SIMS.

IMMIGRATION BILL.

The SPEAKER. The Chair declares the House in Committee of the Whole House on the state of the Union, under the terms of the rule, for the consideration of the immigration bill, and the gentleman from Indiana [Mr. WATSON] will take the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 4403, and in accordance with the terms of the special order the Clerk will read the entire substitute reported for the original Senate bill.

The Clerk read as follows:

That there shall be levied, collected, and paid a duty of $5 for every alien entering the United States. The said duty shall be paid to the collector of customs of the port or customs district to which said alien passenger shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of every vessel or other vehicle of carriage or transportation bringing such alien to ports or places in the United States. The money thus collected, together with all fines and rentals collected under the provisions of this act or the acts to which it is amendatory, shall be paid into the United States Treasury and shall constitute a permanent appropriation, to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States, including the expenses of the enforcement of all acts and parts of acts relative to contract labor, the cost of maintaining a bureau or bureaus of information for immigrants and the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed for the purpose of enforcing the provisions of this act. The duty imposed by this section shall be a lien upon the vessel or other vehicle of carriage or transportation which shall bring such aliens to ports or places in the United States, and shall be a debt in favor of the United States against the owner or owners of such vessels or other vehicles of carriage or transportation, and the payment of such duty may be enforced by any legal or equitable remedy. The duty herein provided for shall not be levied, collected, or paid for aliens in transit through the United States nor upon aliens who have once been admitted into the United States and have paid the duty who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section 32 of this act, may arrange in some other manner for the payment of the duty imposed by this section upon aliens seeking admission overland, either as to all or as to any such aliens: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed $2,500,000, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens entering the United States from the Dominion of Canada, Newfoundland, the Republic of Cuba, and the Republic of Mexico, provided that they show to the satisfaction of the appropriate immigration officials that they have been respectively domiciled in any of said countries for a period of three years, nor to the inhabitants of the Philippine Islands, Guam, or Porto Rico, except as provided at the end of this section, nor to aliens permanently domiciled on the North American Continent returning overland from foreign contiguous territory after a temporary sojourn therein to resume a domicile in the United States already acquired and uninterrupted by absence except in foreign contiguous territory: *Provided further*, That the provisions of this section shall not apply to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply.

SEC. 2. That the following classes of aliens shall be excluded from admission into the United States: All idiots; insane persons; persons who have been insane; epileptics; imbeciles; feeble-minded persons; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons who are dependent for their support upon their own physical exertions and who are certified by the examining medical officer to be of a low vitality or poor physique such as would incapacitate them for such work; persons who have been convicted of a felony or other crime or misdemeanor involving moral turpitude; polygamists; anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States or of all government, or of all forms of law or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons, hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under 16 years of age unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided, further*, That the provisions of this section relating to the payment for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in continuous transit through the United States to foreign contiguous territory: *Provided further*, That skilled labor may be imported, if labor of like kind unemployed can not be found in this country: *Provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

SEC. 3. That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import or attempt to import into the United States any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever knowingly shall hold, keep, maintain, control, support, or harbor any alien woman or girl for any such purpose in pursuance of such illegal importation, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than $5,000.

SEC. 4. That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section 2 of this act.

SEC. 5. That for every violation of any of the provisions of section 4 of this act the person, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of $1,000, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States.

SEC. 6. That it shall be unlawful and be deemed a violation of section 4 of this act to assist or encourage the importation or migration of any alien by a promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under a promise or agreement as contemplated in section 2

of this act, and the penalties imposed by section 5 of this act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively.

SEC. 7. That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States except by ordinary commercial letters, circulars, advertisements, or oral representations, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens to the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section 5 of this act.

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding $1,000 for each and every alien so landed or attempted to be landed or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment.

SEC. 9. That it shall be unlawful for any person, including any transportation company, other than railway lines entering the United States from foreign continuous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien afflicted with tuberculosis or with a loathsome or with a dangerous contagious disease; and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with such a disease at the time of foreign embarkation, and that the existence of such disease might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel, shall pay to the collector of customs of the customs district in which the port of arrival is located the sum of $100 for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid; nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such question upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor.

SEC. 10. That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens afflicted with tuberculosis or with a loathsome or with a dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section 2 of this act.

SEC. 11. That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien, whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens.

SEC. 12. That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing, or other vessel, having said alien on board, to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said lists, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative, if any exists, in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage, or whether it has been paid by any other person or by any corporation, association, society, municipality, or government, and if so, by whom; whether in possession of $50, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States; and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or commanding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file within sixty days of departure therefrom, with the collector of customs of such port, a complete list of all such alien passengers taken on board. Such lists shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section 15 of this act. That the collector of customs with whom any such list has been deposited, in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him, as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American continent to deliver to the immigration officers at the port of arrival lists or manifests, made at the time and place of embarkation, giving the names of any aliens on board said vessel.

SEC. 13. That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath or affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is suffering from tuberculosis or a loathsome or a dangerous contagious disease, or is a person who has been convicted of a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect.

SEC. 14. That the surgeon of said vessel sailing therewith shall also sign each of said lists or manifests and make oath or affirmation in like manner before an immigration officer at the port of arrival, stating his professional experience and qualifications as a physician and surgeon, and that he has made a personal examination of each of the said aliens named therein, and that the said list or manifest, according to the best of his knowledge and belief, is full, correct, and true in all particulars relative to the mental and physical condition of said aliens. If no surgeon sails with any vessel bringing aliens, the mental and physical examinations and the verifications of the lists or manifests shall be made by some competent surgeon employed by the owners of the said vessel.

SEC. 15. That in the case of the failure of the master or commanding officer of any vessel to deliver to the said immigration officers lists or manifests of all aliens on board thereof, as required in sections 12, 13, and 14 of this act, he shall pay to the collector of customs at the port of arrival the sum of $10 for each alien concerning whom the above information is not contained in any list as aforesaid: *Provided*, That in the case of failure without good cause to deliver the list of passengers required by section 12 of this act from the master or commanding officer of every vessel taking alien passengers out of the United States, the penalty shall be paid to the collector of customs at the port of departure, and shall be a fine of $10 for each alien not included in said list; but in no case shall the aggregate fine exceed $100.

SEC. 16. That upon the receipt by the immigration officers at any port of arrival of the lists or manifests of aliens provided for in sections 12, 13, and 14 of this act, it shall be the duty of said officers to go or send competent assistants to the vessels to which said lists or manifests refer, and there inspect all such aliens, or said immigration officers may order a temporary removal of such aliens for examination at a designated time and place, but such temporary removal shall not be considered a landing, nor shall it relieve the transportation lines, masters, agents, owners, or consignees of the vessel upon which such aliens are brought to any port of the United States from any of the obligations which, in case such aliens remain on board, would, under the provisions of this act, bind the said transportation lines, masters, agents, owners, or consignees: *Provided*, That where a suitable building is used for the detention and examination of aliens the immigration officials shall there take charge of such aliens, and the transporation companies, masters, agents, owners, and consignees of the vessels bringing such aliens shall be relieved of the responsibility for their detention thereafter until the return of such aliens to their care.

SEC. 17. That the physical and mental examination of all arriving aliens shall be made by medical officers of the United States Public Health and Marine-Hospital Service, who shall have had at least two years' experience in the practice of their profession since receiving the degree of doctor of medicine, and who shall certify, for the information of the immigration officers and the boards of special inquiry hereinafter provided for, any and all physical and mental defects or diseases observed by said medical officers in any such alien, or, should medical officers of the United States Public Health and Marine-Hospital Service be not available, civil surgeons of not less than four years' professional experience may be employed in such emergencies for the said service, upon such terms as may be prescribed by the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor. The United States Public Health and Marine-Hospital Service shall be reimbursed by the Immigration Service for all expenditures incurred in carrying out the medical inspection of aliens under regulations of the Secretary of Commerce and Labor.

SEC. 18. That it shall be the duty of officers, owners, or agents of any vessel or transportation line bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negligent failure of any such officers, owners, or agents to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars, or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in section 20 of this act.

SEC. 19. That all aliens brought to this country in violation of law shall, if practicable, be immediately sent back to the countries whence they respectively came on the vessels bringing them. The cost of their maintenance while on land, as well as the expense of the return of such aliens, shall be borne by the owner or owners of the vessels on which they respectively came; and if any master, person in charge, agent, owner, or consignee of any such vessel shall refuse to receive back on board thereof, or on board of any other vessel owned or operated by the same interests, such aliens, or shall fail to detain them thereon, or shall refuse or fail to return them to the foreign port from which they came, or to pay the cost of their maintenance while on land, or shall make any charge for the return of any such alien, or shall take any security from him for the payment of such charge, such master, person in charge, agent, owner, or consignee shall be deemed guilty of a misdemeanor and shall, on conviction, be punished by a fine of not less than $300 for each and every such offense; and no vessel shall have clearance from any port of the United States while any such fine is unpaid: *Provided*, That the Commissioner-General of Immigration, with the

approval of the Secretary of Commerce and Labor, may suspend, upon conditions to be prescribed by the Commissioner-General of Immigration, the deportation of any alien found to have come in violation of any provision of this act, if, in his judgment, the testimony of such alien is necessary on behalf of the United States Government in the prosecution of offenders against any provision of this act: *Provided*, That the cost of maintenance of any person so detained resulting from such suspension of deportation shall be paid from the "immigrant fund," but no alien certified, as provided in section 17 of this act, to be suffering with tuberculosis or with a loathsome or with a dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigration fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported.

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States, upon the warrant of the Secretary of Commerce and Labor. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, at the expense of the immigrant fund provided for in section 1 of this act: *Provided*, That pending the final disposal of the case of any alien so arrested he may be released under a bond in the penalty of not less than $500 with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been arrested, and for deportation if he shall be found to be unlawfully within the United States.

SEC. 21. That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section 20 of this act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section 19 of this act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person of the same sex for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.

SEC. 22. That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bonds, reports, entries, and other papers and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this act and for protecting the United States and aliens migrating thereto from fraud or loss, and shall have authority to enter into contracts for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time, as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States, and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever, in his judgment, such action may be necessary to accomplish the purposes of this act, detail immigration officers, and also surgeons, in accordance with the provisions of section 17, for service in foreign countries.

SEC. 23. That the duties of the commissioners of immigration shall be of an administrative character, to be prescribed in detail by regulations prepared under the direction or with the approval of the Secretary of Commerce and Labor.

SEC. 24. That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed, and their compensation fixed and raised or decreased from time to time, by the Secretary of Commerce and Labor upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service act of January 16, 1883: *Provided*, That said Secretary, in the enforcement of that portion of this act which excludes contract laborers, may employ, without reference to the provisions of the said civil-service act, or to the various acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the immigrant fund annually $50,000, or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be to the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation act approved August 18, 1894, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this act who shall knowingly or willfully give false evidence or swear to any false statement in any way affecting or in relation to the right of an alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section 5392, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry.

SEC. 25. That such boards of special inquiry shall be appointed by the commissioners of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the aproval of the Secretary of Commerce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision, which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States under any law or treaty now existing or hereafter made the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section 10 of this act.

SEC. 26. That any alien liable to be excluded because likely to become a public charge may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor, upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge.

SEC. 27. That no suit or proceeding for a violation of the provisions of this act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor.

SEC. 28. That nothing contained in this act shall be construed to affect any suit, action, or proceeding brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this act; but as to all such suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed or amended by this act are hereby continued in force and effect.

SEC. 29. That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this act.

SEC. 30. That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigration station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the United States Treasury to the credit of the immigrant fund provided for in section 1 of this act.

SEC. 31. That for the preservation of the peace, and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purposes of this section the jurisdiction of such officers and of the local courts shall extend over such stations.

SEC. 32. That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose.

SEC. 33. That for the purpose of this act the term "United States" as used in the title as well as in the various sections of this act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the Canal Zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens.

SEC. 34. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

SEC. 35. That all aliens who shall enter the United States except at

the seaports thereof, or at such other place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by section 20 of this act.

SEC. 36. That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted.

SEC. 37. That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any Territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe.

That any person who knowingly aids or assists any such person to enter the United States or any Territory or place subject to the jurisdiction thereof, or who connives or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations made by the Secretary of Commerce and Labor, shall be fined not more than $5,000 or imprisoned for not less than one nor more than five years, or both.

SEC. 38. That no alien over 16 years of age physically capable of reading shall be admitted to the United States until he has proved to the satisfaction of the proper inspection officers that he can read English or some other language or dialect, and the Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time such methods and rules as he may think best for the purpose of testing the ability of such immigrants to read: *Provided*, That an admissible alien over 16 years of age, or a person now or hereafter in the United States of like age, may bring in or send for his wife, his mother, his grandmother, his affianced wife, his father who is over 55 years of age, or his grandfather, if they are otherwise admissible, whether they are able to read or not; and such persons shall be permitted to land: *Provided further*, That a daughter not exceeding 21 years of age or a son not exceeding 18 years age, otherwise admissible, if accompanying an admissible alien father or mother, shall be permitted to land whether said daughter or son is able to read or not: *Provided further*, That the provisions of this section shall not apply to aliens entering the United States from the Dominion of Canada, Newfoundland, the Republic of Cuba, and the Republic of Mexico, provided that they show to the satisfaction of the appropriate immigration officials that they have been respectively domiciled in any of said countries for a period of three years, nor to the inhabitants of the Philippine Islands, Guam, or Porto Rico, except as provided at the end of this section, nor to aliens permanently domiciled on the North American Continent returning overland from foreign contiguous territory after a temporary sojourn therein to resume a domicile in the United States already acquired and uninterrupted by absence except in foreign contiguous territory, nor to aliens in contiguous transit through the United States to foreign contiguous territory: *Provided further*, That the provisions of this section shall not apply to aliens arriving in the Philippine Islands, Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent, the provisions of this section shall apply.

SEC. 39. That the Commissioner-General of Immigration, under the direction of the Secretary of Commerce and Labor, be, and he is hereby, authorized and directed to establish and maintain at each of the immigrant stations within the United States a bureau of information. Such bureau shall be properly officered, and shall, under such rules and regulations as the Commissioner-General of Immigration may from time to time establish, collect and furnish to all incoming aliens, who may ask for the same, data as to the resources, products, and manufactures of each State, Territory, and District of the United States; the prices of land and the character of the soils therein; the routes of travel thereto; the cost of transportation thereto; the opportunities for employment in the various skilled and unskilled occupations in each of said States, Territories, and Districts; the rates of wages paid for such labor, respectively, in each of said States, Territories, and Districts; the cost of living therein, and all other information that in the judgment of said Commissioner-General of Immigration might tend to enlighten the alien immigrants coming to such immigrant stations as to the inducements to settlement in each of the various States, Territories, and Districts of the United States: *Provided*, That the bureau provided for in this section may, at the discretion of the Commissioner-General of Immigration, furnish such other information to alien immigrants as may be useful and proper.

SEC. 40. That when any State or Territory appoints and maintains at its own expense an agent or agents to represent it at all or either of the immigrant stations, the Commissioner-General of Immigration shall furnish such agents with suitable quarters and accommodations, and permit them to have access to all immigrants after they have been duly admitted, for the purpose of furnishing them information, oral or printed, and displaying resources and products to induce immigrants to settle in their respective States and Territories; and, so far as may be consistent with the discharge of the duties assigned them, the various immigration officers of the United States shall be required to aid said agents, under appropriate regulations prescribed by the Commissioner-General of Immigration; and such sum of money as may be necessary to carry into effect the provisions of this section is hereby appropriated, and shall be paid by the Commissioner-General of Immigration out of the immigrant fund provided for in section 1 of this act.

SEC. 41. That nothing in this act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests.

SEC. 42. That the act of March 3, 1903, being an act to regulate the immigration of aliens into the United States, except sections 34 and 39 thereof, and the act of March 22, 1904, being an act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all acts and parts of acts inconsistent with this act are hereby repealed: *Provided*, That this act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section 6, chapter 453, third session Fifty-eighth Congress, approved February 6, 1905.

SEC. 43. That this act shall take effect and be in force from and after ninety days after its passage.

The CHAIRMAN. Under the order adopted by the House, which the Chair will read for information, the House is in Committee of the Whole—

on the amendment in the nature of a substitute reported by the Committee on Immigration and Naturalization, which will be read through—

Which has been done—

after which section 1 of said amendment shall be considered for not longer than one hour under the five-minute rule for amendments.

So that section 1 is now open for consideration. The Chair recognizes the gentleman from Minnesota [Mr. STEENERSON].

Mr. STEENERSON. I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 19, on page 23, strike out "five" and insert "two."

Mr. STEENERSON. Mr. Chairman, that amendment places the head tax at $2, the same figure which it now is under existing law, instead of $5 as proposed by the committee.

In this connection I desire to state that the State of Minnesota, which I have the honor in part to represent, is in favor of the encouragement of immigration of the right sort. The State has a large amount of unoccupied lands, recently ceded by Indian tribes, which lands need settlers. The last legislature of the State appropriated money for the purpose of advertising the State and the unoccupied lands, in order to induce immigration. The platform of the dominant party recently adopted a plank in favor of further appropriations for that purpose and in favor of the encouragement of immigration for the development of the resources of the State.

I believe that if this "head tax," so called, is raised from the present figure, $2, it will discourage the kind of immigrants which are in every way desirable, and which the State of Minnesota especially wants. It is stated in the report of the committee that the head tax is intended to restrict immigration. I will read the part of the report which refers to it:

The increase of the head tax was adopted largely owing to the belief that it will tend to decrease the number of aliens and tend to exclude the less desirable.

Now, in my humble opinion, it will have exactly the opposite effect. It will discourage the most desirable. It will discourage the immigration of men with large families, but it will permit the landing of laborers who come singly, who come here not to make their homes in the country, but to compete with our own high-priced laborers. A difference of $3 in the head tax to the man who comes here to work for wages amounts to but a day or two of labor. He may come here to labor for a year or for six months with the intention of returning to his native land to spend his earnings.

In our State we have a large percentage of foreign-born citizens, but nowhere is the standard of citizenship higher. Our people are as patriotic and progressive and as prosperous as any in this Union or in the world. We have a most liberally endowed and efficient system of free common schools, as well as higher institutions of learning. We offer the advantage of these institutions to all and welcome the honest, the industrious, and law-abiding who desire an opportunity to improve their condition and become citizens of this great Republic. We do not desire to encourage those who come simply to labor for wages for a time, eventually to return with their earnings to the country from whence they came.

It is such people who compete with our own labor and which are not desirable. Such immigration should be discouraged. It is only those who come here with the intention of making this their permanent home, with the intention of settling here permanently, and raising families here that we desire and which we ought to encourage. Now, Minnesota lies right alongside of Canada, and if this policy should be adopted, it would be impossible for Minnesota, with her vast unoccupied lands, to compete in immigration with Canada. I desire to have read, Mr. Chairman, in my time a clipping from the Geographic Magazine relative to the policy of Canada in this regard, which shows the effect that encouragement of this kind, either by a bonus or lowering the head tax, has upon immigration.

The Clerk read as follows:

CANADIAN IMMIGRATION.

The Canadian commissioner of immigration in London, Mr. W. T. R. Preston, talking on the successful efforts of the Canadian government to induce immigration to that country from Great Britain, said:

"Five years ago Canada was receiving 12½ per cent of the total of from 60,000 to 70,000 emigrants from Great Britain to North Amer-

ica. Now she receives over 50 per cent. In these five years the immigrants into Canada from Great Britain have increased from 8,000 annually to 65,000. Canada wants population. A net bonus of $1.75 per head is given by the government to every immigration agent in Great Britain sending out emigrants to settle the land. Each British agricultural emigrant averages a total cost of $13 to the Canadian government, and each continental emigrant costs the sum of $5. Consequently the Canadian government is paying $8 per head more for British than for continental emigrants."

The Colonizer, of London, publishes an interview with a firm in that city which makes it its business to send children to Canada. The head of the firm stated that for $125 they would send a boy, pay his fare, and take care of him until he has settled with some farmer. The boy is paid from $5 to $12 per month by the farmer.

The payments by the Canadian government to the emigration agents in Europe for each emigrant sent to Canada accounts for the large increase of emigration to that country in recent years.

The CHAIRMAN. The time of the gentleman from Minnesota has expired.

Mr. BENNET of New York. Mr. Chairman, I ask that the gentleman have two minutes more.

The CHAIRMAN. The gentleman from New York asks that the gentleman from Minnesota may have two minutes more. Is there objection?

There was no objection.

Mr. STEENERSON. Mr. Chairman, I think the experience of Canada in this regard shows that the tax or bonus does influence immigration. Now, they wanted immigration from England, and Canada five years ago only got 12 per cent of the sixty or seventy thousand that left England for other countries, and by giving this small bonus they increased it, so now they are receiving 57 per cent of the immigration leaving England. So, I say, if we should raise this head tax $5 it would discourage the very best kind of immigrants. Men with families of eight or ten children would have to pay some $50 or $60, while it would permit a single man to come here with a single tax upon his own head.

For this reason I believe I speak the sentiments of my State and of the Northwest, as well as the enlightened opinion of the American people, when I say that we are opposed to this proposition of raising the head tax. Outside of that provision, I believe the bill is a very good one. It adds many restrictive provisions to the present law, so that immigrants to be admitted must be both physically and morally sound. It selects the best kind of people obtainable and permits them to come here. I believe this amendment should be adopted. [Applause.]

Mr. GARDNER of Massachusetts. Mr. Chairman, the great difficulty with the argument of the gentleman from Minnesota is its inaccuracy. As a matter of fact, he says the most desirable immigrants would be kept out because they would have to pay $5 a head for each one of their children, and that is what the minority report says. Let us see. The minority report says that by general consent northern races are the most desirable.

Mr. BENNET of New York. The minority report says that those are the races that send the majority of the immigrants.

Mr. GARDNER of Massachusetts. I will read what the minority says:

> We are thus discouraging the very kind of immigration that, by general consent, should be encouraged, and to that extent assisting the vigorous efforts being made by the Canadian government to divert immigration to that country.

Southern Italy, which is said to be undesirable, sent 16,000 children under 14 years of age. The Scandinavians sent only 6,000 under 14 years of age. The Irish sent only 2,500 under 14 years of age. What becomes of your argument that these races which by general consent are said to be the most desirable will have to pay a great deal more on account of large families?

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. GARDNER of Massachusetts. Yes.

Mr. COCKRAN. What does the gentleman mean by "general consent?"

Mr. GARDNER of Massachusetts. I refer the gentleman to the author of the minority report, who used the phrase.

Mr. COCKRAN. The gentleman just used the phrase, and I thought he could state what he meant.

Mr. GARDNER of Massachusetts. I have answered the gentleman as best I could. The $5 head tax was put on because the higher the head tax you make the steamship companies pay the less people are coming to this country.

Mr. COCKRAN. Then the gentleman——

Mr. GARDNER of Massachusetts. I have not yielded to the gentleman from New York. I will yield to the gentleman when my time is extended.

Mr. GOLDFOGLE. Will the gentleman yield?

Mr. GARDNER of Massachusetts. I do not yield. Now, the increased head tax was adopted for this purpose. I accepted the responsibility of reporting the bill on the express condition that I should favor a higher head tax than that proposed. I believe that the head tax ought to be $25 instead of $2, because we are getting a million people here every year. We got more than a million last year, and we will have a good deal more than that this year. It is entirely too many to come to this country in any one year, even if they were the best in the world. It is entirely too many to assimilate. Now, if you pass this bill as it stands, with the educational test, it may cut off 250,000, and that will leave our immigration next year about 800,000.

Eight hundred thousand is entirely too many in my opinion. If you want to cut them down still further, instead of adopting the suggestion of the gentleman from Minnesota [Mr. STEENERSON], raise your head tax to $25, instead of depressing it to $2. Let me, by the way, remind this House that the steamship companies pay that tax. You may say that it ultimately comes out of the immigrant's pocket, but the steamship companies argue that it comes out of their pockets.

Mr. BENNET of New York. Mr. Chairman, I want to disagree for a brief time with the facts as stated by the gentleman from Massachusetts [Mr. GARDNER]. In the first place, the minority report—and I say this in justice to the gentleman from New York [Mr. RUPPERT], who is absent, as well as to myself—did not attempt to draw any line between races as to which were the more desirable, but took the ground, which I stand on here, that persons who come here with large families and with the intention of staying and becoming American citizens do make the most desirable kind of immigrants. So much for that.

The gentleman says there are a million coming in every year. I dissent from that idea. There were 1,026,000 paid the head tax in 1905. In addition to that there were a number who came in from Canada and Mexico, of whom no record was kept whatever, but on the steamers going the other way there were in the steerage 340,000 or 350,000. That is an approximate estimate only, but it is not far from right. That number has to be deducted from the million.

Mr. POLLARD. Are these 340,000 or 350,000 immigrants that the gentleman speaks of immigrants who are refused?

Mr. BENNET of New York. No. There are no exact statistics; but we have the right to draw the inference that being in the steerage and going back they were mainly aliens, and everybody concedes that to be the fact. Then, besides that, there were in that million 175,000 people—aliens—who had been in this country before, so that instead of adding a million to our population the immigration of 1905 added somewhere between six and seven hundred thousand, in round numbers.

As to the head tax, the present head tax is $2, and if the amendment of the gentleman from Minnesota [Mr. STEENERSON] is adopted it will remain at that figure. What has that done up to date? It has paid every dollar of expense of the Immigration Service. It has built every building that is used for the Immigration Service in the country; it has built every vessel that is used in the Immigration Service. We have appropriated this year in the sundry civil bill, to be paid out of that fund, $500,000 for the exclusion of the Chinese. All of those things I have enumerated have been paid for out of the $2 head tax. Yet on the 31st of December, 1905, there was a surplus in this fund of $2,400,000. Mr. Chairman, this proposition to add $3 to this head tax is just like taking pennies from a dead man's eyes. It is making these poor people pay a tax for the benefit of the United States Treasury.

Mr. HINSHAW. Mr. Chairman, I desire to ask the gentleman if he believes that raising the head tax from $2 to $5 would tend to exclude any undesirable people?

Mr. BENNET of New York. Answering the gentleman's inquiry, I would say that it would not stop 400 folks from coming.

Mr. GAINES of Tennessee. Will the gentleman please tell us why he wants so many people to come to the United States and live whom he does not know personally and whom very few people know personally without any certificate of character? [Laughter.]

Mr. BENNET of New York. There is an obvious answer, but I do not desire to make it. I will discuss that under section 38, where it is more germane.

Mr. GAINES of Tennessee. Information is always germane, I think.

Mr. BURLESON. I would like to answer the gentleman from Tennessee. I would ask him whom he expects to issue the certificate of character?

Mr. GAINES of Tennessee. We could have somebody on this side and somebody on the other side and some one on the ship which brings them over here to examine them.

Mr. BURLESON. Why, under that condition of affairs, Carl Schurz could not have come to this country.

Mr. GAINES of Tennessee. Well, there are a good many of them that come here that haven't any shirts at all. [Laughter.]

Mr. BENNET of New York. Mr. Chairman, the majority of

the committee that reported this bill knew that this $3 would produce a surplus, for on page 25 you will find this provision:

Provided further, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed $2,500,000 the excess above that amount shall not be added to the immigrant fund.

In other words, it shall be paid into the general Treasury, and we are to tax these poor people $3 apiece for money that we do not need. Mind you, this tax applies to a baby just as much as it does to a grown man, so that you have this effect, that a man of the very best character coming here with his wife, and, say, four or five children—and we will say five for the purpose of illustration—will pay a penalty of $21 for coming into this country, while the man who comes here a free lance, simply with the idea of seeing if the country suits him, pays only $3, and to the man who comes here simply for desultory labor, to go back and forth, $3 means nothing. It means less than two days' work, while with the man who comes here after a struggle, who has to pay the steamship company fare for a big family, to pay this extra unnecessary item adds considerably to his expense, and there is no justification whatever for the additional $3.

The CHAIRMAN. The time of the gentleman has expired.

Mr. POLLARD. Mr. Chairman, I ask unanimous consent that the gentleman's time be extended for two minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. BENNET of New York. There is going to be offered under a later section a provision for a commission to study this whole subject. So far as the facts go now, the argument is with us. The argument can not be against us if the commission proposition be adopted. There can not anybody show why $3 should be added, and I trust the amendment offered by the gentleman from Minnesota will be adopted. A head tax which has produced a surplus of two and a half million dollars ought to be let alone, and these poor people should not have money extorted and squeezed from them by a Government which ought to be rich enough to raise money in some other and more reputable way. [Applause.]

Mr. BARTHOLDT. Mr. Chairman, it is impossible under the five-minute rule to discuss the general problem of immigration. It should be more extensively discussed, because it is a problem that, in my judgment, is more talked about and less understood than any other question before the American people, but under the rule I shall have to confine myself to a discussion of the two special features of the pending bill which seem to me most objectionable, namely, the increase of the head tax and the illiteracy or educational test. Before doing so, however, I wish to remind the House of the fact that this is the first time in our history that a serious restriction of immigration is attempted in times of prosperity. Heretofore, in prosperous times, these waves of humanity were usually permitted to come to our shores unmolested, and only in periods of industrial depression, when our own labor was unemployed, was every shipload of newcomers regarded, more or less, in the light of a hostile invasion. The hard times immediately preceding and during Buchanan's Administration gave rise to the so-called "Know-nothing" agitation, and the depression under Grover Cleveland again turned the public mind against what were called the evils of immigration. But at a time such as this, when American labor is fully employed, when the great West and the South are loudly clamoring for manual laborers, the cry against immigration has never before been raised. The inference is, Mr. Chairman, that the present agitation is not based on natural causes, but is an artificial one, especially in view of the fact that the stream of immigration usually regulates itself—that its tide rises and falls with the tide of our prosperity and industrial conditions.

But be that as it may, it is certain that the American people, while opposed to undesirable immigration, are still largely in favor of permitting really desirable immigrants to cast their lots with us. The question is, How and where shall the line be drawn? In effect, this bill as it now reads stigmatizes the man who is unable to read or who can not put up $5 for himself and each head of his family as an undesirable immigrant, and excludes him. He may be strong and healthy, of sound mind and good character; he may come to better his condition, as nearly all of them do; he may be willing to help build our railroads, dig our canals, harvest our crops, and work in our mines and to make this country his home and identify himself with our institutions; it makes no difference; under this bill he is barred if he can not show a certain amount of money and if he has not had the opportunity to learn how to read in the English or his own language. The head tax at present is $2. This is to create the fund out of which the administration of the immigration laws is paid, but that fund, I understand, has a surplus at the present time of over $2,000,000; consequently the increase from $2 to $5 can not be justified on financial grounds. Hence, the advocates of this increased tax appear to believe that the difference between $2 and $5 converts an undesirable to a desirable immigrant.

The CHAIRMAN. The time of the gentleman from Missouri has expired.

Mr. BARTHOLDT. May I have a moment or two more?

Mr. BURLESON. Mr. Chairman, I ask unanimous consent that the gentleman's time may be extended five minutes.

The CHAIRMAN. Is there objection to the request?

Mr. GARDNER of Massachusetts. Mr. Chairman, pending agreeing to that, I should like to ask how much time has been exhausted already by those favoring this amendment?

The CHAIRMAN. The Chair will state to the gentleman from Massachusetts that the Chair has not kept the time in that manner, but twenty-five minutes of the one hour has been exhausted now.

Mr. GARDNER of Massachusetts. Twenty-five minutes of the one hour, and on this single amendment.

The CHAIRMAN. The Chair will state to the committee that this debate is proceeding now by uanimous consent. If anyone objects, he can not proceed further, because this is an amendment to an amendment, and therefore five minutes on each amendment exhausts debate except by unanimous consent.

Mr. GARDNER of Massachusetts. Mr. Chairman, I give notice that after the gentleman for whom time has just been extended has concluded, I shall object to any further extension either on this side or on the other.

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent that his time may be extended for five minutes. Is there objection?

There was no objection.

Mr. BARTHOLDT. Is it possible that any sane and well-meaning man can hold to the opinion that the difference of $3 furnishes a test of character? It is unnecessary, I believe, to attempt an answer to such an absurd question. But we should bear in mind that the increased tax will work a particular hardship to the man who comes with his family; in other words, it discriminates against the man we want and in favor of the adventurer who comes alone and whom we do not want. I sincerely hope, therefore, that the bill will be amended so as to restore the old tax, which has proved an ample source of revenue. Surely it can not be the intention of our Government to make money out of the poor immigrant, and thus make his start in the New World the more difficult.

Reverting to some of the arguments of the gentleman from Massachusetts [Mr. GARDNER] as to the addition to our population by immigration, I should like to state in a general way only, because I have not the time to go into the subject more fully, that at the present time we have in this country about 19 heads of population to the square mile. In Germany they have 340; in Belgium, 567. Consequently it seems to me that we are able to welcome to these shores hundreds and hundreds of millions before we will even have a population as dense as that of the European countries to-day. The fact is that you could move all of the people of the United States into the one State of Texas, and then Texas would not be populated as densely as Germany is to-day.

I hold, Mr. Chairman, that that country represents the highest type of civilization which is able to support the largest number of people. If the people of Europe can support the numbers indicated, why should Americans not be able to do it? Is our land less fertile? Are our natural conditions not as favorable as those of Europe? Why, then, should we discriminate against the newcomer? Another point I should like to call the attention of the House to is that population fixes values. If you would take one-half of the people out of the city of New York to-day property would go down just 50 per cent. If you would move into the plains of the West a million people where there were none before, property values would rise to just that extent. Consequently, every newcomer to this country adds, no matter what he has in his pocket, to the wealth of this country. Furthermore, Mr. Chairman, we must remember that every immigrant is old enough to battle for himself. His expenses of education, the expenses of his raising, have been paid by Europe, and when he comes to this country just at a time when Europe expects a return for the outlay, I claim that to us he represents an economical value. Like every other good citizen, I am in favor of keeping out undesirable immigrants, but I can not admit that lack of money and the inability to read make any human being objectionable as a man. Let us uphold American traditions and give the poor a chance as well as those who are already punished enough by a lack of opportunity to learn in the countries whence they come.

[Here the hammer fell.]

Mr. BURNETT. Mr. Chairman, I desire to say just a few words in support of the proposition as reported by the committee relative to the $5 head tax. There were various propositions before the committee, and there will perhaps be offered amendments to increase the head tax. I am not a high-head-tax man. I support this proposition as presented by the committee against the proposition to increase the head tax beyond that.

I believe, Mr. Chairman, that this bill will pass, and I believe this bill will entail considerable expense. There are general propositions involved in it, so far as the execution of the immigration plans are concerned, that will increase the expenses and will necessitate, in my opinion, an increase of the head tax to meet those expenses. It is true, as gentlemen have said, that under the present law the Bureau of Immigration has not been able to consume the amount of the head tax that has really been realized, but, Mr. Chairman, there is a bureau of information provided for in this bill. It is a bureau of information that every State in this Union will have an interest in, and in connection with that the States are authorized to have their agents at each immigration post, and the immigration inspectors and the commissioner are required to have quarters prepared for these State agents who attend the post. Then there is that item additional, and an additional expense when each State has an agent, and it provides that these agents shall be furnished information whenever they request it. Not only that, but this bill will require more careful and more cautious and active guarding of the Canadian and Mexican borders. In that way a very great additional expense, in my judgment, will be incurred, and we will find that after a while these additional expenses will more than consume the amount allowed under the $1 head tax, and we will be having a deficit, and it will be necessary to pass additional appropriations for the purpose of carrying out our policy with this information bureau and these guards. It is my opinion that it is necessary that there should be an increase. I believe the $5 additional increase will meet all the necessary expenses, at least for a long time to come. Not only that, but there is another item. This bill proposes that there shall be a more careful examination and weeding out of these immigrants on the other side of the waters, so that they will not be put to the necessity or the expense and trouble and inconvenience of being returned if they are not admitted. That will, of course, incur additional expense. There are many other items that I could name all of which I believe render it necessary to have this increase.

Now, gentlemen say it will discourage laboring men from coming to us that we would like to have. I for one stand here to say that so far as the section of the South I represent is concerned, we welcome every man from northwestern Europe—German, English, French, Irish, Scotch, Scandinavian, and all people of that kind; and Mr. Braun, who was sent as a special immigrant inspector to Europe, says that one of the principal reasons of the decrease in the immigration from that particular section of Europe has been brought about by the considerable increase from southern Italy, Austria-Hungary, and Syria, and from undesirable immigrants generally.

Mr. McNARY. What nationality is Mr. Braun?

Mr. BURNETT. I think he is a Hungarian. I will say to the gentleman that Mr. Braun has been given a certificate of good character from the gentleman from New York, Mr. SULZER, and he sat upon the platform with the gentleman from New York, Mr. BENNET, the other day in New York when the gentleman who filed the minority report was speaking against this very proposition.

Mr. McNARY. A Hungarian Jew.

Mr. BURNETT. It does not make any difference whether he be Jew or Gentile; so that he is a white man and an honest man, he is entitled to respect in a white Congress. [Applause.]

Mr. BENNET of New York. I ask unanimous consent that the gentleman from Alabama be allowed to proceed for two minutes longer. As the gentleman does not seem to desire it, I will withdraw the request.

Mr. PARSONS. I make the point of order that debate on this amendment is exhausted.

Mr. COCKRAN. Was there not to be an hour's debate on the amendment?

The CHAIRMAN. Not on the amendment to the amendment. The Chair will state to the gentleman from New York that we are now considering an amendment to an amendment, and under the rules of the House five minutes of debate is permitted on each side, except by unanimous consent.

Mr. COCKRAN. I ask permission to say a word on this amendment. This subject is one I would like to speak to.

The CHAIRMAN. Only one speech on each side can be made on the amendment.

Mr. COCKRAN. I ask consent of the committee to be heard.

The CHAIRMAN. The gentleman from New York asks unanimous consent——

Mr. PARSONS. Mr. Chairman, there are other amendments to be offered to this section, and if unanimous consent is asked to debate this one, I shall have to object.

The CHAIRMAN. The gentleman from New York objects. The question is on the amendment.

Mr. COOPER of Pennsylvania. I ask that the amendment be again reported.

The amendment was again reported.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. BENNET of New York. Division!

The committee divided; and there were—ayes 73, noes 67.

Mr. GARDNER of Massachusetts. I ask for tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Minnesota [Mr. STEENERSON] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 94, noes 79.

Accordingly the amendment was agreed to.

Mr. LITTAUER. Mr. Chairman, I offer an amendment which I send to the Clerk's desk.

The amendment was read, as follows:

On page 26, in line 10, after the words "shall apply," add *"Provided further*, That an immigrant who proves that he is seeking admission to this country to avoid prosecution or punishment on religious or political grounds, for an offense of a political character, or prosecution involving danger of imprisonment or danger to life and limb on account of religious belief, shall not be deported because of want of means or the probability of his being unable to earn a livelihood.

Mr. LITTAUER. Mr. Chairman, our forefathers sought refuge on this continent to escape from civil and religious persecution. The very foundation of this Government was attachment to civil and religious liberty. That heritage never demanded or deserved greater recognition than on this day, when we are confronted with the horrors of the Russian situation from Kishinef to Bialystok [applause], horrors depicted in lurid statements in the press throughout the world, arousing the just sympathy of humanity. To refuse to the political or religious refugees who seek admittance to our country, to refuse to permit them to enjoy the blessings of our land, would prove that we are unworthy of our origin and that we do not hold in just esteem the heritage of the fathers. [Applause.]

Mr. Chairman, I appeal to this House to adopt this amendment, which grants only to those who prove they are political or religious refugees that they shall not be deported because of want of means or the probability of being unable to earn a livelihood. I ask this in order that we may reiterate our continued attachment to the principles of civil and religious liberty.

Mr. GOLDFOGLE. Mr. Chairman, I rise for the purpose of supporting the amendment offered by the gentleman from New York [Mr. LITTAUER]. I had prepared and it was my purpose to offer an amendment in the line of that before us now, making an exception in favor of immigrants who unfortunately are the victims of political and religious persecutions, and who, to avoid the dangers and outrages that threaten them, seek habitation in our land, where they can best work out their destinies and be freed from the evils of racial and religious intolerance. The amendment I desired to offer goes a little further than the amendment now under consideration, for it contemplates to relieve the political and religious refugee from the operation of the so-called "educational clause" in the bill.

Mr. Chairman, there are excellent reasons why the amendment should pass. The recent massacres in darkest Russia following closely upon others of a like barbaric character, in which unoffending men, women, and children were slaughtered and thousands more subjected to brutal outrages, make it fitting that at this time we should exempt from certain provisions of this immigration bill the poor, unfortunate, oppressed refugee who, to escape the horrors of bitter race hatred and fanatical persecution, seeks America as his home and our shores as his asylum against tyranny and oppression. [Applause.]

In the country from whence comes the refugee whose only offense is loyalty to conscience—whose only crime is fidelity to religious faith—the victim becomes the subject of the greed and rapacity of his persecutors. He is robbed of his means, if he have any, and despoiled of his possessions, whether great or small. There is nothing he has, whether life or wife or child, that is safe or sacred in the eyes of the bigot or fanatic. He is pursued with relentless fury and his property and his habitation falls a prey to the brutal and frenzied mob. Rapine, murder, and outrages that beggar description and too frightful to relate are the unhappy lot of the victims of religious persecution

in Russia. Streets have run red with the blood of the innocents and the fires kindled by the fanatical miscreant have laid waste the homes of the proscribed. Do you wonder, then, that fleeing from the scenes of these dastardly and diabolical outrages, the unfortunate victims of these persecutions seek a more hospitable clime and look to America as the haven wherein they can find an abiding place and be permitted under our constitutional system here to worship as their consciences dictate? [Applause.]

In seeking the adoption of the amendment we do not seek the admission to our shores of the unworthy or the vicious. But the unfortunate and downtrodden who, departing from his country to escape persecution as a consequence of his religious beliefs, ought not to be barred out simply because he comes to us poor in pocket or can not pass an educational test.

In many instances and in many places in Russia, denied the right to enter the schools, and then again compelled because of cruel and restrictive laws to live under conditions in certain places that render education impossible to many, you must not be surprised that the refugee ofttimes comes unable to read or write so as to pass an educational test.

And yet, Mr. Chairman, these people are quick to learn when given the opportunity. Their children are quick to learn, and anyone who has at all watched their progress in our American schools will bear me witness that they make some of the brightest, smartest, and most intelligent pupils in our public schools.

In the district I have the honor to represent there dwell many thousands of men and women, natives of Russia, of Roumania, of Hungary, and other countries where the spirit of intolerance still exists. They have made good citizens. They are law-abiding. They come to us poor, some penniless, some illiterate. Yet they realized that here is the God-blessed land of opportunity. They were thrifty. They were anxious to learn. They were industrious and good home builders. They were freed from the enslaved and proscribed conditions of intolerant monarchies, and breathed the free air and drank in the bright sunshine of our land that gave them liberty and insures them the enjoyment of human freedom. [Applause.]

What has been the result of all this? Through their brawn and muscle and brain they have thrived and contributed to the general welfare. They have been stirred by the spirit of American patriotism and are grateful to America for what America has done for them.

If I had but the time now, how I would like to describe the soul-stirring and patriotic scenes that I have time and time again witnessed when I visited the exercises of the children of these foreigners in our public schools. Many of them—yes, thousands upon thousands of them—children of just the kind of refugees as we have spoken of to-day, the pride of the school, quick to learn and making some of the best pupils of our public schools.

Mr. Chairman, only recently I visited one of these schools in the lower part of New York. There was a very large class of poor immigrant children—children of men who abandoned the lands of tyranny and despotism—and it would have gladdened your hearts, as it gladdened mine, to hear those little ones, with a patriotic fervor which would have done credit to a native American, sing in accents clear and sweet such songs as "My Country 'tis of Thee," "The Star-Spangled Banner," and "Hail Columbia, Happy Land."

Such, sir, are these poor refugees, such their offspring, when you give them the God-given right to breathe the air of human liberty.

I regret that time does not permit of an extended discussion of the questions before us. If it did, I should like to discuss the educational clause of the bill. Many of our best citizens of to-day came to us without education—without a knowledge of those rudiments that would enable them to pass an educational test.

In the moment I have remaining I want to appeal to the House in the name of a common humanity for the adoption of the amendment. I want to ask for the unfortunate, persecuted, maligned, and downtrodden political or religious refugee that protection which is the God-given right of every man—protection against the cruelties of the bigot, against the cowardly murder of the assassin, against the frenzied fanaticism and barbarous outrages of the misguided zealot. [Applause.]

In the spirit that should ever animate Americans in standing for humanity's cause I implore the Members of this House to give their support to the pending proposition. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. COOPER of Pennsylvania. Mr. Chairman, before a vote is taken on this I would like to have a clear understanding about the force and effect of this amendment. If I understand it, I think it is possible for a class of people to come into this country and then claim that they are political offenders, no matter whether they are anarchists or otherwise dangerous, and claim that they are political offenders and that they can not be deported. I would like some light on the subject.

Mr. LITTAUER. If the gentleman will permit, the very next section in this bill controls the admission of anarchists and those of a similar tendency. The second section of this bill declares that the following classes of aliens shall be excluded. Among the classes so included are polygamists, anarchists or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all governments or of all forms of law, or the assassination of public officials. Surely nothing in the amendment now pending before the House would exempt those classes or classes of any such character.

Mr. COOPER of Pennsylvania. That prohibits those persons from being admitted as immigrants into the country. Suppose they get here, then the amendment says they shall not be deported because of certain things.

Mr. LITTAUER. This amendment provides that they shall not be deported because of want of means or inability to earn a livelihood.

Mr. COOPER of Pennsylvania. But if they succeed in getting in and then say that they are political offenders the amendment says that they shall not be deported.

Mr. LITTAUER. Section 2 of the bill would expel them because they come within the classes excluded in that next section.

Mr. COOPER of Pennsylvania. If they have succeeded once in getting in and it is declared afterwards that they belong to this class of political offenders, you want to put them out, and then they can not be deported under this amendment.

Mr. LITTAUER. If they be political offenders and come under the designation of anarchists they could be deported at any time. Section 20 declares those who enter the United States in violation of law and become public charges, etc., shall be taken into custody and deported to the country from whence they came at any time after three years' entry into the United States upon the warrant of the Secretary of Commerce and Labor.

Mr. GARDNER of Massachusetts. Mr. Chairman, this amendment purports to be a copy of the amendment in the British alien act which I hold in my hand. It is a copy with a very important difference. The British alien act says "in the case of an immigrant who proves that he is seeking admission to the country solely to avoid prosecution."

Mr. LITTAUER. With the consent of the House, I will modify my amendment to that extent.

The CHAIRMAN. Does the gentleman from Massachusetts yield to the gentleman from New York?

Mr. GARDNER of Massachusetts. For the purpose of asking unanimous consent.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that my amendment may be modified by the insertion of the word "solely" after the word "country;" so that the first clause will read "an emigrant who proves that he is seeking admission to this country solely to avoid prosecution."

The CHAIRMAN. The gentleman from New York asks unanimous consent to modify his amendment in the manner stated. Is there objection?

There was no objection.

Mr. GARDNER of Massachusetts. I do not think the amendment reaches what the gentleman from New York wishes to reach. He does not say that those people shall be admitted. He simply says that they shall not be deported, which is a very different proposition. There is nothing in that amendment, to my mind, which will admit the people the gentleman wants to have admitted. Now, I want to say that if an exception is carefully drawn to prevent the educational test applying to these unfortunates I shall not oppose it, if it be carefully guarded and drawn; but that is very different from applying it to this bill at this stage, because it undoes existing legislation. It throws the door open to every one who is coming in now and who is excluded as likely to become a public charge. I am informed that the immigration bureau seriously objects to its being inserted in this paragraph. I do not know, nor do I believe, that they object to its insertion in the educational-test paragraph. The educational test is a new test, and if it is adopted it might be very proper to make this exception, but if it be put in in the present place, it will weaken existing law instead of maintaining it where it ought to be maintained, and where we all know it ought to be maintained.

Mr. GROSVENOR rose.

The CHAIRMAN. The gentleman from Ohio is recognized for the last five minutes under this hour.

Mr. GROSVENOR. Mr. Chairman, I fear that very grave complication will grow up under this hasty style of legislation. Here are three sections, or paragraphs, in this bill which have to be construed in some way. In the second section, in the twenty-third line, we find that the excluded persons—that is, those who are not allowed to come here at all—are anarchists or persons who believe in or advocate the overthrow by force or violence of the United States Government. I think we may take it as a matter of fact that a great many of these people do succeed in getting into this country. No barrier can be created that can exclude improper persons from coming over here and through the gates and into the Republic. Then we have the provision in the twentieth section, which is well drawn, that any alien who shall enter the United States in violation of law—that is to say, these same anarchists who came in here because they were anarchists—and I use the word "anarchist" in its generic sense as covering all those who may come in improperly—and such as become public charges, etc., may be deported under certain circumstances and sent out of the country. But now comes this amendment, and it seems to me that it applies directly to the very class of people who are ordered to be deported under the two provisions of section 2 and section 20:

Provided, That an immigrant who proves that he is seeking admission to this country solely to avoid persecution or punishment on religious or political grounds.

I submit that an anarchist, that a man who strikes a blow at all governments, is chargeable with being a political enemy of the country from which he has fled, and clearly by the literal terms of this amendment he is covered and saved from deportation.

But I have another ground that staggers me. I would like to be extremely liberal upon both of these points, but what is religious persecution, or what are religious grounds? Are we to constitute our Board of Immigration at the ports of our country a court to try an immigrant's religious opinion? If so, and this application is made for the purpose of staying here and drawn up on the proposition that the immigrant is protesting against deportation because of persecution upon religious grounds, then, to use a slang phrase, we are "up against" the very proposition that we have steered clear of in all our history as a nation. What is religion? We are driven right to that. What is religious persecution? Why, religious persecution is condemnation, the avoidance, the proscription of a man because of his religious opinion. In Turkey a Mahommedan would proscribe a Christian.

Mr. GOLDFOGLE. Does not the gentleman from Ohio understand that the men, women, and children who were massacred in Russia last year and this year and in years before were massacred and that the outrages occurred because they were Jews?

Mr. GROSVENOR. Undoubtedly.

Mr. GOLDFOGLE. And does not the gentleman from Ohio also recognize the fact that those who profess to have a different religious belief set themselves up because of the religious belief of the people they persecuted?

Mr. GROSVENOR. That is not the point that I am aiming at. There is no question about the position of the gentleman. There is no doubt that those people are driven out of Russia by reason of their religion, among other things.

Mr. GOLDFOGLE. And we want to protect them.

Mr. GROSVENOR. We must protect them in some other way than this way. I would admit every one of them, and I would not have this question of deportation arise in their faces. I have voted to cut down the head tax for the very purpose of letting in exactly such people.

Mr. GOLDFOGLE. What remedy, then, does the gentleman from Ohio suggest?

Mr. GROSVENOR. I would not prohibit an alien from coming into this country because he was totally unfit to come into the country—a pauper——

Mr. GOLDFOGLE. No; but suppose he was without means.

Mr. GROSVENOR. And then put the shield of protection over him because he says he has been persecuted because of some religious belief.

Mr. GOLDFOGLE. The gentleman from Ohio will pardon one suggestion. These people first are robbed, despoiled of all their means by their persecutors——

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GOLDFOGLE. I ask that the gentleman's time be extended two minutes that I may ask a question.

The CHAIRMAN. That can not be done under the order, because the House has voted a rule which binds the committee.

Mr. GOLDFOGLE. I ask unanimous consent that two minutes——

The CHAIRMAN. Unanimous consent can not be asked, because it is in contravention of the rule of the House which limits the time of the committee. Debate on the pending paragraph is exhausted. The question is on the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the Chair announced the noes appeared to have it.

Mr. LITTAUER. Division!

The committee divided; and there were—ayes 66, noes 79.

Mr. GOLDFOGLE and Mr. BURLESON. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] and the gentleman from Massachusetts [Mr. GARDNER] will take their places as tellers.

The committee again divided; and the tellers reported there were—ayes 92, noes 69. [Applause.]

So the agreement was agreed to.

The CHAIRMAN. Under the operation of the rule, section 38 is now open to the consideration of the committee.

Mr. GROSVENOR. Mr. Chairman, I move to strike out section 38 and insert the following.

The CHAIRMAN. The gentleman from Ohio moves to strike out section 38 and insert the amendment which the Clerk will report.

The Clerk read as follows:

Strike out section 38 and insert in lieu thereof the following:

"SEC. 38. That a commission is hereby created, consisting of two Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and two citizen members, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation into the subject of immigration.

"For the purposes of the said inquiry, examination, and investigation said commission is authorized to send for persons and papers, make all necessary travel, and, through the chairman of the commission, or any member thereof, to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance.

"Said commission shall report to the Congress the conclusions reached by it, and make such recommendations as in its judgment may seem proper.

"Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including the expenses of the commissioners, and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not Members of Congress."

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the point of order that the amendment is not germane to the section which it seeks to amend. I leave it to the Chair without discussion.

The CHAIRMAN. The gentleman states he makes the point of order?

Mr. GARDNER of Massachusetts. I make the point of order, but I have no desire to instruct the Chair on the point of order, that it is not germane to the section which it seeks to amend.

The CHAIRMAN. The Chair will state that, in the opinion of the present occupant of the chair, the amendment is in order. There is not a uniformity of decisions on this question. In times past it has been held that an amendment of this character must be germane to the section, and at other times it has been held that it is in order if it be germane to any portion of the bill. Under the circumstances which exist, because of the adoption of the rule by the House under which this bill is being considered in the Committee of the Whole and by reason of the fact that the amendment offered by the gentleman from New York [Mr. LITTAUER] was not strictly in order, for, at least, it was a question whether or not it was in order, and the committee did not see fit to make a point of order, and itself fixed the rule in this instance, the Chair believes that the amendment is in order, and therefore overrules the point of order made by the gentleman from Massachusetts. The Chair will further state that this being in the nature of a substitute, it is not in order until the section shall have been perfected by amendment, and not in order for voting, and therefore will not rise until the expiration of the two hours given for the consideration of this section.

Mr. DENBY. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Insert on page 54, line 1, after the words "or not," "*Provided further*, That in case of an immigrant who proves that he is seeking admission to this country solely to avoid religious prosecution or punishment on religious or political grounds or for an offense of a political character,

or persecution involving danger of imprisonment or danger to life or limb on account of religious belief, such immigrant may be admitted, although unable to satisfy the educational test provided in this section, at the discretion of the Secretary of Commerce and Labor, or under such regulations as he may from time to time prescribe."

Mr. DENBY. Mr. Chairman, I thoroughly and earnestly believe in the educational test provided in this bill, because it will restrict a tide of immigration which I think must soon be restricted for the welfare of the American nation. It is, therefore, as a friend of the bill that I offer this amendment. While I do not believe that a large percentage of the immigrants who come here from Europe now come, as did our forefathers, to find here "what there they lost, freedom to worship God," yet it is unfortunately still true that many forms of oppression exist in Europe to-day. And I think no harm can be done by maintaining the noble practice that has prevailed so long in the United States of offering a welcome to those who flee from intolerance in other lands.

The amendment is carefully guarded. It is also based upon the English alien act, as was the amendment offered by the gentleman from New York [Mr. LITTAUER], not that I think for one moment we can learn anything from Great Britain upon the subject of immigration, but that act is well and carefully drawn. And this section is based upon it, and I think is so safeguarded that no harm will be done to the cause of restriction and much good may be shown to the people of Europe. It will be noticed that the section provides that the immigrant must prove that he comes here solely to avoid religious persecution or punishment or persecution involving the danger of imprisonment or danger to life or limb. It is not left with the bare statement, but proof must be made. I opposed the last amendment in regard to the likelihood of becoming a public charge, because it tends to lower the bars, but this does not lower the bars now existing. It will be noticed also that the matter of admission or nonadmission of any immigrant claiming the exemptions of this amendment is left with the discretion of the Secretary of Commerce and Labor, or if he does not care to exercise that discretion, then under such regulations as he himself may prescribe. As a friend of the provision providing for an educational test, I hope there will be no opposition.

Mr. MAHON. I would like to ask the gentleman a question. What do you mean by political persecution? That is a pretty broad term. Suppose a political party in France tried to destroy the Government and because of that the Government would drive them out, and from that cause they would come to this country?

Mr. DENBY. The moment a political offense involves moral turpitude or the moment it becomes anything which infringes upon the rights of other individuals to the extent of doing harm amounting to a violation of the laws of our country, that moment it ceases to be a political offense in the purview of international law. You may not commit a Phœnix Park murder, which many claim to have been purely political, and claim refuge on the ground of political offense. You may not commit any such offense against good order and right living and still claim the benefit of political exemption in international law.

Mr. GROSVENOR. The amendment offered by the gentleman from Michigan [Mr. DENBY] is logical and indispensable to the perfection of the provision of the statute. It is directly in line with the provision that has been amended in the bill, and ought to be adopted if the former amendment ought to have been adopted. The provision of the former amendment was that no matter how fraudulently a man got into this country, if he could prove that he was in danger of persecution, political or religious, whatever that may be, if he went back to his former country he should not be deported. Now, I submit that the man who comes boldly to the door and says, "I am an anarchist; I am here because I am afraid I will be persecuted, or I believe in a certain kind of religion, to wit—naming it—and that if I go back I am going to be persecuted, and therefore I want to get in," I say he is the manly man of the two, and if the other fellow ought not to be deported, the man who would sneak in, this man ought to be permitted to come in. How can that proposition be answered? These two amendments deal with the same class of people exactly, men who have fled from political or religious persecution or are afraid they are going to have it. Two of them are on the same ship, just alike, and one of them gets in. This amendment comes forward and says that he shall not be sent back, and the pending amendment comes and says the other fellow may come in. Certainly if one is correct the other is, for they are logical parts of the same performance and proposition.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and the amendment was agreed to.

Mr. BURLESON. I move to strike out section 38.

Mr. BARTHOLDT. Mr. Chairman, is section 38 still under discussion, and can I have the floor? I move to strike out the last word.

Mr. Chairman, I desire to have read at the Clerk's desk a set of resolutions adopted by the National German-American Alliance on this question.

The Clerk read as follows:

The following resolutions were passed by the national executive committee of the National German-American Alliance, and were indorsed by the executive council of each State branch in every State of the Union, representing one and a half millions of members, all of whom and citizens:

"Whereas it has become necessary that a better distribution of immigrants should be made possible, and

"Whereas a rational system should be devised to carry such laws into effect, and

"Whereas so complicated a question would require deep study and careful research, and

"Whereas the immigration bill now pending would afford no relief, but would tend to make the present laws still more cumbersome, and as it contains a ridiculous educational test which would debar the brawn of laborers so urgently needed in various sections of our country:

"*Be it resolved*, That the National German-American Alliance most respectfully petitions the President to sanction, and the members of Congress to cause the installation of a commission whose duty it shall be to thoroughly study the matter and to formulate suggestions for a feasible system for carrying these into effect: Further, be it

"*Resolved*, That the Members of Congress be petitioned to withhold further action on the immigration bill now pending until the report of the above-mentioned commission is received.

"*Resolved*, That a copy of these resolutions be transmitted to the President of the United States and to every Member of Congress."

C. J. HEXAMER, *President*.
ADOLPH TIMM, *Secretary*.

PHILADELPHIA, *June 6, 1906*.

Mr. BARTHOLDT. Mr. Chairman, as is stated in these resolutions, they emanate from an organization representing a million and a half citizens of this country. These citizens are opposed to an educational test, and are in favor of a commission to investigate this question. They take this stand on the theory that for about twenty years no thorough investigation of this question has been had; that in that time the character of immigrants has changed, and to-day it is less a problem of restriction than it is a problem of proper distribution, considering the fact that many sections of this country are clamoring for immigrants. I desire to call the attention of the House in this connection to the risk of passing the provision relative to the illiteracy test. We have a number of treaties with the countries of Europe, treaties of amity and commerce, and in these treaties is guaranteed the right of what is known as the "most-favored nation."

It is believed by jurists and experts in international law that this educational test will be a direct violation of "the most favored nation" clause of these treaties. Consequently I believe it is well for this House and for Congress to go slow before we enact such a provision. The Commission provided for in the substitute proposition would properly investigate this question, in connection with all others, and thus save our country the humiliation of putting upon the statute books a law which might get us into trouble with all the nations with whom we have concluded treaties of amity and commerce. Hence, Mr. Chairman, I hold that the substitute is a wise, a good, and patriotic provision, and should be adopted by the House. Before making a leap in the dark, let us first investigate where we shall jump. There is no hurry. American labor is employed at good wages, and Republican prosperity furnishes jobs not only for those who are already here, but also for those who are coming. Let the Commission tell us where and how the line shall be drawn between the desirable and the undesirable immigrant, and if that line is found and properly defined you will find me among the first to vote in favor of keeping out all those who are really undesirable additions to our citizenship. But not until then shall I be ready to cast aside a great American principle, a principle which inspired the founders of this Republic in the Revolutionary war, and to which the United States owes, in a great measure, its wonderful growth and development. [Applause.]

Mr. UNDERWOOD. Mr. Chairman, the gentleman has called attention to a petition against the passage of this bill. In answer to that, I will say that the two great political parties of the United States, both expressing the will of the people of the United States, have at various and many times declared in favor of a restriction of the immigration coming into this country. More than that, almost all of the great organizations of men in this country have declared in favor of restricting immigration. I understand recently, even in the last few days, an agitation has gone forth, giving out that certain leaders of labor and certain leaders of capital and certain men in other high positions are opposed to this bill, and are using that influence to prevent the adoption of the educational test.

Mr. Chairman, I hold in my hand a letter from a gentleman who represents a large number of American citizens in this

country; men who work for their daily bread, men who are Americans in every sense of the word, men who are of the highest type of American labor and represent the highest standards of our citizenship. I send that letter to the desk and ask the Clerk to read it.

The Clerk read as follows:

WASHINGTON, D. C., *June 25, 1906.*

Hon. O. W. UNDERWOOD, M. C.,
Washington, D. C.

DEAR SIR: In view of the various stories which have recently been circulated to the effect that organized labor of the United States is opposed to, or at least is not in sympathy with, the provisions of the pending immigration bill providing for an educational test and an increase in the head tax, I deem it proper to say that I am authorized, on behalf of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen, representing in all 230,000 railroad employees, to give their most hearty indorsement to these, as well as all the other restrictive provisions of the bill, and hope that the head tax will be increased over the amount now provided in the bill. I can no better express the sentiments of one of the organizations I represent than by quoting the following resolution:

"Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

"Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years, and have failed to carry out these pledges: Therefore, be it

"Resolved by the Brotherhood of Railroad Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905, That we criticise the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration."

Very truly, yours, H. R. FULLER,

Legislative Representative Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen.

Mr. BARTHOLDT. Will the gentleman allow me to ask him a question?

Mr. UNDERWOOD. I can not yield except for a question.

Mr. BARTHOLDT. I desire to ask him how he reconciles his views on this question with the editorial expression of the Age-Herald, of his city—Birmingham, Ala.?

Mr. UNDERWOOD. I will say to my friend that paper, a great paper, that is published in Birmingham—and it is a good and a great paper—and myself differ entirely on this question, and have done so for many years, and I do not attempt to reconcile my views with theirs at all.

Mr. BARTHOLDT. The gentleman, then, does not desire to have it read to the House?

Mr. UNDERWOOD. Not in my time. The gentleman can have it read in his time.

Mr. BARTHOLDT. It is only three lines.

Mr. UNDERWOOD. Mr. Chairman, I have not come to my conclusions in reference to this matter, because there are any set of men or body of men in this country that are petitioning for it or because there is any set of men who are against it. I have not come to my conclusions with reference to this matter because any set of individuals are for it or against it. I believe that an educational test as a qualification in admitting immigrants into this country is right.

Mr. COCKRAN. Why?

Mr. UNDERWOOD. And we ought to vote for it, for that reason; and I will tell the gentleman why.

We can not of necessity exclude people on account of their nationality. I say the present standard of American labor is the highest in the world.

[The time of Mr. UNDERWOOD having expired, by unanimous consent, at the request of Mr. JAMES, it was extended for five minutes.]

Mr. UNDERWOOD. I thank the House.

We can not exclude these people according to nationalities. That might involve us in foreign troubles. We must take the best test that we can get. Now, I say, the best test of citizenship is intelligence and character. I do not think anybody will disagree with me on that subject, that we want those people admitted into this country who possess intelligence and character, and we want those excluded from citizenship, and from admission to this country, who lack intelligence and who have not character. Now, you may say that an educational test is not a test of citizenship and character. You may point to the man who has no education, but who is a man of high intelligence. I admit there are exceptions of that kind. You may point to the man without education who has character, who stands in the community among the foremost for right living and good life. I admit that there are exceptions of that character. But I say to you as a rule, when you go among the people of Europe and seek for those of intelligence and character, just the same as in this community, you will hunt among the educated people to find them.

Mr. COCKRAN. Will the gentleman allow me?

Mr. UNDERWOOD. For a question.

Mr. COCKRAN. Just merely on the question of fact. Have you ever known one man, who worked every day, who was vicious? You are speaking of rules and exceptions. I ask you if you have ever known one man who worked every day of his life, who was vicious or lacking in good character?

Mr. UNDERWOOD. Yes; I have known some men who worked every day, but who committed crimes. I admit that they are exceptional cases.

Mr. COCKRAN. I did not say "had committed a crime." I said "who are habitually vicious."

Mr. UNDERWOOD. Oh, well; of course if they were habitually vicious they would not work at all.

Mr. COCKRAN. That is just my point. We are at one.

Mr. UNDERWOOD. Character means more than not being habitually vicious. Character means that a man does not stoop to crime. On the other hand, if you are going to look for the unintelligent, for those who are vicious, for those who are depraved in any community in the world, you will find them among the uneducated classes, as a rule. Now, do you not want the best for your own country and to leave the worst abroad?

You may point to the fact that a hundred years ago, when the country was populated by the greatest people on the face of the earth, many of them were illiterate; but you must remember that the opportunities for an education in the European countries were not then what they are to-day. There is hardly a country in Europe where a man or a child of character and of intelligence can not obtain an education sufficient to enable him to read, and that is all that this test requires.

Mr. COCKRAN. Read and write.

Mr. UNDERWOOD. No; the test in the provision here requires merely that he shall be able to read the English language or some other language or dialect.

Now, I have heard the argument made against this bill that its provisions would exclude many of the Jewish people who speak what is called Yiddish, because that is not a language, but a dialect; but the terms of this bill are so broad that they expressly admit that class of people, and there is no Jew in Russia who can speak and read the Yiddish dialect who would not be admitted under the terms of this amendment.

Mr. GOLDFOGLE. The bill is so drawn, however, that some of the immediate family of the alien who could enter would be excluded for want of proper educational qualification.

Mr. UNDERWOOD. I do not agree with the gentleman, and I will tell him why. I understand his question.

Mr. GOLDFOGLE. As, for instance, the son would be over 19 or the daughter over 21. He would have to leave the son and daughter behind him, though he could be admitted, and the son and daughter would be kept in the land where they are subject to persecution.

Mr. UNDERWOOD. I understand the gentleman's question, but I say this of the Jewish race, that where the father is an educated man among the Jewish race you will not find the son of 19 who is uneducated.

Mr. GOLDFOGLE. How about the daughter?

Mr. UNDERWOOD. Or the daughter either, as a rule.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, it was especially gratifying to me this morning when this committee by a large majority refused to increase the head tax on immigrants coming to this country. Every thoughtful person, if only a moment's consideration is given the subject, must reach the conclusion that to have increased the head tax would have barred the very people we are most anxious to have come to our country. It was intended to exclude people who come from extreme south Italy and the Slovaks, these people who generally come singly. As a matter of fact, in its practical operation it would bear most heavily, as I have said, on the very class we should encourage to come. The Germans, the Swedes, the Danes, the Norwegians, the Bohemians, and the Irish usually bring large families; and as this head tax is levied on every member of the family, young or old, you can readily see that its increase would not probably bar out the undesirable single person who wanted to enter, but would place a heavy burden on an immigrant with a numerous family, conceded by every one to be desirable.

Mr. Chairman, I repeat that it is especially pleasing to me that this committeee by a substantial majority has placed the stamp of disapproval on that provision of this bill increasing the head tax; and in my opinion to have done otherwise, to have increased the charge upon worthy persons who are desirous of casting their lot with us in this free country, would have been a reflection on our powerful and rich Government.

Mr. Chairman, I am constrained to believe that but for certain extraneous influences now being exerted upon the members of this body that this other objectionable provision in this bill, the one prescribing an educational test, would also be stricken

therefrom; in fact, I feel sure it would not receive one-third of the vote of the membership of this House.

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. BURLESON. No; I regret I can not yield to the gentleman. I speak under a time limit, and if my time is extended I will yield to him with pleasure. Every broad-minded, intelligent, patriotic American, whether native born or whether he has become a citizen of our country from choice, welcomes at all times desirable immigrants when they come to our shores. [Applause.] Just as earnestly and universally are undesirable immigrants opposed when they here seek admission.

There can be no issue on these two propositions, and the iteration or reiteration of the statement that we favor desirable immigrants and oppose undesirable immigrants will not serve to obscure the real issue here, and that is whether we are going to enact a law prescribing the so-called "*educational test*," which test will exclude from this country a large number of persons emigrating to our shores who otherwise are desirable immigrants. Mr. Chairman, I am opposed to this educational test and I contend that the present law as it is written, with a few amendments, will fully meet the necessities of our present condition, provided it is properly enforced.

Mr. Chairman, why should we favor such a change in the law? Who can say that the time has come when we should put up the bars and reserve this great country for ourselves—we who are here, and our descendants? No one will contend that there is not room here for many, many times our present population.

As was so pertinently stated a moment ago by my genial friend from Missouri [Mr. BARTHOLDT], "you could move all of the people of the United States into the one State of Texas and then Texas would not be as densely populated as Germany is to-day."

It is admitted by all that we are but at the beginning of the development of the agricultural and mineral resources of this wonderful land, not to speak of the infinite possibilities of our industrial growth and expansion. Then why all this agitation and turmoil in favor of restricting immigration? If there are defects in the present law because of which the undesirable classes are obtaining admission I will gladly cooperate with my distinguished friend from Massachusetts in remedying these defects. Now, what of our present law? Under its terms we now exclude contract laborers, as they should be excluded, and I welcome the fact that the bill under consideration, which is in charge of the gentleman from Massachusetts, very properly strengthens the present law so as to more rigidly exclude this class and will enable us to enforce this provision of the law better than heretofore has been done. Every Democrat here stands ready to aid the gentleman from Massachusetts in this effort.

The present law also excludes in addition to contract laborers all paupers, or persons likely to become public charges, all epileptics, idiots, and insane persons, all polygamists, persons convicted of crime, and anarchists, and this bill amends the present law, and I heartily approve the amendment, enlarging the excluded classes so as to embrace the feeble-minded, consumptives, and people who have been at any time insane. Now, what else is wanted? Will some one tell me what other class should be excluded? The gentleman from Massachusetts answers that we do not want the unintelligent. *We do not want the unintelligent!*

Why, gentlemen of the committee, is there a necessity to stimulate immigration to this country in order to recruit the professional class? Do we need more doctors and lawyers? We have too many of them now. Do we want to stimulate immigration in order to bring to us more teachers? We all know that at this time there is a dozen applicants for every vacancy that occurs in our teaching force, whether in common school or university. Surely we do not need more skilled laborers, because it is a fact familiar to us all that the labor organizations in this country at this time are limiting the number of apprentices in order to limit the number of skilled laborers. Yet, Mr. Chairman, no person will deny that from one end of this country to the other there is need of a certain class of immigrants. Then in God's name what class is it that is wanted? I will tell you: Our country needs those who will work with their two hands. [Applause.] We need farm hands—day laborers—thousands of whom on the other side are anxious to come and will come if not prevented by this foolish legislation; who are willing to earn a livelihood by honest labor. An educational test will exclude this very class, or largely exclude them.

Mr. Chairman, especially does the South stand in sore need of this class of immigrants. It is now well understood by those who have informed themselves that the phenomenal increase in the consumption of cotton during the past few years clearly indicates that within the near future (nearer than even many enthusiasts expect) there will be a demand for an annual production of sixteen or eighteen million bales of cotton. Every well-posted man interested in this subject also knows that when this time comes the South alone can be looked to to meet this demand. Where can be found the additional labor required for the production of this cotton? Can it be secured in the South or elsewhere in our own country? I believe not. I know that as far as my own State is concerned that we are recruiting our cotton-growing population from some of the northern and western States, as is shown by this telegraphic dispatch clipped within a month from my home paper, the Austin Statesman.

THOUSAND FROM IOWA COMING TO SEE TEXAS.

SIOUX CITY, IOWA, *May 29.*

An event which may have much to do with the future history of the State of Texas and in which nearly 1,000 Iowans will be concerned is about to occur. For a long time there has been a general exodus from Iowa, and mostly to States farther west. Now there are 200 families from the northwest part of Iowa almost ready to embark for the State of Texas to buy land and make it their future home.

John E. Rogers has been nearly all spring trying to get a company of Iowans ready to go to Texas to settle, and he has been rewarded with the honor of escorting a whole colony to that State, the largest as well as one of the greatest in the Union.

The company which will leave this State in about a month for the South intends to settle in the fertile lands of Burnet and Llano counties, central Texas. They have investigated and found that the water supply at that place is good and that they can engage in farming and stock raising with few drawbacks, and the climate is more even than in Iowa.

The special train of coaches and freight cars which will arrive at Burnet about the 1st of July will startle all the natives there, but they will see little of these hardy Iowans, for they will at once seek their locations and begin living where fruit is abundant and easily grown.

One of the reasons why these people are leaving Iowa is because of the excessive rents charged them for the farms of the northwest part of the State. And it is because they wish to get to a State where they can soon own their own farms and homes that so many seem willing to take this move. Most of the farm land in Iowa is held from $78 to $135 per acre, and landlords can not see fit to realize any profit on their investments unless they derive at least $6 per acre annual rent. Anyone who has ever rented a farm knows that no man in Iowa and the average farmer can not much more than make a living and pay such rates for rent. It is this reason, largely, that has caused over 100,000 farmers and their families to leave Iowa and move to where cheaper and just as good land could be had on better terms, and where a lease of a farm did not mean a lease of life to the man who rents the farm.

To move this company of people it will require nearly a total train of passenger cars. The women and children will ride in these, while the men will accompany the stock and farm implements in another train of freight cars. It is not known yet what railroad will carry them into the State of Texas.

Every one of these people will come either from Calhoun, Ida, Monona or Sac counties, and all are fully imbued with the fact that they are going to a new country to make their homes and that that means hard work—work unlike they are used to, but which they will try to perform with all the conscience they possess. It is to be said in their favor, however, that they are among the best farmers and citizens Iowa has produced, and in getting them Texas can not but feel proud that such determined people would come to her vast domain.

If it is found that the country is all that it is expected to be many more will follow this company in another few months.

But this is probably not happening in the other States of the South. We know, furthermore, that heretofore the South, with the exception of Texas, has received an insignificant percentage of the immigration coming to our country. It is known also that negro labor has been the chief reliance of the cotton planter, but for the past ten years the marvelous industrial development of the South in railroad construction, factory building, and along every other line has resulted in a reduction of the percentage of increase in our rural population and a very material advance in the percentage of increase of our urban population. This is especially true of the negro population. They are quitting the cotton fields and taking advantage of the more quickly remunerative employment offered by the railroads, lumber camps, and mills. Hence you see that the serious problem forces itself on everyone who has the welfare of the South at heart—how can this increased demand for labor be met? I will embody in my remarks, showing the drift of thought on this subject, a leading editorial, printed on May 12, in the Statesman, a leading paper published at the capital of my State:

SOUTHERN IMMIGRATION.

What the South may expect through immigration from abroad as a source of relief from its labor problem was suggested in the landing one day last week of more than a thousand Poles, Russians, Jews, Germans, Bohemians, and other Europeans at Galveston, most of them destined for Texas points, and described as a healthy, strong-looking lot of men, women, and children, ready and willing to hustle for an honest living. They came by one of the vessels of the North German Lloyd Steamship Company, and the experiment of establishing a line direct from Bremen to Galveston has been so successful that Mr. Friederich von Pilis, a director of the company, who has been studying conditions in the South, announces that on his return to Germany he will recommend the establishment of another line to New Orleans, which he regards as the gateway to the great agricultural States of Louisiana, Mississippi, Alabama, and Georgia.

In an interview with the New York Herald Mr. von Pilis says that European immigrants are beginning to learn that there is something more in America than New York, and he suggests that Southern States in need of good farmers, of whom hundreds of thousands will arrive in

this country within the next few years, cooperate with his company in bringing the South to their attention. He expresses the belief that while Italy will continue to send immigrants here and Russia will continue to pour Jews into the cities, the next flood of immigration will come from the German districts of southern Russia, Roumania, Bulgaria, and Hungary, and that there will be a type of the men that the South needs. He says:

"The people who are now turning their eyes to America are agriculturists, and I fully expect to see a great exodus of them to your shores. Some will go to South America, but the great mass will strike out for America, and their destination will not be the centers of population. They will want to cling to their occupation—that of tilling the soil. The German residents of the countries I have named are powerful men, of exemplary habits, and their idea of success in life is to have homes of their own and to rear healthy families.

"These people would be a boon to the South. They are accustomed to temperature and soil much the same, and would bring about an almost magical development of the great area which now lacks proper cultivation. They are natural farmers and hard workers. They will start a new race in the South—will be the real pioneers. Twenty years from now, I confidently predict, America will be glad she left her doors open and pointed the way to the land of the cotton fields.

"There need be no fear in America that Europe is unloading upon her her undesirable population. It is quite true that many of the immigrants, notably from Italy, are not the best sort of citizens, but those who come from central Europe are the kind of people that Europe does not wish to lose. Many of those who come from Italy spend part of the year here and return to their homes with their American earnings. This is a custom which should be discouraged. But in the case of the people from Hungary, Bohemia, Roumania, Bulgaria, and other parts of Europe they emigrate for good. They sever all ties abroad, and start out with the determination to link their fortunes with those of America, and to send for their relatives as soon as they can scrape together sufficient money."

I also invite the attention of the committee to the following editorial taken a few days ago from one of our evening papers here:

IMMIGRANTS FOR THE SOUTH.

At last the lack of facilities that have kept the foreign influx away from the South, where it could do so much both for itself and for the country, seems about to be remedied.

People used to wonder why the Italians, for instance, kept persistently to our few great seaports, but the reason is clear enough. Their services were in demand immediately, and as they wanted work at once, what call was there for them to go to a region they had never previously heard of, paying from their scant hoard of money to get there? Spite of the fact that the Italians are a race of natural soil tillers, they have preferred to remain in big cities, digging subways and cellars for skyscrapers, because there were the rest of their countrymen and there was the dollar to be picked up forthwith.

Now the tide is beginning to turn southward—slightly, it is true, but perceptibly. The North German Lloyd has already established a passenger line to Galveston, Tex., with a special view to transporting immigrants to the South, and expects also to make landings at New Orleans. The first lot of immigrants landed at Galveston, more than a year ago, consisted of only 15; a few days ago, however, one of the German ships landed 1,100 homeseekers at the Texas port. Paradoxically, the ice has been broken in a latitude where it rarely forms.

The South needs workers for its best development, and the negroes are not altogether sufficient. There are splendid opportunities there for honest and capable immigrants, and anything that will shake them out of their national herds in the cities will be for the advantage of the whole land.

Thus, Mr. Chairman, it is seen that just when it seems there is a prospect of this urgent need for labor being partially met it is to be checked by this unwise legislation. In order that I may make clear the pressing demand for more labor on the farms and in new enterprises throughout the South, I send to the Clerk's desk and ask that it be read an article from the Manufacturers Record, published at Baltimore, Md., a paper of high character, devoted to the industrial interest of the South, and which is thoroughly reliable and accurate in all statements it makes:

THE GREATNESS OF TEXAS

In the Manufacturers' Record last week, in editorial correspondence from Birmingham, it was stated that it was probably conservative to say that at the present time the South could easily absorb 500,000 laborers in filling the actual demands of the hour without considering the steady increase in agricultural and industrial interests of the coming years. Texas, however, comes to the front with an announcement that at least 200,000 laborers are needed in that State, and thus the estimate of 500,000, thought at the time by some to have been an exaggeration, proves to have been below the actual needs. The statement that Texas needs and could immediately provide work for 200,000 men brings to mind the amazing progress of that imperial Commonwealth. Indications of what Texas is doing in the accumulation of wealth are seen in the fact that a Dallas bank carries deposits of $8,000,000, an amount not equaled by any bank in Baltimore with one exception, and that in one of the smaller towns of Texas a bank of $200,000 capital has $1,500,000 on deposit.

All over the State this condition exists, and everywhere great progress in the extension of agricultural interests, in the advancement of manufactures, in the construction of railroads is under way. As one undertakes to look over this broad State and see the vast railroad enterprises under construction and those projected and likely to be built in the near future, he can but be amazed at what is going on, and in has amazement realize that at last Texas is coming into its own. Its prosperity has within the last year or two, brought about in part by the great increase in the value of cotton and in part by a general realization and utilization of some of the vast resources of Texas, been moving forward with a stride of the fabled "seven-leagued boots."

So vast it its area that it has been well described in the statement that if we should cut from a map of the country the State of Texas and put the center of it on Nashville, the northern end would reach Chicago, the southern Mobile, and the eastern wing would stretch to Raleigh, and the western to Little Rock. It is twice as large as Japan, which has a population of 50,000,000, and in natural resources, in the ability to support population and to create wealth, Texas is so far ahead of Japan that a comparison between the two would be useless. Within five years it has taken rank as one of the foremost oil producers of the world. It is a State of vast mineral wealth, of iron ore ranking in quality with the best known and with quantity great enough, it is believed, to support a vast iron and steel industry; it is a State of granites and marbles which in quantity and beauty baffle description, and the extent and variety of which can never be understood, except by those who see for themselves. Much of it is a region of the greatest wealth of timber, of hardwood as well as of pine. Though ranking for years as a leader in the cattle interests of the United States, many of its vast cattle ranches are being divided up into smaller farms, thus insuring far greater general agricultural development and at the same time not lessening the possibilities in cattle growing.

With an area of 265,000 square miles, or but little less than that of France, it is on only one-tenth of this area, or 15,000,000 acres out of a total of 170,000,000 acres, annually producing $300,000,000 in agriculture. Every year sees a higher development of agriculture, a stronger tendency to diversification, a greater increase in fruit and truck growing, and likewise, by reason of the establishment of immense stock yards and packing houses, a rapid advance in connection with diversified farming or hog raising. We are so accustomed to think of Texas, with its annual production of cotton averaging about 3,000,000 bales, or nearly 30 per cent of the country's crop, as a cotton State that we are prone to overlook the fact that it also produces 200,000,000 bushels of grain, and that every year sees an expansion in corn and wheat and oats.

In diversity and extent of profitable agricultural products, combined with mineral resources, as well as in areas, Texas probably leads the Union. With a population of less than 4,000,000, though capable of easily supporting 50,000,000; with a variety of soil suitable for every crop from that of the Tropics to that of the higher altitudes of the temperate zone; with great water powers yet unutilized; with a wealth of mineral resources little realized as yet; with a beauty of mountain scenery of which but little is known by the world at large; with a charm of climate not surpassed in America, of every variety from that of a region almost as cold as the Northwest to that where roses blossom throughout the winter, imperial Texas may well claim the world's attention as the predestined center of wealth, of population, of a civilization which shall rank with that of the greatest and best of the world. It has been peculiarly blessed in the character of much of its population, which can hardly be equaled for the well-proportioned combination of aggressive, virile, Anglo-Saxons of the South and the West and the best of foreign settlers, with a limited negro population.

Practically free, as Texas is, from the problems which so long and so seriously burdened other Southern States, especially the problems faced by those where the negro equals or exceeds in numbers the whites, and with a school fund representing a valuation of $100,000,000, Texas stands unmatched by any other State in the Union in the possibilities which are ahead of its people if they but utilize to the fullest extent the resources and opportunities vouchsafed by heaven. Into Texas before and after the war came many of the foremost men of the South. It was to them the Land of Promise. The foreign element of that State is, on the whole, the best which has settled in any State in the Union; and with the whites so largely in the majority the negro becomes a useful factor rather than a load holding back advancement. It has been justly said that the transplanted man is the best man for the upbuilding of the country. He is the man who had the energy, the activity, and the imagination which could not be contented with the old things, but looked forward to a better land. Texas has the transplanted man. He has gone from Virginia, from the Carolinas, from Georgia, from Tennessee, from Kentucky, from the West, from the North, and from Europe, and in this attrition of races and of people from different sections Texas has the opportunity to develop as one of the foremost leaders in the highest type of American citizenship. What this character of citizenship means in manhood, in strength and virility to meet every emergency found an illustration in the redemption of Galveston from the fearful destruction by the hurricane of 1900 and the rebuilding of a greater Galveston such as has never been surpassed in the history of modern civilization, if ever surpassed in the world's history. With a people of which Galveston is but a type, with resources which tax the imagination if one undertakes to even grasp the latent wealth of the State, there is no wonder that Texas is calling for 200,000 laborers. These 200,000 will soon be coming, and many hundreds of thousands more, and the tramp of millions more will be heard as the years pass by until the population of Texas is somewhat commensurate with its matchless advantages.

In confirmation of the statements contained in that article from the Manufacturers' Record, showing the great demand for labor, I read a recent clipping from the paper having the largest circulation published in north Texas, the Dallas News:

LABOR IN GREAT DEMAND—SCARCITY IS DUE TO EXODUS TO THE FARMS, WHERE VERY FANCY PRICES ARE PAID.

* * * * * * *

So great has been the demand for laborers in the field, so enticing the prices paid, and so comparatively easy the work required that even white people have been attracted. To such an extent has this movement gone that for the first time the street railways are working large numbers of Mexican laborers, none other being obtainable in sufficient numbers for the active operations now under way in all parts of the city.

In the height of the demand the farmers were offering from $1 to $2.50 per day for workers and giving board along with the wages. These prices have shaded down somewhat, but nothing less than $1 and board is looked at by the workers.

It is estimated that not fewer than 2,500 persons have left the city for the fields. At the same time there is a heavy demand for railway laborers all over the State.

An effect of this is seen in the police records, where it is shown that the arrests for vagrancy are lower at this time than they have been in a long time before.

Another from one of the leading papers published in south Texas, the Galveston News:

There is an unprecedented demand for labor of almost every kind in Texas now. In almost every issue of The News are articles from various sections of the State telling of the scarcity of labor, especially on the farms. Farmers are making strenuous efforts to get help in the cultivation and harvesting of crops, and are offering high prices for labor. Farmers around Mexia are offering fancy prices for cotton choppers, but procuring very few, as all the laborers are busy working with the railroad building. The demand for hands is so strong that Mexican laborers are being brought in every few days. A dispatch from Paris says: "Numbers of farmers have been in town the past few days

hunting cotton choppers and report them hard to find. Labor is said to be scarcer than it has been for years in this county." There is no excuse for the loafer now, and he should be put to work.

A cry also goes up from Kansas for more laborers, as is shown from this which I read from the Houston Post, a leading Democratic paper in Texas:

LABOR SCARCE IN KANSAS—FARMERS MAKING EVERY EFFORT TO SECURE FIELD HANDS.

Kansas is sending out the strongest appeal of her history for men to work in the harvest fields. At least 25,000 more men than are now in sight will be needed, and if need be they will resort to desperate measures to draft men into the service behind the self-binders. Competition this year for labor is stronger than ever before. There seems to be no surplus of idle men anywhere. Vain appeals have been addressed to the employment houses of Chicago, St. Louis, and other large western industrial centers. Factories are running at full capacity all over the country, building operations are going on on a scale exceeding anything of the kind in past years. These activities have absorbed the bulk of the country, skilled and unskilled. As in recent years, much store is set by the sturdy college men who are finishing their year of study. Hundreds of these men who have worked in the wheat fields are coming back this season. The hint has gone out unofficially that there must be no idle able-bodied men in Kansas at harvest time. The street loafer who can work will be obliged to work or leave the State. Local authorities in cities and towns hitherto have cooperated with the agriculturists in enlisting the whole available force for field work. They will do so again this year.

Mr. Chairman, this demand for more laborers must be met, and the question naturally arises, Where are they to come from? We know if this educational test is adopted that the supply can not come from immigration. But gentlemen here say that among the unintelligent—the uneducated—are found the vicious and dangerous. Now, I submit in all candor, Is not just the reverse of that proposition true?

Frequently the anarchists and socialists who come to our shores are highly educated, or nearly always it is the case that their brains are befuddled with a so-called education. None of these would be excluded by this educational test. The man that threw the bomb the other day in Madrid was a graduate, as I understand it, of a German university. This provision of the law—the so-called educational test—formulated by the gentleman from Massachusetts would not exclude that person, and yet would exclude thousands of simple, sturdy, peasants who may come here to earn a livelihood with their hands.

Mr. Chairman, as I view it, any immigrant who on his own initiative conceives a desire to come to this country and by his own efforts manages to get together sufficient means to bring himself across the ocean, if he does not fall within one of the classes excluded, should be admitted. By this I am not to be understood in any sense as favoring assisted immigration. If I had my way I would provide in this law for the severest scrutiny and absolutely prohibit the landing of assisted immigrants subject to very few exceptions—assisted immigrants being those so impoverished that they can not get here without aid from others. The European charitable societies send many of this class to our shores. They should not be permiltted to enter. The European official class who have to deal with the poor and needy send over many of their charges to enter here. These should be speedily returned.

Europeans of means frequently send their indigent poor relatives to this country to be rid of them. These should be stopped when they seek to enter. To accomplish this will require not only rigid but intelligent inspectors, and this should be amply provided.

I would go even further, Mr. Chairman. I would exclude all those who are toled over by fairy tales they have heard from steamship agents about the easy way open in this country to accumulate riches. This stimulated immigration should also be checked, and the steamship companies should not only be made to bear the expense of retransporting this class, but I would also lay heavy penalties against these companies for such attempts and thus impress them that we are in earnest in our efforts to enforce our immigration laws.

Mr. Chairman, having taken these steps to protect our country against the admission of undesirable immigrants I would go no further. If I can have my way, we will entirely eliminate this educational test. I thoroughly understand the character of influence which has been brought to bear on members of this body to support this proposition—innumerable resolutions adopted by labor organizations have been sent us through the mails favoring it. I now hold in my hand the latest of these, forwarded by special messenger to each Member, informing us that the particular labor organization (said to be quite influential) "has not changed its position, which is clearly set forth in the following instructions to the officers, etc."

Mr. Chairman, I do not say that the advocacy of this educational test by the labor organizations of our country is not entitled to respectful consideration at our hands; it is, and such I have accorded it. I do not agree with them on the proposition; and I am not to be deterred from the discharge of my duty as I see it by these persistent, if not threatening, importunities of labor organizations. My sole guide in the discharge of my duty here is my own conscience and the declarations of policy embodied in the platforms of the political party to which I belong. I receive instructions as to what I shall do as a Representative in this body only from the sovereign people in the Tenth Congressional district of Texas. I do not believe that it is to the interest of my section, my State, or my constituents for this educational test to be adopted; hence, I shall vote against it. [Applause.]

Furthermore, Mr. Chairman, in my deliberate judgment, the same spirit of prejudice, the same feeling of intolerance that hid itself for so long a time within other political parties, but finally in 1856 openly manifested itself in what was then known as the Know-nothing party, is behind this proposition. [Applause.] I can not for the life of me understand how a Democrat can support it. In 1856, when Know-nothingism had grown so strong in this country that other political parties had not courage to do so and would not declare themselves upon this hurtful un-American doctrine, the great Democratic party threw itself in the breach and——

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. COCKRAN. Mr. Chairman, I ask that the gentleman's time be extended five minutes.

The CHAIRMAN. The gentleman from New York asks that the time of the gentleman from Texas be extended five minutes. Is there objection?

There was no objection.

Mr. BURLESON. The Democratic party threw itself in the breach, declaring its hostility to everything akin to Know-nothingism. At that time our political party, notwithstanding the fact that the Whigs were too cowardly to declare in their platform upon the issue; notwithstanding that the Republican party remained silent on the question, our great political organization boldly attacked it, and for the time being completely crushed and destroyed the spirit of Know-nothingism that was then so rampant in our country.

For full forty years there was no revival of this spirit of racial prejudice, but within the past few years in various sections through different newspapers one occasionally could see slight manifestations of its revival. Quite recently this effort has apparently been directed against Germany. We have read of the peaceable invasion of South America by the subjects of King William II, etc. During the last month the German ambassador has given notice to this spirit by an able article in the North American Review, and I ask that a comment on this article, clipped from the Seattle (Wash.) Times of date May 16, be read by the Clerk.

The Clerk read as follows:

THE GERMAN PERIL.

Baron Speck von Sternburg has an exceedingly strong, sinewy, and earnest article in the May number of the North American Review on the question of German emigration, particularly to South America. In its aspect of what he justly calls "the phantom peril," which some alarmists have pretended to believe exists for the United States, the baron's article is inspired with the friendliest of sentiments toward this country, which are evidently sincere. If anyone had any doubt as to the phantom character of the German peril, Baron Speck von Sternburg's article will remove it.

It will surprise many persons to know that, while Germans came to this country in great numbers prior to our civil war, the greatest number of annual immigrants since that period in any one year was 220,902 in 1881 from Germany to all parts of the world; that since 1892 the total German emigration has not exceeded 100,000; that for the past six years it has steadily decreased, and that in 1904 only 27,984 left the fatherland.

The German ambassador properly attributes this retrogressive tendency in emigration to the extraordinary economical development of Germany during the last decade, with the consequent steady improvement of the social status of the laboring classes, which has removed the chief incentive for leaving home, which is to do better abroad.

So far as Germany is concerned, in a total of 2,279,000 immigrants received by the Argentine Republic from 1857 to 1895, there were only about 25,000 Germans. So far as Brazil is concerned, there are to-day only about 20,000 native Germans there, of whom only 8,000 are German subjects, although there are, in the total population of Brazil, something like 200,000 persons of German extraction, emigration from Germany to Brazil having gone on for very nearly a century.

The German ambassador really need not have taken the pains he has to persuade Americans that there is no German peril for this country in South America. The proof of that assertion lies before the eye of Americans, for in this country, by the Federal census of 1900, there were more than two and a half million native Germans out of a total population of 75,500,000, and it is estimated that the total percentage of German blood circulating in the veins of the inhabitants of the United States is a little over one-third. Naturally, with such a condition existing here and with the knowledge of the facts that Americans possess, that Germans not only make the best of citizens in any country into which they may migrate, but that they divest themselves of their German citizenship and become loyal, patriotic sons of their adopted land, there is no German peril.

Mr. BURLESON. In Texas we would gladly welcome a peril of this kind. We who live there know the value of the German immigrant. More than half a century ago Texas was fortunate enough to receive quite an influx of German immigration. To-

day their descendants, thoroughly American, constitute a substantial element of our highest and best citizenship. One of them is the leading physician in the largest city in Texas, associated with his venerable father, who still lives to bless with his valuable service his adopted country. Another is a State official and the largest ranch owner in Texas, whose brother was an honored representative on this floor for many years. In every walk of life the sons and grandsons of these pioneer German immigrants are found discharging the full duties of citizenship in accordance with its highest standard.

Texas invites this character of immigration and holds a welcome for hundreds of thousands of their like.

Mr. Chairman, the Republican party having failed to declare its opposition to Knownothingism in 1856, announced its policy with reference to this issue of literacy as a test for admitting immigrants in 1896 by declaring in its national platform of that year in favor of the educational test.

After the election that year, we all know that when Congress convened an immigration bill was passed containing an educational test. That Congress was overwhelmingly Republican. This bill, after it passed, was sent to the other end of the avenue, and a Democratic President returned it with a veto upon the express ground that an educational test should not be prescribed for emigrants coming to this country.

The RECORD will disclose that that bill was passed by the House over President Cleveland's veto. The membership of this body sitting on the other side of this Chamber voted to pass it over his veto. An overwhelming majority on this side of the Chamber, notwithstanding the fact that at that time many Democrats were in bitter antagonism to Mr. Cleveland, true to their convictions, adhering to their principles, refused to vote to pass it over his veto. Subsequently the President of the United States, Mr. McKinley, in his message, recommended the educational test. Afterwards, in December, 1901, Mr. Roosevelt made the same recommendation in his message, using this language:

> The second object of a proper immigration law ought to be to secure by a careful and not merely perfunctory educational test some intelligent capacity to appreciate American institutions and act sanely as American citizens.

And again in his message of December 2, 1902, Mr. Roosevelt reaffirmed the position of his party on this issue. Afterwards during the Fifty-seventh Congress, as I now recollect it, the immigration bill with an educational test embodied therein, passed the Senate, nearly every Democrat voting against it. It was passed by Republican votes. Thus you see this illiteracy test has been given the indorsement of the Republican party. I can understand how the spirit of intolerance might move that party, now dominant, to support this measure, but for the life of me I can not understand how men who ally themselves with the Democratic party, which has at all times upheld the doctrine that the doors of America should be open to the oppressed of other countries, provided they are not criminal and do not fall within the excluded classes, can consistently support this proposition.

For these reasons, Mr. Chairman, and for the additional reason that there is a constantly increasing necessity for labor in the South, and especially in Texas, labor of the very character that will be excluded by an educational test, I shall vote to strike out this section of the bill. As I have shown, Texas now needs 200,000 laborers. The only opportunity we have to secure these much-needed laborers is through the open door of our ports, where the sturdy immigrant, willing to work, can enter to furnish it to us. To be consistent, I say Republicans can well afford to vote for this proposition, but I submit that the Democrats on this side of the Chamber will be true to the history and traditional policy of our party if they record their votes against it. [Applause.]

Mr. GRAHAM. Mr. Chairman, under the five-minute rule I would not desire, nor do I think it would be meeting with the views of the House, to attempt to make a lengthy argument in favor of this bill. I want to state in the few minutes that I shall occupy the floor that I am heartily in favor of this bill as reported by the committee. I had the pleasure of introducing a bill that I consider better than this one, but the committee, in the exercise of their judgment, incorporated in their bill some of the excellent sections from my bill and the good points from other bills as presented in this House. Upon the whole, I am satisfied with this bill if we can prevent its emasculation by amendment. I am in favor of it not only as a whole, but I am especially in favor of this section, the educational test. I think we should have that test in this country. I think it is high time that this flow of immigration should be checked, and the only way to check it is to put up these barriers against an unimpeded flow. I regret that the committee to-day have reduced the head tax from $5 to $2 per capita. This is a step in the wrong direction and weakens the bill, and should this educational test be stricken out this bill will be selective rather than restrictive—a great mistake, in my opinion. I urge upon the Members of this House the voting down of all amendments and the passage of this bill if they desire to check the influx of undesirable immigrants.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The message also announced that the Senate had passed, with amendment, the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That a joint special committee be appointed, consisting of four Senators, to be appointed by the Vice-President, and five Members of the House of Representatives, to be appointed by the Speaker, to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the statutory revision commission heretofore authorized to revise and codify the laws of the United States; and that the said joint committee be authorized to sit during the recess of Congress and to employ necessary clerical and other assistance; to order such printing and binding done as may be required in the transaction of its business, and to incur such expense as may be deemed necessary, all such expense to be paid in equal proportions from the contingent funds of the Senate and House of Representatives.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, disagreed to by the House of Representatives; had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. STONE as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the amendments to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico; and

H. R. 19607. An act for the acknowledgment of the deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

PURE-FOOD BILL.

The SPEAKER laid before the House the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, with House amendments thereto disagreed to by the Senate.

Mr. MANN. Mr. Speaker, I move that the House insist upon its amendments and ask for a conference.

The SPEAKER. The question is on the motion of the gentleman from Illinois, that the House do insist on its amendments, and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. HEPBURN, Mr. MANN, and Mr. RYAN.

CONDEMNATION OF LANDS, ETC., IN CONNECTION WITH RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON of Ohio. Mr. Speaker, I present a conference report on the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with the works of river and harbor improvements at the expense of persons, companies, or corporations," approved

May 16, 1906, together with the statement of the conferees thereon, for printing under the rules.

The SPEAKER. The conference report and statement will be printed under the rule.

REVISION OF THE LAWS.

The SPEAKER laid before the House the House concurrent resolution No. 35, to appoint a joint commission of Senate and House to examine, consider, and submit to Congress recommendations upon the revision and codification of the laws, etc., with a Senate amendment thereto.

The Senate amendment was read.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House concur in the Senate amendment.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following members of the joint commission, on the part of the House: Mr. MOON of Pennsylvania, Mr. HOAR, Mr. SMYSER, Mr. SHEELEY, and Mr. HOUSTON.

UNLOADING OF BONDED MERCHANDISE IN THE NIGHTTIME.

The SPEAKER laid before the House the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, with Senate amendments thereto.

The Senate amendments were read.

Mr. PAYNE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. PAYNE, Mr. DALZELL, and Mr. WILLIAMS.

CONFERENCE REPORT ON MILITARY ACADEMY BILL.

Mr. HULL. Mr. Speaker, I submit the conference report on the bill (H. R. 18030) making appropriation to support the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

IMMIGRATION BILL.

The committee resumed its session.

Mr. RICHARDSON of Alabama. Mr. Chairman, I shall support this bill in its entirety, and I do so because I deem it is but a modest and limited response not only to the demand of the public, but the interests of the public; and I support it from another standpoint, probably different from what any gentleman has thus far expressed on this floor. I believe that as conditions exist it is far more important, Mr. Chairman, to northern cities and some of the Northern States than it is to any Southern State or any southern city. I do not say that the South is not interested in immigration. It is.

The reason I say that the South is not primarily as much interested in the question of immigration is because the Southern States, for reasons and conditions easily explained, are not suffering from the intolerable conditions existing to-day in some of our northern cities and other sections, resulting directly from the unrestrained flood of immigrants of all classes from foreign countries to our shores. It is certainly true that the South has received less than 10 per cent of the immigrants that have come to our country in the last ten years. It is to-day an undeniable fact that it is the undesirable class of immigrants—paupers and criminals—who have located in Northern States and cities that causes the present imperative demand for a change in our immigration laws, by such restrictions as we find contained in this bill, reported by the Immigration and Naturalization Committee of this House. It certainly behooves us of the South to avoid in every possible way the introduction of that class of immigrants into our section that would burden us, as they have done in the North, with vast expenditures for their support. We do not wish to repeat among our people the gorged tenements, the disease-breeding congestion of illiterate and immoral colonies of aliens that have been a curse to northern cities. The South may stand in need of labor, but we can afford to wait, and wait for years, before we open our doors to an influx of such immigrants as the North is now trying to get rid of.

The States of the North and the cities of the North are actively seeking to rid themselves of this scandalous foreign element that is the chief burden on their charities, who pay no taxes and despise all form of government, law, and order and revel in riots and anarchy. I hope their deliverance will be accomplished, but the South does not want that class to be sent down on that section, nor do we intend to take them. [Applause.]

Mr. Chairman, we have passed the point of needing statistics to convince this House that the present importation of immigrants to this country is a menace to our free institutions. It is simply appalling, and, if left unrestricted and allowed the same freedom of ingress as exists now for ten years to come, the degradation of our American civilization will be accomplished beyond redemption. Yes; the principles of our Government, established as the most wonderful political paradox by our fathers—that those who make the laws are ruled and governed by the laws they make—will be forgotten and lost. [Applause.]

We are all agreed that it is time to act and act decisively. We may talk about wanting "desirable" immigrants. That means but little. There are great interests in this country that would think any alien "desirable," regardless of his ignorance or debased criminal tendencies, if he would serve the purpose of a strike breaker or had his fare paid on a railroad train to some distant point in the country. The thing to do is to so amend our statutes with such restrictions and penalties that none but "the desirable" and worthy can be landed on our shores.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. RICHARDSON of Alabama. I ask, Mr. Chairman, that five minutes more be given me.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to proceed for five minutes. Is there objection?

Mr. GARDNER of Massachusetts. Reserving the right to object, I should like to have joined with that request that I may be allowed to close this debate in the last twenty minutes of the two hours.

Mr. COCKRAN. I object to that, Mr. Chairman. This gentleman [Mr. RICHARDSON of Alabama] is speaking on his side.

Mr. GARDNER of Massachusetts. I have no objection to the gentleman's request.

Mr. COCKRAN. I would like to ask the gentleman this question, and that is, Would you define what you mean by a "desirable immigrant?"

Mr. RICHARDSON of Alabama. Yes; I will tell you right now, and will describe as well as I can the meaning of "desirable" as applicable to immigrants. To my mind it has a different significance from the ordinary usual acceptation of the word. When I say "desirable immigrant," I mean I want him to be physically well developed, able to earn a living for himself and those dependent on him. I want him to be able to read in some language. I want him to be of such a character as gives a reasonable promise that he can by process of time be assimilated to our people. I want him to have some pride of character, and be capable of aiding in elevating American labor, and promise otherwise to be a reputable law-abiding American citizen. That substantially is the outline of what I consider a "desirable immigrant." An undesirable immigrant is the reverse of this.

We must realize that however drastic in its restrictions our laws may be that great difficulties will arise in their enforcement. The countries from which these aliens come—such as we are now trying to get rid of—are just as anxious to get rid of that class of people as we are to keep them out of our country. They are burdens of taxation and the producers of criminal expenses; and such governments are using all facilities and instrumentalities at their command and at the command of their charitable and relief associations to unload such incumbrances on free America at all times. This is but natural.

The one object, Mr. Chairman, of this bill is to restrict the present flow of immigrants to this country. It seeks to do that in a practicable way. It means to cut down the number, and thereby lessen our chances to be injured. The bill proposes to accomplish this by increasing the head tax, by prescribing an educational test, by imposing heavier fines on steamship companies for violations of our laws regulating the admission of aliens to our country, and, last, by a more rigid inspection of immigrants before sailing from a foreign port. Each and all of these proposed restrictions strike directly at the evil we seek to correct. I shall briefly, before I close, refer to and discuss each of these proposed amendments. I shall, Mr. Chairman, support the bill, notwithstanding the fact that it does not go as far in some of its restrictions as I would like to have it. It seems to me, Mr. Chairman, that a study of the statistics for the past few years by the Commissioner-General of Immigration is all that is needed to convince us that such restrictions as the bill provides for are demanded to protect this country from the overflow of worthless aliens that are daily reaching our shores. We can not apply the same rules to the immigration to-day that we did fifty or even twenty-five years ago. We fully realize that entirely a different class—different in character, intelligence, morality, and aspirations from those fifty years ago—are flocking to our shores from foreign countries.

I would uselessly consume the time of the House were I to enter a rehearsal of statistics or to describe the sociological,

industrial, intellectual, racial, and home-building and home-loving differences existing and recognized throughout the world between the Slavic-Iberic races of southeastern Europe and the Anglo-Saxon-Teutonic races of the United Kingdom, Germany, and the Scandinavian countries. The latter are the people who helped us lay safely the foundation principles of our Republic and an unsurpassed civilization. The former are represented chiefly in the bum, pauper, and criminal aliens that are congesting the jails and the asylums of the cities of the northern section of our country.

Just one reference to statistics to show the marked change that has taken place in recent years in the character of immigrants. In 1869 out of the 352,000 immigrants that entered the United States not more than 1,000 were from southeastern Europe, and practically all the balance were from southwestern Europe—the Anglo-Saxon-Teutonic race—while during last year 75 per cent of the unprecedented number of aliens that entered the United States came from southeastern Europe, or rather 300 times as many came from the stagnant reserves of pauperism, ignorance, and degradation of south Italy as came from Germany and such countries. I do not wish, Mr. Chairman, to be understood as advocating legislation that would prohibit immigrants absolutely from any one country from coming into our country.

Such prohibitive legislation would be of no practicable benefit to us. I believe that all foreign sections, or countries, have worthy and desirable citizens that will ask admission to our shores, and I believe that these same countries have many worthless citizens that we are unwilling to add to our population. Hence I think we should amend our immigration laws so as to exclude the unworthy citizens of all foreign countries and admit those whose character and qualifications fit them to become citizens. I desire in this connection to read a letter from the secretary of the Junior Order of American Mechanics.

NATIONAL COUNCIL
JUNIOR ORDER UNITED AMERICAN MECHANICS,
Washington, D. C., May 30, 1906.

Hon. WM. RICHARDSON, M. C.

DEAR SIR: One million immigrants each year does not seem to satisfy the greed of the steamship companies, and they are now "plying their trade" among the ignorant classes of Spain with a view to offering special inducements and rates to the hordes of ignorant and treacherous Spaniards for emigration to our Southern States.

That race of people have already intermingled with the negro of the South American countries to such an extent that a half Spanish and half negro people are in the majority, and we will have a like condition in our Southern States if laws are not enacted for the restriction of immigration and thereby prevent the coming of the ignorant, vicious, and unfit of all countries.

Better to keep out a few of the good than to let in all the bad.

My duties as chairman of the above-named committee and as editor of The American has caused me to travel throughout the South, and I know the public sentiment in the Southern States overwhelmingly demands the passage of what is known as "the immigration bill" reported by the House committee (all of the southern members voting for the report), now on the Calendar in the House and in charge of Mr. GARDNER of Massachusetts. Please assist him to secure the consideration of the bill and do not let the "Williams filibuster" interfere with its passage.

Sincerely, yours, Z. P. SMITH, *Chairman.*

One of the dangers, Mr. Chairman, that now threatens the South is that the criminal and "bum" classes of aliens that northern cities and States are so painfully afflicted with, may be turned over to the South. Is there any good reason why the South should invite such a population? To-day the South stands boldly as the true representative of the conservatism and fundamental principles of our Republic. We are yet untouched by the contaminating influences of a flood of undesirable foreigners who are paupers, ignorant, and lazy. We are growing wealthy, in an unprecedented speed, on the resources that we now have and enjoy. We must be ready, as was so strongly put by the president of the Southern Cotton Association a few days since, to furnish 40,000,000 bales of cotton, if the world demands it, and the world in due time will demand it. The South in the past has survived disastrous calamities and borne burdens that would have crushed out the aspirations, pride, and life of any other people on earth. But, backed by the courage and manhood of a homogeneous American population, the South rose, Phœnix like, from the ashes and greets the world to-day as its most formidable competitor for commercial supremacy. Why shall we then, on the thoughtless clamor that we demand more labor, invite among us a people who love riots, and will welcome anarchy, a people coming from foreign lands bringing with them the murderous teachings and practices of the Mafia and the Black Hand Society.

Mr. Chairman, what the South needs and what we are getting is not the ignorant and penniless alien to lower the standard of the wages of our laborers in the mines, the shops, or the cotton fields, and degrade the habits and customs of living; but we want the small farmers of the North and the West, and they are coming to the South and buying small plantations. These are the settlers, friends, and Americans that the South needs. They mingle with us, they are bone of our bone and flesh of our flesh. We can afford to wait and study and have a choice as to who we permit among us. The South, not in boasting but in sincerity, proposes in the midst of great growth and prosperity to remain the harbor, the abode, the possession of true Americanism. No past period of the history of the South, with all its vicissitudes and sorrows, is more pregnant with danger that threatens to tear down our proud ideals and standards of manhood, integrity, virtue, conservatism, and patriotism than the conditions confronting us to-day. The world knows that we are not a stagnant people. The vital impetus of life and energy throbs in our mineral, manufacturing, and agricultural resources, and our people are content, our labor well paid and happy. We see with open eyes that northern cities are suffering not only from having been made the dumping ground for years past of the indiscriminate immigration from foreign countries, but also from the many new problems to be solved created by this alien population. Hence, I shall gladly join in the most drastic restrictions to check and reduce into reasonable advantageous limits this influx of aliens to our shores.

If a choice of immigrants can be had, then our country is entitled to make the selection. We have every assurance that the States of the South, with the warning we have by reason of the experience of many of the States and cities of the North, will, through their State immigration bureaus, protect their people against an inundation of alien paupers and criminals. Can anyone fully describe the evils that would follow a distribution broadcast in the rural communities of the South, vast numbers of these refuse and derelict aliens that are to-day congesting northern cities? Their standards of living, their illiteracy, their immorality and criminal propensities, with the weight of centuries of degrading servility entering into their make-up would be to force such people into competition with our own labor. I do not deny that labor is scarce in some sections of the South, and relief might be given by the introduction of alien laborers. In what manner, I ask, or in what way, or where in the South is labor so scarce that we are called on to open our doors to that class of immigrants, coming either from the North or foreign countries, that this bill seeks to exclude? We made the largest cotton crop ever raised in the South but recently. We had labor ample to do that—both white and black. Do you wish us to make such a supply of cotton that would glut the market and reduce the price to 5 cents a pound? The South should be careful, prudent, and wise.

I am not contending that the South does not need more laborers in all its varied interests, but we want those who will assimilate with our people, and adopt the habits, customs, and mode of living of our people, and will maintain the standard of just and fair wages and aid in elevating the moral tone of the people they live among. Many of us have doubtless read in the recent statistics, compiled by the Manufacturers' Record, setting forth the assessed valuation of property in the South in the year 1905 as compared with 1900 and 1904. The result of the comparison is simply amazing, being an increase of more than $500,000,000 in twelve months of 1905 and an excess of $1,381,000,000 for the five-year period from 1900 to 1905. It is true, as was said, that very large investments were made within that period which attracted the attention of the world, but the truth is that it was the man of small means that was the chief factor in this marvelous increase of taxable property. There was an increase of $76,000,000 in the annual value of the corn crop in the States of Alabama, Georgia, North Carolina, South Carolina, Tennessee, Kentucky, and Virginia. No country in the world presents as the South does so many attractions and inducements to immigrants and settlers to come and live among us. I believe that the tide of immigration is turning now to the South, and 'tis for that reason that it behooves the people of the South to ask that our immigration laws should be so amended as to prohibit the pauper and criminal class of aliens from entering our country.

The South is preeminently the place for a man of small means, and it matters not what business he engages in. I have referred, Mr. Chairman, to the wonderful increase of the value of one crop—corn, for instance. In Alabama the corn crop for 1905 was valued at $27,501,791 compared with $17,026,466 ten years ago, and in examining to find out the sources of that increase what were the chief factors in bringing about the increase in the corn crop I found the most valuable and significant information in the report of Dr. G. A. Park, the industrial and immigration agent of that great railroad system, the Louisville and Nashville. This report shows that along the lines of that railroad, in the State of Alabama, during the year 1905, the Louisville and Nashville located 726 families, consisting of 2,564 persons, who purchased and moved upon and are occupying and

cultivating 42,421 acres of farming lands. Where did these families and people come from? Were they from the worthless class of aliens that are burdens on the charities of the cities of the North? Were they criminals and paupers? Were they of that class of people that would foment discontent against the rule of law and order? Of those families located in Alabama last year by this great railroad system the great State of Illinois furnished 315 of these families, consisting of 1,051 persons, who took up and occupy, live on, and cultivate 12,712 acres. Indiana sent 60 families of 140 persons, and they bought 3,680 acres. Ohio sent 52 families of 202 persons, who bought 2,161 acres. Michigan sent 29 families of 114 persons, who took up 5,452 acres. Wisconsin, 45 families, 175 persons, and took up 2,468 acres. Other States and foreign countries, 178 families, 645 persons, 10,961 acres.

This showing is most significant in view of the fact that durduring the same period of last year this road, in all the States of the South through which it passes, located 1,161 families, or 4,174 persons, who purchased 82,421 acres of land, the one State of Alabama getting more than one-half of the families located in the South. Mr. Blaine estimated that every new settler was worth a little, the rise of 1,100 thus adding to the wealth of Alabama, in the number received, the year 1905, $2,810,400.

I am also advised by the land and industrial department of the Southern Railway that the actual figures have not yet been completed for this fiscal year, but that through the instrumentality of the lines of their road that fully 4,000 persons have been located from the North along the lines of their railroad in the State of Alabama during the last twelve months, nearly all being citizens of Northern States. These, we should remember, are only the results from two lines of railroads. The South with open arms welcomes these people. In the light of these encouraging facts, it behooves the South to insist on a stringent amendment of our immigration laws and check that class of immigrants from foreign countries which, if allowed to continue and grow, will inundate our country. It is now predicted that not less than one million and a quarter of immigrants will come to the United States during the year 1906. Something must be done. Sir, an immigrant who is not willing to pay a reasonable head tax ought not to be allowed to come among us.

There are three restrictions that I shall call attention to. The first is illiteracy. Section 38 of the bill reads—before entering upon the presentation of my views on this section of the bill, I will call attention to the ratio of illiteracy in the United States as compared with other countries. We stand sixth from the head. Germany, Norway, Sweden, Denmark, and Switzerland have a less proportion of illiteracy than the United States. But we are improving in this regard. Between 1890 and 1900 the ratio of illiterates was reduced from 133.4 per thousand to 106. It is undoubtedly true that the negroes and foreign born of our population make the percentage of illiteracy so great in this country. Exclude the negroes and the foreign born and the proportion of illiterates among the native white population is only 46 per thousand. Negro illiterates are 444.7 and foreign-born whites are 128.5 per thousand. It can be said in one respect that the foreign-born whites are setting the native whites a good example, for they take great interest in educating their children. Among the children of foreign born the figures are 84 per thousand of illiterates to 44.1 among the children of native white parents. These figures should certainly give us valuable suggestions on the matter of illiteracy. It is strongly argued that illiteracy as to a laborer should not apply, but as to suffrage it should be decisive. That is simply untenable. How can one vote intelligently unless he can read?

Why should we, especially of the South, desire an ignorant class of foreigners who can not read and write to come to our section and work by the agricultural laborer or the laborer in the mines, furnaces, cotton factories, or other industries? Does anyone contend that such a class of laborers will elevate labor, give it dignity, or benefit it in any manner? Why, no; it lowers the moral tone of the laboring classes and lessens their wages by coming into competition with a vicious, degraded, ignorant class. To do this contradicts every theory upon which we proceed to educate the people. An ignorant man, one who can not read or write, is an easy prey to those who would take advantage of him in the matter of a wage. This is one of the most important provisions in this bill. It makes ample exceptions.

Mr. Chairman, I think one of the best provisions that the committee presents in its bill relates to "the assisted class" in the law as it now exists. Under that provision it reads, under the law as it now exists, "but this section shall not be held to prevent persons living in the United States from sending for a relative or friend who is not of the foregoing excluded classes." Under the liberty given under this provision over half a million of aliens came into this country last year—more than one-half of the 1,000,000 of foreigners that came to our shores last year. This shows how the provision was abused, for, of course, but few were "relatives," and everyone who wanted to come to our shores, regardless of moral character or illiteracy, suddenly became "a friend" to some foreigner living in the United States.

The fact is the great shipping interests induced these aliens to get the proper request from some foreigner residing in the United States and the shipowner would pay passage. This is all abolished except with some sensible, reasonable qualifications. I admit that as we grow and develop in the South we must increase our laborers. The South can afford to make haste slowly on this great subject.

I am advised, Mr. Chairman, that the present cotton acreage is less than 25,000,000 acres, and many well-informed persons believe that this is the limit of the acreage unless there be an increases in the supply of agricultural labor in the South. This shortage in labor is not confined alone to the cotton factories of the South. It is true that many of that class of labor, who were attracted to cotton mills at a time when great stagnation and depression existed in agricultural interests, are now leaving the mills and, on account of the increase in agricultural returns and wages, are returning to the farms. I know, too, that negroes are leaving the farms of the South and finding employment in our mines, on railroads, many congregating in towns and cities, and many finding their way to northern cities. These self-evident conditions must be carefully considered in connection with the important question of bringing immigrants to the South.

It is fairly estimated by those who have given this important subject careful study that at the end of the next twenty years the world will consume 20,000,000 bales of cotton, and for 1946 it will consume fully 33,000,000 bales, and in 1966 it will take 54,000,000 bales to supply the world's demand for cotton. I believe those are reasonable estimates; and this would require, under present agricultural labor conditions, an acreage of 150,000,000. We have in the South the acreage, but we lack the labor. I do not believe that the South has been in the least injured by not securing its proper proportion of the immense immigration that has been flowing into the United States for past years. We faced conditions in the South which the presence of a certain class of immigrants would have prevented us from solving successfully as we have done. The industrial conditions of the South are now favorable for the encouragement and reception of immigrants of a desirable character.

The South can not afford to jeopardize its great future by clinging to a prejudice to aliens that naturally was an incident during the period of slavery. Nature has blessed us with inexhaustible supplies of coal, iron, and timber; and yet the cotton crop is more valuable to us than all other interests, because in that staple the world can not compete with us. Iron, coal, and timber, of course, are found in all sections of the world, but the cotton of the South practically has no competitor. There is no substitute for it, and wherever civilization exists people wear clothes, and where they wear clothes the great staple of the South finds a market. [Applause.]

The South will not jeopardize its magnificent future. It will not, under the leadership of the Southern Cotton Association, listen to the siren voice of the deceiver, to get more laborers, to make more cotton than the world can consume, leaving us with a small price for cotton and a lot of foreign laborers to take care of. We can afford to bide our time patiently and all things will come to us. [Applause.] I believe in the admission of aliens to the South, but not in a spirit of "hysteria." Our State immigrant boards, with the opportunities given them, will attend to the interests of our States. I support this bill, Mr. Chairman, because I believe that immigration to this country must and ought to be restricted, and in the South we ought especially to be cautious and careful, for I tell you that the future of the South is not endangered by being careful and slow on this immigration business. We are the architects of our own glorious history, and we are its sponsors for the future. Let us be as faithful to the future as to the past and all will be well with the South.

Mr. KELIHER. Mr. Chairman, the present demand for a law that shall have the effect of restricting immigration has not arisen as a result of unsound industrial or social conditions in the country, but is merely the prolongation of a wail that has been dinned into Congressional ears from the day the first Con-

gress took up its task of legislation. The birth of the Republic and the inception of the agitation for the exclusion of foreign immigrants were coeval.

The tone of the demand has ever been loud, unreasonable, insistent, and unsubsiding. Born of prejudice, this desire to shut out foreigners grew up with eyes closed to the light, blindly ignoring all knowledge that would demonstrate the folly of its reasoning. In the earlier days its advocates stubbornly refused to read with unprejudiced eyes a single page of the country's history upon which was chronicled a patriotic deed or which recited an achievement of any character that was the contribution of the class marked for their disfavor. Impelled by motives that were completely out of harmony with the fundamental policy of the Republic, this element never gave thought or consideration to the economic effect of exclusion or restriction of immigration, but persisted with a zeal that bordered upon the fanatical in their attempts to foist upon the country views that were narrow and ill-advised.

Mr. Chairman, the question of fixing upon a sound policy for the treatment of immigration has ever been a vexatious one, not so much because it involves such difficult problems of legislation, but rather because of the peculiar and impracticable methods of solution pressed by those who insist upon their special qualification to treat the subject. Statesmen of every decade of our national life have been confronted with it, but, to their everlasting credit, those clothed with power and exercising influence in shaping legislation have turned deaf ears alike to the prayers and threats of the exclusionists and continued the liberal policy adopted by the fathers. In their immortal pronunciamento to King George the latter declared that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and pursuit of happiness." When independence was secured to them, no heed was given to the clamor against the admission of immigrants.

The fathers had declared on those memorable July days of 1776 that America was an asylum for the oppressed, and when it came to framing the organic law not a line was written which was not in thorough accord with that sentiment. Indeed, the framers of the Constitution sanctioned, and the early Congresses legislated upon the idea that America was intended by a merciful Providence as a haven of hope to the downtrodden who fled unhappy lands where tyranny's edicts made life unbearable. The new nation was consecrated by the founders a home for all, where liberty was assured, and opportunity was open to all who, coming in, manifested the proper spirit. Though there were many powerful influences that antagonized this policy, carrying their antagonism to the ballot box and into the Congress, the dominant political powers of those early days echoed the sentiment of their fathers and gave the policy of liberality a vital force by administering a succession of crushing defeats to the attempts to enact laws that would close the doors to immigration. While hardly comprehensible, it is historically true, nevertheless, that in those days, when the young Republic was extremely rich in area and correspondingly poor for want of population, the attention of its statesmen was frequently diverted from the important task of building and strengthening the national structure by the demands of this energetic element who insisted that other labors cease until barriers were erected which would exclude foreigners from landing upon the expansive, yet sparsely settled, territory of America.

A minority in the days of the first Administration of Washington, their cry was so loud as to give the impression that they were a majority. They insisted upon the soundness of their contention that the country was in jeopardy, that danger of early ruin threatened it in the coming of the vast numbers from Europe. A glance at the condition of the youthful nation at the time of which I speak, when this agitation began to assume size, will show that while it possessed 827,844 square miles of area, its population was so sparse that if the territory were divided equally among the population each square mile would be peopled by but 4.9 persons. Having this fact in mind, it is easy to comprehend that the movement for excluding the newcomers was not prompted by an honest desire to better economic conditions, but sprung from the unpatriotic one of race prejudice. Strange enough the advocates of the exclusion policy in the closing days of the eighteenth century advanced arguments, when they discussed the question in the open, that differed slightly but not materially from those upon which the more clamorous for the pending bill base their reasons for its passage. The early exclusionists argued vehemently in public harangues, in the public press, and in screeds in pamphlets, which were popular mediums of influencing public opinion at that time, that the integrity of American character was in constant danger from too close contact of the people with those who had arrived from France, Ireland, and Santo Domingo. They contended that the citizenship of the United States should be protected from those foreigners who came from the corrupt and disordered states of Europe, lest their hateful presence would have a baneful effect upon the purity and simplicity of American character.

Mr. Chairman, no less a distinguished statesman than that able son of my native State of Massachusetts, Harrison Gray Otis, debating a bill which aimed to increase the cost of naturalization to an alien to a price that would practically render citizenship impossible of attainment, declared in Congress in 1797 "that while it was good policy to have admitted all immigrants when the country was new, it was no longer a new country, and a bar should be placed against the admittance of these restless people who can not be happy or tranquil at home."

Continuing his argument, that eminent jurist and lawmaker further declared with vehement eloquence, "We do not want a vast horde of wild Irishmen let loose upon us." Mark you, this extraordinary argument was addressed to the Congress that sat in 1797, when the number of immigrants who sought our shores did not number annually more than seven or eight thousand. Is there any marked difference between the views expressed by Harrison Gray Otis in 1797 and those of the advocates of restriction in 1906? He looked with fear upon the few thousand Irish and Frenchmen who had fled the uncongenial shores of their native lands to seek lasting homes in the country whose broad, fertile tracts and ideal government offered encouragement to their hopes. What Otis said of the Irish immigrant in 1797 we hear uttered by the restrictionist in no milder terms of denunciation of the Italian, Slav, and Jew to-day.

It can not be offered in explanation or extenuation of Otis's tirades that he was unfamiliar with the character of the immigrants whose presence he opposed so bitterly, for the Irishman had long and actively engaged in the struggle of the Colonies for liberation from England's grasp, and had forcibly demonstrated that he need yield to none in intensity of patriotism and valor, while his intelligence and business enterprise had already deeply impressed themselves upon the new country. McMaster's in his "History of the People of the United States," tells us that at that time the Irish of Philadelphia, which was then the principal city of the United States, were numerous, and among them were men of learning, energy, and business capacity.

An Irishman represented the Philadelphia district for six years in Congress, thereby early showing an aptitude on the part of the race for political life. Guthries's Geographical Grammar, costing $16, had been preprinted by an Irishman; the first edition of Shakespeare printed in America was the work of two Irish lads; of the five daily newspapers, two were owned by Irishmen, and many of the schools were taught by Sons of Erin.

Mr. Chairman, this historical data is furnished to emphasize the fact that a well-informed statesman, such as Otis unquestionably was, could not have been ignorant of the splendid showing made by the representatives of the race he inveighed against. It also strengthens the contention that, like those who shared his views upon this subject, he was blind to the truth and saw only what intolerant eyes chose to look upon. Later on we find the fight against free immigration continued. When this inflow was but a tiny trickling stream of only 11,000 souls in a whole year, the stentorian voice of the sage of Roanoke, John Randolph, of Virginia, thundered against the policy which permitted such a "volume" of immigration to be directed into the country. Speaking upon this subject in 1816 he insisted that there was a striking analogy between the history of the United States and that of Rome, and direfully predicted that unless steps were taken to curb immigration, our ruin would follow as had Rome's. In the course of a speech delivered in Congress, Randolph further said:

> Would they wish to have their elections decided on that floor by a rabble? What was the ruin of old Rome? Why, their opening their gates and letting in the rabble of the whole world to be legislators. If you wish to preserve among your fellow-citizens that exalted sense of freedom which gave birth to the Revolution, if you wish to keep alive among them the spirit of '76, you must endeavor to stop this flood of immigration. You must teach the people of Europe if they do come here, all they must hope to receive is protection. But they must have no share in the Government. From such men a temporary party may receive precarious aid, but the country can not be safe, nor the people happy where they are introduced into Government or meddle in public concerns in any great degree. * * * This is a favorable time to make a stand against this evil (immigration).

In 1814 the Hartford Convention had proclaimed:

> The stock population of these States is amply sufficient to render this nation in due time sufficiently great and powerful.

Mr. Chairman, keeping in mind that for nearly 100 years since the above was proclaimed, we have been receiving vast

numbers of immigrants into the country and yet find that we have room for 100,000,000 more, it is interesting to picture in our mind's eye the sort of conditions that would obtain, if the proclamation of the Hartford Convention had been followed to the letter. With the steady decrease of births that mark our history of the past few generations as a criterion, it is evident that there would be plenty of room in the country to turn around in and the possession of a cattle ranch in Boston or New York City would well be within the range of possibility. The great Clay, with all the foresight historians have credited him with possessing, subscribed to the policy of rigid restriction. In 1830, in the United States Senate supporting Senator Merrick's proposition to bar alien settlers from enjoying the rights of preemption on public lands, the famous Kentuckian made this declaration:

What, he asked, have they seen? A proposition made by an honorable Senator from Maryland [Mr. Merrick] to limit the preemptions to citizens of the United States, native and naturalized, was rejected; and could anybody say, after that naked vote of the Senate, that it had not become a permanent policy of the country to go on inviting all the hordes of Europe to come over and partake of this bounty derived from our ancestors, and which we should preserve for our prosperity?

When Clay voiced that sentiment the nation was populated with 12,866,000 people who lived within the borders of a country that comprised 2,059,043 square miles, which, if divided among its inhabitants, would have but 6.4 people upon each square mile. Great statesman as Clay unquestionably was, his judgment in 1830 was as unsound upon this subject as is that of most of those who cry to-day for this legislation.

Of course it would be manifestly unfair, Mr. Chairman, to argue that all opposition to allowing foreigners to land at this time sprung from a distrust or prejudice against the strangers which was due solely to race or religious hostility. It is extremely hard, however, to believe that a fear of too great an increase to the population of the country spurred the zealous champions of exclusion at that primitive period of our nation. The Louisiana Purchase had added over a million square miles to our territory, and the new country, rich and fertile, fairly yearned for the class of immigrants that accepted our invitation to come and share in the blessings of the nascent Republic. When Randolph invoked legislation that would protect the country from the "foreign rabble" that he thought bound to undermine its very existence, the country's area was 1,999,775 square miles, its population less than five millions, and the density of population was 3.7 per mile. This fact certainly furnishes ground for speculation upon the motive that gave impulse to the expressions of the distinguished Virginian statesman. And so on down the history of the country will be found the same zeal, energy, persistency, and utter disregard for influence upon economic conditions on the part of those wedded to the policy of exclusion or restriction. From generation to generation, regardless of other and more important issues which engrossed the attention of Congress and the nation, this agitation has been kept in the forefront, its promoters, small in numbers, making much noise and accomplishing little in the way of legislation.

Aaron Clark, mayor of New York City, in 1837, when the number of immigrants arriving yearly were but 57,936, in a communication to the city council of that city, dated June 5, painted the following gloomy picture of the menacing effect immigration was having upon the country in general and the metropolis in particular:

Our streets are filled with wandering crowds of these passengers clustering in our city, unacquainted with our climate, without employment, without friends, not speaking our language, and without any dependence for food, or raiment, or fireside, certain of nothing but hardship and a grave; and to be viewed, of course, with no very ardent sympathy by those native citizens whose immediate ancestors were the saviors of the country in its greatest peril. Besides, many of them scorn to hold opinions in harmony with the true spirit of our government. They drive our native workmen into exile.

Commiserating their mayor in the peril which faced the country, the city council through a committee made this reply:

It is just—it is in accord with the best feelings of the human heart to commiserate the sufferings of humanity, however degraded; but, in the opinion of your committee, the city owes a paramount duty to itself and to the country, of which it is the general emporium. She is bound by wise and efficient laws to prevent the jails and workhouses of Europe from pouring out upon our shores their felons; to prohibit her from introducing here those by whom she is bound by every consideration of justice to support; to prohibit her from disgorging upon our people a population with the principles calculated to lower the tone of morals and disorganize the frame of our republican institutions.

The almshouse is full, containing at this moment 3,074, of which three-fourths are foreigners. In fact, our public charities are principally for the benefit of these foreigners, for of the 1,209 persons admitted into the hospital at Bellevue, 982 were aliens. The expense of the almshouse and its dependents last year amounted to $205,506.

Undoubtedly the mayor of New York was sincere in his belief that unless drastic measures were taken to arrest immigration the city government of New York would have to admit its inability to cope with the social and industrial perplexities created by that vast influx of foreigners. Had his warning been hearkened to by the Congress of that day and the remedial laws enacted which in his judgment would have cured the evils of which he complained, is it likely that New York would occupy its present proud position, the imperial city of the west, the metropolis of the greatest nation God's sun shines upon? Had Castle Garden, the Mecca of the expatriated and oppressed of the world, closed its doors in the faces of the sturdy sons of Ireland, Germany, Sweden, Norway, Denmark, and other European countries who fled the civic tyrannies and industrial depressions of their native lands, would this nation's history read as it does—one of undreamed-of progress in peace and unparalleled potency in war? Would it have been possible for the Brooklyn Eagle to have glorified, as it did editorially, upon the recent anniversary of the two hundred and fiftieth year of New York's existence? Describing what New York has become in its material aspects, that paper painted the following glowing picture:

New York is more cosmopolite to-day than any other city in the world. It is not American, in the sense that Boston and Denver are American; it is German, Swedish, Irish, Russian, Hebrew, French, Italian, Greek, Syrian, negro, yet the speech of the Englishman, the laws of the Englishman, the food and clothes and ways of the Englishman pertain as they do in London. And, if it lacks a trifle of the population to bring it to the rank of London, it is hard to believe that, as a city of business, it holds other than the first place in the world. Its exchanges buy and sell $200,000,000 in materials and securities a day. Its real estate is appraised at a billion and a half. It has the finest hotels and dining rooms in the world. There are no better theaters, except in Paris, and only one there. Its parks and boulevards are beautiful and spacious. Nowhere are bigger and finer shops and better appointed offices. Its railroads reach into territory that the Dutchman never heard of. It sends its goods to the Patagonians and Philistines. It wipes its feet on the products of the looms of Persia, and flaunts on its head the feathers of the bird of Paradise. The fruits of the Tropics are on its table, and it washes down its meals with the finest vintages of France.

From the present grandeur of New York let us hearken back again to the days when fear of the foreigner was rife. In 1855, nearly twenty years after Mayor Clark's pessimistic prophecy, Mayor Wood of the same city, in a communication to the city council, practically echoed his warning and protested against the inactivity of Congress in coping with the immigration problem. In this message, among other things, he said:

I know of no subject of more importance; certainly we have the power to protect this city against the landing of so vile an addition to our population; the health, as well as the life and property of the people for whom you legislate require some action at your hands. I am confident the General Government will listen to any representatives from you relating to it, and interpose its national authority in our behalf. On the 2d instant I made this grievance the subject of an official communication to the President of the United States.

Mr. Chairman, in the year Mayor Wood forwarded his memorial to Congress praying for Federal action that would prevent the further admission of immigrants, the inflow was less than 300,000 annually. It is true that in the few years that preceded there had been a tremendous exodus from Europe, due to the appalling famine in Ireland and the political uprising in Germany. The world shuddered at the magnitude and horror of the famine which afflicted unhappy Ireland in the late forties. Nations vied with each other in expressing sympathy and rendering succor, and, as usual in such cases, America's answer to humanity's call was quick and characterized by supreme generosity.

Starvation and fear of death drove from Ireland thousands who were doomed if they remained in that stricken land. Naturally a vast majority turned toward the west, to the land from whence aid and sympathy had come in such abundance. About this period the German, dissatisfied with political conditions in his native land, departed it in great numbers, steering for the United States, whose great stretches of rich undeveloped land had awakened an ambition in the thrifty Teuton to acquire a title to some of it. Denmark, Sweden, and Norway gave generously of their sturdy sons and daughters in that decade. All these causes combined to swell the tide of immigration to a size never before reached, which aroused the ire and opposition of the so-called American element, and was the signal for renewing the agitation which was conducted along lines differing somewhat from those which were followed in prior efforts.

The lot of the immigrant of that day was far from a happy one. Having bade adieu to the home of his nativity, he started upon a voyage to the new land of hope and opportunity with a prayer upon his lips and confidence in his heart. After a voyage that averaged between seven and nine weeks; suffering miseries indescribable in the crowded hold of a slow sailing and inadequate emigrant ship where disease and death were constant visitors; impoverished by absence of proper food and water, the wretched exile looked with longing eyes to the shore for a welcome that would compensate his terrible suffering. Instead of a hospitable reception, he was met in a hostile spirit and had to face and battle against scorn, hate, physical violence, social ostracism, and frequently civic proscription. The "Know-nothings," as they were called, stopped at nothing

in their attempts to drive back their foreign-born neighbors. The persecutions that drove the Puritans to the bleak Plymouth wilderness were mild in comparison. A political party was formed and candidates for public office were forced to subscribe to their illiberal and impracticable doctrines if they would receive their support. "America for Americans" was their slogan, and war upon the foreign-born was declared; no other issue but that of race and religious hostility incited the acts which stain those pages of our history which record the doings of that un-American and narrow element. The Democratic party, then the dominant one, met that issue, as it meets all others, frankly, manfully, and bravely. At Cincinnati in the convention of 1856 it declared in its platform as follows, and I bespeak its careful consideration by those who rally under the Democratic banner to-day and look with favor upon this bill.

That the liberal principles embodied by Jefferson in the Declaration of Independence, and sanctioned in the Constitution, which makes ours the land of liberty and the asylum of the oppressed of every nation, have ever been cardinal principles in the Democratic faith, and every attempt to abridge the privilege of becoming citizens and the owners of soil among us ought to be resisted with the same spirit which swept the alien and sedition laws from our statute books; and

Whereas, since the foregoing declaration was uniformly adopted by our predecessors in national conventions, an adverse political and religious test has been secretly organized by a party claiming to be exclusively American, and it is proper that the American Democracy should clearly define its relation thereto and declare its determined opposition to all secret political societies, by whatever name they may be called.

Resolved, That the foundation of this Union of States having been laid in, and its prosperity, expansion, and preeminent example in free government built upon, entire freedom in matters of religious concernment, and no respect to person in regard to rank or place of birth, no party can justly be deemed national, constitutional, or in accordance with American principles which bases its exclusive organization upon religious opinions and accidental birthplace. And, hence, a political crusade in the nineteenth century, and in the United States of America, against Catholic and foreign born is neither justified by the past history or the future prospects of the country, nor in unison with the spirit of toleration and enlarged freedom which peculiarly distinguishes the American system of popular government.

Mr. Chairman, consistently ignoring the material and political aspects and recognizing only the religious one, those misguided enthusiasts, who arrayed themselves against the foreign born, gave no heed to the welfare of the country and refused to consider what effect their pernicious policy would have upon the development of the nation. They cared not whether prosperity or depression followed their course, they were blind to the dangers their success would bring and eagerly pursued their reckless course with almost fanatical abandon. We hear much said to-day, Mr. Chairman, in glowing eulogy of the splendid character of the Irish and German immigrant and hear long and loud sighs bemoaning the failure of this class to come in any numbers to our shores, where they would be assured a welcome unlike that which our ancestors met. To-day the Slav, Pole, South Italian, and Jew is anathematized and his landing protested as were that of the German and Irish fifty years ago.

It is interesting to compare the arguments that were presented fifty years ago against the German and Irish, with those advanced to-day to sustain the proposition that the Italian, Pole, and Jew are unfit to become part of our body politic; that they can have no sympathy with our form of government or interest in our institutions; that they are unassimilable; that they come to underbid American labor, and have no fixed purpose to remain, etc. Fifty years ago, when the Irish, Scandinavians, and Germans, so eulogistically spoken of and characterized desirable to-day, were coming under the pressure of powerful and irresistible economic and social forces, there were protests from many economists, sociologists, statesmen, and agitators of that day, who fairly shrieked the warning that Europe was using America as a dumping ground for her criminals, paupers, and undesirables. Arguments similar to those we hear in Congress nowadays, whenever a speech is made in favor of placing barriers in the way of the immigrant, were advanced more than half a century ago, when the economic worth of the immigrant was doing so much to make possible the great advance of the United States toward a leading position among the nations of the world.

The following interesting extract from the United States Magazine and Democratic Review of June, 1850, furnishes a sample of the feverish outputs of that day:

These European reformers are flocking hither by thousands, bring with them the pestilent products of the worn-out soil of the Old World—which, it would seem, whenever it falls into labor produces nothing but monsters. They bring with them a host of extravagant notions of freedom, or a plenty of crude, undigested theories which are utterly unreconcilable with obedience to laws of our own making or a constitution of our own adoption. They come with their heads full of a division of property to a country where it is already divided in a manner most salutary to the general welfare by existing laws and institutions, allowing every man an equal chance and placing no artificial obstructions in the way of any.

It is interesting to note the distance from the truth of the prophecy of the writer of this unsigned contribution to a daily printed in 1856:

There is another consequence, that is deserving of notice, and it is this: Our manufacturers, iron makers, machinists, miners, agriculturalists, railway and canal and other contractors, private families, hotel keepers, and many others, have got into the way of expecting and seeking cheap labor, through the various supplies of operators, workmen, laborers, house help, and various other kinds of workers, kept up by the indiscriminate and unrestrained admission of immigrants. Indeed, it is no secret that immigrants, or, rather, foreign workers, have become an article of importation, professedly for the purpose of providing for deficiency in supply of the labor market, but in reality of obtaining efficient workers at lower wages.

The fear expressed by my friend from Kentucky [Mr. HOPKINS] that the United States is having foisted upon it "the scum of Europe," is one that tortured the minds of those who clamored for closed doors in days long gone beyond recall. Mr. Liszt, the consul of the United States at Leipzig (himself a foreigner), in writing to the Secretary of the Treasury March 8, 1837, observed—

Not only paupers, but even criminals, are transported from the interior of this country to the seaports, in order to be embarked to the United States.

During the investigation of the subject of deporting to the United States criminals and paupers by European governments, Moses Catrenstein, in a statement on oath to an investigating committee, declared:

By request of the commissioners appointed by the Committee on Judiciary of the United States Senate, in regard to the importation of paupers and criminals from foreign countries, I would respectfully state that I embarked at Bremen on board the Bremen ship *Republic*, Captain Tegeler, together with about one hundred other passengers, in course of the summer of 1843, and arrived at Baltimore about December of the same year. That among the above passengers were about 28 criminals, sent out of the country by their respective governments, and accompanied by a police officer until the ship was fairly at sea, when each of these 28 persons were handed a certain sum of money by the officer and he then left the ship with the pilot and the ship proceeded upon her voyage, her port of destination being Baltimore, Md. Nearly all the persons alluded to are now in Baltimore.

And still another note of warning sounded over fifty years ago. One A. Shultze, writing from Leipzig, on the 4th of June, 1855, said:

It can not be denied that for some time the governments of some States, and also the authorities of several communities, have deemed it convenient to free themselves from their paupers by shipping them to the United States. It is also notorious that criminals after having suffered punishment have, in the same manner, been transported to the United States, with a view to free the community of them forever.

I present these statements made upon this phase of the subject over fifty years ago to show how apprehensive certain citizens were that our country would be converted into a sort of a Van Dieman's Land or Botany Bay, and that the world's criminals were to be transported here unless we harkened to their warning, accepted their remedy, and barred our doors to all foreigners. The statesmen of that day did not heed the warning, and did not experience the hysteria which distracted and affected the minds of so many during the days just preceding the Knownothing movement.

Mr. Chairman, sound sense asserted its power, free immigration was not interfered with, and the sturdy sons of Germany, Ireland and Scandinavia came in great numbers, peopled the West, and gave a tremendous impetus to the development of our industries, whose great growth dates from the day that the willing toil of the foreign born was recruited in the industrial army of the country. Virtue rather than vice proved to be the dominant characteristic of the races that were inveighed against in those days, and from those proscribed immigrants have sprung such a high order of citizenship as insures the preservation of our grand institutions, the perpetuation of our national integrity, and the steady enhancement of our power.

Mr. Chairman, the foreign-born social outcast of 1856 rallied to the Union in 1861, and fought with as much valor and patriotism from Bull Run to Appomattox as any self-termed true American. In the State of Massachusetts, under the administration of the Knownothing governor, while this wave of bigotry temporarily submerged prudence and judgment, among the curious laws passed was one which prohibited foreign born from carrying firearms. But a short time later, when Governor Andrew, he of blessed memory, in answer to Lincoln's appeal for aid to maintain the honor and integrity of the National Government, called for troops, there marched through the streets of Boston, in quick response, Irishmen and sons of Irishmen keeping time to the cheers of a populace that comprised many whose shouts for their proscription had hardly died away. There was no evidence of hate then, no demonstration of distrust—only applause for those brave foreigners as they departed to the scene of many bloody battles, where their dare-devil bravery added additional luster to American arms and did so much to keep intact and unimpaired the Union of these great States. And what was true of the Irish was also true of his German friend,

who had shared with him the indignities heaped by those whose hate of the foreigner led to such reprehensible acts. Still another argument offered by the friends of this measure to sustain their position against unrestricted immigration is that we are taking into our midst elements that won't or can't be assimilated.

The alarmist of to-day entertains no more harsh feeling of antagonism toward the Italian and Jew than his father or grandfather did to the incoming sons of northern Europe. Senator Crawford of Georgia was in favor of shutting them out and engaging the country in a task that centuries had proven was impossible of success. The distinguished Georgian expressed a preference for a policy that contemplated the civilization and assimilation of the American Indian over one that would continue free immigration. In the course of a speech upon the subject, Senator Crawford said:

It will redound more to the national honor to incorporate by a humane and benevolent policy the natives of our forests in the great American family of freedom than to receive with open arms the fugitives of the Old World, whether their flight has been the effect of their crimes or their virtues.

Senator Stephens Adams of Mississippi, as late as 1856, predicted an untimely end to the glorious Republic if our doors were not immediately shut and bolted against the foreign arrivals. Here are a few of his lugubrious predictions which not only did not come true, but did not come anywhere near to doing so:

The system is unjust to ourselves, our children, and our posterity, and if persisted in will ere long inevitably dissolve the Union of these States—will change our prosperity into adversity, our political purity and personal safety into impurity, corruption, anarchy, disaster, and degradation. The blessings of the unbounded liberty we have enjoyed, the glories of the past and present, will be obscured by the gloom, aye, the total darkness, of the future. Strike this thrice free Government from the political firmament, and in vain you will search for a star to guide the devotee of liberty to the goal of his heart's desire.

If the policy of admitting unlimited immigration of foreigners is to be continued with the present facilities of making citizens of the paupers, criminals, agrarians, socialists, and atheists, with their known principles and avowed purpose of overturning our Government and their approachability to the highest bidder, the worst men will secure their votes and thereby the elections.

It is argued to-day that while the Irish, German, and Scandinavian, Scotch, and other races make good citizens, the Slav, Italian, and Jew do not. These races have not been among us long enough to permit of an intelligent opinion upon that subject. It was once argued that the Germans and Irish would disturb and disrupt our form of government when they began to come in numbers. There was opinion galore that our governmental structure could not endure if we attempted to absorb these foreigners with the license, anarchy, and degrading influence it was claimed their presence brought. It has endured and grown greater and mightier as a result of the absorption of these elements. It was also contended and proof considered incontrovertible was presented to show that carefully laid conspiracies were in operation with an object to prostitute our citizenship by wholesale naturalization frauds, and to overthrow the Government with a hope of substituting one more congenial to the ideas of the foreigners. As evidence of the existence of such a plot the utterances of many German and Irish newspapers and societies were offered, in which it was charged that the fellow-countrymen of the editors and members were incited to organize and work for certain reforms. Among these, which caused no end of talk, was the following from a German paper published in Newark, N. J., about the time when feeling ran high:

Self-preservation is the first and most prominent instinct of every living creature as well as of man. So soon as our relations assume the form stated above (namely, so soon as want of employment and higher prices of provisions ensue) then this instinct of self-preservation makes it right effective, and the very natural impulse is awakened to fall to, seize hold, and take wherever it is to be found what is needful to life, especially bread and meat. Laws, customs, morality, religion, and whatever these stait-jackets of social life may be called, have indeed considerably circumscribed this instinct of self-preservation, especially when it assumes the form of seizing hold of what others claim. But in great and general distress (i. e., when employment is scarce and provisions dear) nature rends asunder all these artificial bands and chains with which social society has trammeled us, and nature makes her laws effectual.

As evidence of the extent of the reform the agitators propose, the following is an abstract from their purposes:

1. Universal suffrage.
2. The election of all officers by the people.
3. The abolition of the Presidency.
4. The abolition of the Senates.
5. The right of the people to recall their representatives (cashier them) at pleasure.
6. The right of the people to change the Constitution when they like.
7. All law suits to be conducted without expense.
8. A department of the Government to be set up for the protection of immigration.
9. A reduced term for acquiring citizenship.
10. Abolition of all neutrality.
11. Intervention in favor of every people struggling for liberty.
12. Abolition of all laws for the observance of the Sabbath.
13. Abolition of prayers in Congress.
14. Abolition of oaths upon the Bible.
15. Supporting the emancipation exertions of Cassius M. Clay by Congressional laws.
16. Abolition of the Christian system of punishment and the introduction of the human-amelioration system.
17. Abolition of capital punishment.

To show that the Irish in America were not behind their German brothers in the conspiracy to undermine the Government, the calamity shouters gave wide circulation to a circular in which they professed to discover strong ground for their charges.

At a trial in Cincinnati the district attorney read a circular, from which the following is an extract:

Awake, then, Irishmen of Ohio! To the rescue. The days of England's tribulation is now—the withering breath of an angry God is upon her, scouring her for the robberies, the murders, the massacres of ages, and dissolving her power like snow before the warm sun. With the opportunity presented and freedom before us, shall we, the exiled sons of a crushed and lacerated mother, remain helots to every people who wish to put the yoke upon our necks, toil through reproach and opprobium in the rags of servitude, and die with slavery's fetters upon our limbs, without an effort to efface the black and bitter memory of the past? Ireland speaks to us through the Massachusetts convention. Shall we not heed her call and organize as she directs? Cincinnati has already adopted the Massachusetts platform and plan of action, and is duly authorized to organize the State of Ohio. The Robert Emmet Club of Cincinnati, therefore, calls on you, Irishmen, to organize clubs in every city, town, and village in the State on the above plan, and every information necessary will be furnished you here on application to our secretary. When the State is thus organized into clubs a State convention will be called, and a State secretary will be elected, who will manage the funds and other business of the society. Irishmen, let no man fail and falter now. The duty is light if action be united and every man do his duty.

Time has proven how groundless were the fears of those timid creatures who insisted that the foreign blood infused into the nation fifty years ago was so polluted that our national body would be so disfigured as to be soon unrecognizable. On the contrary, our system has been enriched and invigorated by the infusion. I repeat, that the arguments of a hundred years against the free admission of healthy, sound immigrants have varied but slightly. I do not assert to-day that race or religious prejudice is the sole motive which is responsible for this attempt to discontinue our present policy in the matter of immigration, but I have no hesitancy in declaring that if a certain religious society, masquerading as a labor organization, were not forcing this measure, the closing hours of this extraordinarily long session would not now be considering it. There is no general demand for this legislation, and the present is not a natural, but artificial sentiment in its favor that has been carefully worked by an interested few that toil ceaselessly, intelligently, and how effectively the action of the House will soon show. It is unnatural that at such a time, when our prosperity is unbounded, when the demand for unskilled labor can not be supplied, when in every field of employment there is ample work for the man who desires it, that this problem should confront us.

Movements such as this naturally accompany industrial depressions, and the insistence at such a time of this bill ought to arouse the suspicion of the Member who wants to legislate for the good of his country.

Mr. Chairman, we of the North are rich and prosperous to-day, largely because we early appreciated the economic value of the immigrant and utilized it. After we recovered from that attack of temporary insanity—"knownothingism"—and got to work, we paid some attention to the incoming stream of humanity from Europe, directed its flow into useful channels, and been rewarded, as a result, beyond our dreams.

We are practical in the North; we study a problem in the light of cold experience. We do not enlist the economist or statistician to figure out a proposition that we can get at by practical demonstration, and maudlin sentimentality has little to do in guiding us to a conclusion. In Boston, which I have the honor to represent in part, we have a population that is comprised of approximately 65 per cent of foreign-born, or not over two generations removed from same. We have solved the great social question involved in the great inflow of immigrants by letting it solve itself. We would have no complaint to offer, if you would but let well enough alone, which this measure proposes to interfere with. We do emphatically complain at this attempt to shut off the supply of labor that we need, and we insist that the application of this abortive method, which keeps open our doors to the head worker and closes them to the hand worker, will so curtail our supply as to cripple us immeasureably.

Mr. Chairman, as an illustration of the character of the work that demands the class of labor I have described, I would ask you to follow me in your mind's eye under the bed of Boston Harbor, where Yankee enterprise and energy have bored an immense tunnel with an opening of sufficient size to permit of a double-track roadbed that brings inestimable joy to the denizens of a great section of the city, in the form of convenience, speed,

and comfort in reaching their homes from the business locality of the city. Could this work have been done as economically and with the dispatch that characterized it if countless sons of sunny Italy had not been at hand? Go with me also into the subway we are now building in Boston, which will be a boon to all the people of that congested city. Toiling like beavers in a cut, the arch of which is scarcely 15 feet under the foundation of a 13-story building, can be seen by night and day myriad Italians toiling with no apparent thought of the great danger that ever hovers over this hazardous enterprise. It is safe to say that if a knowledge of the art of reading were the test demanded, rather than that of a sound body and willingness to swing a pick, there would be scarcely a mother's son of them engaged upon that great public project. [Applause.] Now, with what class of labor do these Italians interfere? The Irishman of to-day won't go into the trench unless it is to act as a boss; the German can not be induced to grasp a pick; the native American's physical make-up would bar him if he did not regard such menial manual labor beneath him; the Scandinavian finds ample demand for his service in more congenial fields; the Englishman answers the call of the mill proprietor, and the Scotchman goes with him.

If you shut the door to the dark-skinned son of Italy, where will we go to get the commodity which to us is an essential? [Applause.] The second generation, the son of the trench-digging Italian won't follow his father's footsteps in those fields. He goes to school, absorbs book learning quickly, and becomes imbued with a laudable ambition to better himself, and he does. You could no more coax him to wield a pick or handle a shovel than you could a Sioux Indian to imbibe water as a social beverage if whisky were available. This being so, if you bar out the Italian, Pole, and Hungarian from whence are we to recruit our trench diggers? Perhaps my learned friends from Kentucky [Mr. HOPKINS] and Alabama [Mr. RICHARDSON], who have treated us to such delightful essays upon the importance of preserving uncontaminated the pure American blood, will shelve meaningless platitudes that may have been effective in the hysterical days of Knownothingism and give due consideration to the paramount feature of this great question, which is the economic one, and answer. [Applause.] Race integrity, sectarianism, or politics have no place in this debate. The only questions that enter into a sensible and patriotic consideration of the pending measure are those that treat of the moral, economic, and social influence the immigrant of to-day has, or is likely to have, upon the country. I contend that my eloquent friend from New York [Mr. COCKRAN], in his particularly able argument directed against the stringent educational qualification provision embodied in the naturalization bill reported by the committee that sponsors this measure, which the sound sense of the House modified, epitomized the contention of the opposition when he stated that what the country needed was "laborers, not scholars." We enjoy an abundance of brain and suffer a dearth of brawn. [Applause.] It would be nothing short of folly to curtail the supply, and that is what the pending bill aims at.

Mr. Chairman, the unskilled labor of to-day is the skilled labor of to-morrow, or becomes sufficiently skilled to increase its economic value, and prudence and a due concern for the industrial demands of the nation bid us pause ere we take this step in the wrong direction. Undue worry exercises my worthy friend from Alabama [Mr. RICHARDSON] over the apparent blindness of us of the North to the gathering clouds of riot, anarchy, and social degradation that hover ominously over our heads in the form of a foreign element in our community that he thinks will some day in the very near future rise in their might and sweep up from the streets of dearly loved cities. This is the veriest rot, reflection upon his intellectual integrity, and unworthy of lodgment in the mind of a man who bids for the respect of his fellow-man. Such strange notions are generally entertained by those who study great problems superficially, or observe conditions from a long distance. We live in an age when people are prone to swallow whole the lurid writings of the sensational magazine writer without treating the same to any mental mastication. If one can be found who believes all he reads nowadays about the unwholesome moral and social atmosphere that pervades those parts of our great cities wherein the lowly dwell, surprise should not follow any observation of his, no matter how weird. Mr. Chairman, of our splendid citizenship in Boston, the Jew and the Italian form a conspicuous and creditable part. Both are good citizens, law-abiding and frugal, who contribute in no scant way to the peace and prosperity of our city.

If a search were to be made for the place of nativity of the ancestors of the present inhabitants of Boston of the second generation back, the abodes of over 65 per cent would be found in Ireland, Italy, or some quarter of eastern Europe. In this great city of nearly 600,000 people, with such a large percentage of foreign born or immediate children of foreign born, it may surprise some of those misguided people who associate disease and high death rate with large foreign-born population, to learn that we boast one of the smallest death rates of any city in the world, it being but 155 in the week which ended yesterday. A mortality rate of 155 in seven days in the middle of summer in a city of 600,000 inhabitants certainly answers the charge so frequently made that certain races from southeastern Europe bring in and spread disease.

Mr. Chairman, it may be argued that our laws are such as to insure this remarkable showing, but we are all agreed that unless the citizen respects the law it lacks that virility essential to effectiveness. I do not propose to burden the House with further eulogy of the character of the races especially marked for antagonism.

Mr. Chairman, active in this agitation for a restricting measure will not be found a business man, manufacturer, or economist of any note. The present condition of the country demands unskilled labor, the sort that is willing to toil at the most laborious form of work. To meet this supply we must seek the dock where the hardy Italian, Pole, and Hungarian has just landed. This class need and want work so badly that they accept whatever is offered, giving no thought to its character so long as it is honest and brings them money.

Nature has endowed them with physiques specially adapted to stand the rigorous demands of toil in the trenches and mines. It can not be disputed that such labor is sadly needed in the country, and it is folly to argue that the supply will not diminish if a test of scholarship is written into law as a prerequisite to landing. We are apt to get too much advice upon this subject from quarters where no practical knowledge has been had upon the subject. More speeches in favor of restricted immigration come from the South where fewer immigrants reach and more are needed than from any other section of the country. The South has not yet awakened to her possibilities and will never be thoroughly awake until she has the good sense to divert the flow of immigration southward into the States that are crying for it. Upon this phase of the question let me direct the attention of my southern friends to the following very interesting and instructive article which I cut from a recent number of the Manufacturers' Record:

There is a shortage of labor. This is most marked in the Southern States, where even individuals who, operating upon special lines, have an adequate supply, find a general lack in their neighborhood; but in the East, in the Middle West, and in the manufacturing States beyond the Mississippi the situation is similar, though, perhaps, not so embarrassing. In some regions, especially near the great cities, the number of skilled workmen is sufficient, but there is a demand for unskilled by no means met. In others there are plenty of unskilled, but not enough skilled, and in others yet both classes are short. Like variations occur in efficiency of the labor, though a tendency toward lessened efficiency or lessened productivity seems to be widespread. This is attributed by some practical students to the organization of labor permitting mediocrity to set the pace for the mass and suppressing individual ambition; by some to the increase in specialization with machine tools, whereby the operator learns to do but one part of a job and is even stinted in doing that; by some to the opportunities created in a period of prosperity for the partly trained man to undertake work that he is not qualified to do right; by some to the union rules limiting the number of apprentices in a shop, with the effect that the call for trained men can not be answered adequately; by some to a trained radically false system of education, which teaches American youth to prefer a $6 a week job with a clean collar to a $4 a day job with soiled clothes; by some to undue restriction upon immigration to this country, barring competents as well as incompetents, and by others to the shiftlessness and laziness, which practically make an increase in wages a curse to the wage-earner.

The last is especially noticeable in the case of negro common labor, where the ambition seems to be to earn only so much every seven days, and if it can be earned in two or three days to knock off the rest for the other four or five days. The spirit of so-called independence of employers thus begotten is, however, not the exclusive possession of unskilled negroes, whose natural history excuses them in part, but it is also manifested in the case of white men of the highest proficiency who, in the knowledge of the ease with which employment may be had, are inclined to rove, and consequently industries requiring steadiness and stability for their full success are the sufferers. Vagrancy of the more pronounced type—that is, the vagrancy that will do no work except under the compulsion of the law and lives upon the industrious element of the country—is another evil complained of mostly in the South, affecting both employers and employees. The desire for immigration to meet the deficiencies is at present in the South. This seems to be explained by the fact that material for common labor predominates at present among the newcomers to this country and that the demand for such is greater in the South than in other parts of the country, and to the fact that for skilled purposes the foreigner who is yet to be trained is not likely to become as efficient as the native American. Suggestion of immigration induces a wide range of opinion, from a willingness to "stop the wagon in the middle of the road" rather than to destroy the American spirit through large importations of foreigners to the strong desire that the law excluding Chinese labor be repealed. There is shown, too, a shifting, after trial, of one class of foreigners to another. Contentment is expressed with conditions in New England, where so great a proportion of labor is of foreign origin.

A wish for a good class of immigrants prevails in the West and in the South. Public sentiment is becoming stronger and stronger for an enlargement of the work done by State immigration bureaus and other reliable agencies to be supplemented by the movement of foreigners direct to Southern ports, whence they may be distributed wherever there is need in agriculture, in mining, in manufacturing, in the lumber camps,

and in other construction work of various kinds. One of the strongest arguments for immigration to the South is that it will not only meet an immediate need, but will discover to the negroes that their so-called independence is but a temporary thing, and that to have any employment at all they must be willing to work persistently and regularly or disappear in the face of competition with foreign born.

Meanwhile, in parts of the country where manufacturing has been long established, emphasis is laid upon the necessity for a radical change in educational methods, for the founding and liberal support of schools where the rising generation may learn thoroughly a whole trade, and for the enlargement of the apprentice system, the strong point being made that, whereas in training for the professions all is outgo until active practice begins, the apprentice is paid while he is learning. Criticism is also made of the methods of handling employees and employers upon some such principle as that the one is merely an individual to be exploited to the full for the sole benefit of the other, and experience is cited to demonstrate the advantages of what has come to be called "industrial welfare work" and in advocacy of a recognition of the human element in the relations of employer and employed.

Along the same line, listen to this wail from Kansas before deciding whether the closed-door policy is a sound one to adopt. I quote from a news dispatch of a day or two ago:

No men to send to Kansas, and western railroads are taking all the laborers Chicago can spare. Kansas City's cry for harvest hands can not be answered by Chicago at present. Hundreds of men are being shipped to the West daily, but they are going for railroad work, not for the farmers. J. J. Hill's western railroad enterprises alone have taken 25,000 men from Chicago, Minneapolis, and St. Paul since the first of the year. Along his lines are camps of Chinese, Japanese, Austrians, Macedonians, Italians, Greeks, Swedes, Norwegians, Poles, and Danes. Railroad contractors do not mix the nationalities. "Kansas can't get any men here," said one agent yesterday. "The railroads are paying too high wages. The farmers say they will pay $2 per day, but when the men get out there they find that $1.25 is the limit. Then men can't get from Chicago to the harvest fields. The planter won't pay the car fare, the hands can't pay it, and the railroads can't carry them for nothing. In a few weeks South Dakota will be after hands. They will get them from the railroads. The men we have sent to the Hill lines will desert and go to the harvest fields, because the ranchers in the Northwest pay high wages. If they want men they will pay $3 a day and get them away from the railroads."

Mr. Chairman, as evidence of the fact that the sentiment of the practical minds that are rapidly making the South famous as a business center, as well as the home of orators, is not in sympathy with this movement to close our doors to immigration, let me present the following:

RESOLUTIONS ADOPTED BY SOUTHERN CONFERENCE ON IMMIGRATION AND QUARANTINE, HELD AT CHATTANOOGA, TENN., NOVEMBER 9 AND 10, 1905.

Whereas the States represented in this convention, and the whole South, are possessed of limitless resources, agricultural, mineral, and timber lands; and

Whereas desirable immigration is needed in order to develop these resources; and

Whereas we desire to settle with us all desirable white persons who are willing to subscribe to our laws and who appreciate and love the genius of our institutions: Now, therefore, be it

Resolved, That it is the sense of this conference that it does hereby invite and welcome to our midst all industrious and upright white persons from any of the European countries, and from all sections of the United States, who wish to make their homes with us to assist in the development of our resources and the advancement and multiplication of our varied enterprises and industries.

Be it further resolved, That we repudiate and denounce as untrue any and all slanders that may have been circulated to the effect that the South is unfavorable to honest and industrious white immigrants.

Whereas the President of the United States has recommended to Congress certain changes in the present immigration laws of this country with a view of making it more difficult for the pauper and criminal classes to enter our country, this immigration embracing a better system of inspection of immigrants, both at the ports of embarkation and of arrival: Therefore be it

Resolved, by this conference of representative men of the South that we hereby indorse and approve these recommendations and request all of the Senators and Representatives of the Southern States to aid in securing the pasage of such amendments to existing immigration laws as will tend to obtain the objects sought.

Resolved, That this convention recommends to each of the Southern States the establishment of an immigration bureau to be maintained by sufficient appropriation.

Editorially the Vicksburg Herald has this to say of the foolish opposition of the South to Italian labor:

FOLLY OF SOUTHERN OPPOSITION TO ITALIAN IMMIGRATION.

There is still opposition of a surprisingly bitter kind to immigration into the South, especially the immigration that has its origin in southern Europe. The Washington Post, which assumes occasionally to speak for the South, prints a fantastic tirade against the Italians, and warns its southern readers against them. "The great bulk of the so-called Italians," it says, "who come over here to cut throats, throw dynamite, and conduct labor riots and assassination fraternities, are nothing more than the degenerate progeny of the Asiatic hordes which long centuries ago overran the shores of the Mediterranean and were the pirates, the spoliators, and the mercenaries of those bloody ages. Nine-tenths of the riffraff army that descends upon these shores are the spawn of the Phœnician curse, expedited fervently by our great and good friends of the Quirinal, who are only too anxious to be rid of them."—Springfield Republican.

In this same article the Washington Post makes a parade of the motive of "profound concern for the welfare of the South." That this profession is a mere phrase and not a fact is evidenced by its fundamental ignorance of the subject treated. This, however, is not uncharacteristic of a paper with a reputation for smartness and trimming, rather than veracity or character. And the chief "folly" here is in the Republican's referring to the Post's flippantly unveracious screed as "Southern opposition." With the class of Italians of which it speaks the South has no concern. In the first place, they are not fit for labor on the plantations, and in the second, that labor would not fit them. In other words, they would neither go there nor be received there. But making full allowance for reported Mafia and Black Hand outcrops, it is doubtful if there is any greater proportion of that nationality in the criminal lists than of any other which make up the American immigrants. On the contrary, recently published criminal statistics in New York, which this paper quoted, placed Italians far below others in crime and pauperism. It is the case of a bad name—of the traditional vendettas of Corsica, Carbonari of Calabria, and the Mafia of Cicily—that the Washington Post has exploited.

While some few thousands of Italians have been located on the cotton plantations of the Delta, of Louisiana, Mississippi, and Arkansas, far more are engaged on the sugar and rice plantations of the former State. Their general reputation for peacefulness, industry, and sobriety will compare favorably with that of any other people. Those that have been colonized on the cotton lands ship chiefly from Genoa and other northern Italian ports. They have neither been expedited nor encouraged to migrate by "our good friends of the Quirinal"—the Italian Government. In the opinion of some who have sought to secure Italian plantation labor, the reverse is believed to be true—that there is a distinct hostility on the part of that Government to parting with the farming class of its people. Certainly no other Government has taken the interest in the treatment and the well being of its subjects who come to this country, as the Italian.

The whole genesis of colonizing Italians on the cotton plantations is the insufficiency and the deterioration of negro labor. For years the prejudice voiced in the Washington Post was a check to all efforts in that direction. Rather than look to Italians the hill country was drained of negroes. As that source of supply began to fail, labor was sought in other directions. Mexicans were imported by some. The Choctaw Indians of the east Mississippi counties were drawn upon. One planter settled his plantation with East Tennessee mountain folk. A few places were worked with Chinese. But all of these experiments passed away, and their failure forced a trial of the Italians. So far as tested they have proved satisfactory, and they are steadily growing in favor. This is no surmise—it has the assurance of conversations with many planters who have either tried the Italians, or who are acquainted with them as cotton growers.

As there is a growing interest in the Italian cotton labor question, The Herald will refer to a recent two days' visit of its editor to the famous Sunny Side plantations, on Lake Chicot, in Arkansas. Of the four or five thousand acres of cotton, about two-thirds are cultivated by Italians and one-third by negroes. It is an old story that the results per acre are altogether in favor of the former. What we desire to more particularly note is the quality of citizenship presented by the Sunny Side Italians. As to criminality, or strife, the colony of nearly a thousand souls has been absolutely free—not a murder nor an attempted murder nor a suit brought in court of any sort in the preceding two years at least. The chief manager of the plantation, a young Mississippian from Chickasaw county, stated that owing to the cost of naturalization very few had qualified as voters. The children all attend school and are being taught English, and he was confident would grow up good American citizens. All are thrifty, sober and home loving. From drunkenness and chronic or hereditary sickness they are wholly free. The practicing physician on the plantations, an unusually intelligent and observing young Mississippian, informed us that the Italian colony was an exceptionally healthy and physically sound body of people. All, indeed, that the Americans on the plantations said of these Italians was praise.

In an article on this same subject the New York Evening Post said: "A question often raised is the effect of foreign labor upon the negro. If the South carries out its plan of drawing the best of the foreign labor, the effect upon the negro should be beneficial. If he is to hold his own in competition, he will be forced to improve himself, and he will be stimulated intellectually and morally. One reason why he is lazy and irresponsible is that he often regards himself as not a direct competitor of the white; and he measures himself by no standard of achievement except that of the shiftless and ignorant of his own race. The coming of the immigrant should open the eyes of his mind and soul. Placed side by side with earnest, steady workmen, he himself should reach a higher degree of skill and trustworthiness."

The best that can be said of the negro "placed side by side with earnest, steady workmen," is that the proximity has as yet developed no race strife nor hostility. On the other hand, the Herald regrets to say that nothing it has seen or heard bears out the Post's reasoning of its "beneficial effect upon the negro." Object lessons of the value of sustained industry, of self-denial and saving by the Italians who are working almost side by side with them, seem lost on the negroes. They have stimulated neither their emulation nor their envy.

If my Southern friends harbor the idea that the Italian is not adapted to the particular work done in their section they make a great mistake, which this article from the Boston Transcript, I am about to read, will demonstrate:

ABANDONED FARMS OF NEW ENGLAND.

"The New York, New Haven and Hartford is at present engaged in a very interesting experiment," writes Broughton Brandenburg in the Technical World Magazine for March, "which, strictly speaking, is hardly such any longer, as its efforts have been crowned with success from the beginning. The road covers the lower half of New England with an astounding network of lines, and as a result of the opening of the richer lands of the West and South, the men who had been toiling on the impoverished New England farms, small and stony, forsook them, took their families, and left New England. The price of land declined until there came to be many farms that could be bought for a dollar an acre and at last a great number that were entirely abandoned. By reason of the road carrying to and fro Italians who had landed in New York and wished to go to the cotton mills of Lowell or the shoe shops of Lynn, etc., and Italians who had landed in Boston and wished to go to New York, the news of these abandoned farms came to be noised about among the Italians and they began to take them up. The men would work in the nearest factory and the women and children cultivate the ground. The Italian is a born irrigator; and now, all along the New Haven road, can be seen garden-like estates that were once abandoned by the their previous owners. The road was quick to see the trend of the Italians and is bent on encouraging it. It is probable that a combined agricultural and industrial population of Italians, Poles, and Portuguese, aggregating millions in number, will be gained to the territory traversed by the road."

It is asserted with greater emphasis and frequency than the facts warrant, Mr. Chairman, that the reason why the South hesitates in receiving Italian labor is because of the belief that

while the presence of this class would add to the burden illiteracy now imposes upon it, the economic return would not compensate. The Italian has taken his fling at cotton raising, and the testimony of those competent to testify whether he has been a success or failure would indicate clearly that if given half a chance the countryman of Columbus would render a splendid account of himself. Upon this feature I present for the consideration of the House this interesting and instructive data:

Cash paid Italians above rents, etc., for cotton raised by them on the Sunnyside Company's property during 1904.

Name.	Cost.	Acres.
Luigi Baccussi (first crop)	$688.13	25
Luigi Fratizi	194.17	15
Gulinelli Nozzereous (first crop)	553.36	18½
Catalina Achelia (first crop)	315.22	28
Geovanni Palidori (first crop)	682.79	36¼
Nicalo Stupendo	619.78	22½
Boriolo G. Batesti	490.98	25½
Banchetti Adelia (first crop)	193.05	22½
Peanalto Celesto	924.28	38½
Maudilina Antonio (first crop)	364.50	20
Geogenio Antonio (first crop)	249.60	25
Geovanni Popelio	622.55	30
Reco Muscognio	710.41	19
Peitro Fratezi	612.90	30
Ilore Frateze (first crop)	252.15	25
Cizzerieus, Oresto	205.25	14
Fratino Serafino	1,073.89	26
Chesri Fratino	380.28	19
Dowordo Riginalli (first crop)	196.18	12½
Antiono Durestanti	299.50	11½
Santino Osvaldo	467.55	37½
Chingelanni Allessandro, No. 2 (first crop)	250.50	20
Borino Chesri (first crop)	335.90	24
Regihalli Silvino	375.41	14
Agniolletti Nozzerreno (first crop)	400.99	17
Vincezzo Durestanti (first crop)	544.70	23½
Chingelanni Allessandro, No. 1	733.89	20
Chingelanni Geovanni	1,159.95	33
G. & A. Silverstrini (first crop)	587.44	29
Petro Banvino	453.84	15½
Geovanni Silverstrinni, No. 2	740.60	19
Carolino Nozorellio	469.18	16½
Sceanna Sousi (first crop)	297.32	18½
Ratotori Allesandro (first crop)	229.97	14
Bouvino Chesri	1,012.66	28
Bortalina Adelia	322.63	16½
Peironi Leopaldo	336.81	15½
Catalina Augusto	1,936.60	59
Pusanti Guleleno (first crop)	154.78	12½
Lavandini Guleleno (first crop)	260.50	31
Porenti Duigenti	847.22	37½
Alpa Allesandro	1,292.74	45
Sceanna Nozzereno	648.80	16½
Nozerreno Maraiangori	340.91	25½
Brunetti Vincerzo	568.49	19
Micha Amelio (first crop)	70.45	12½
Corlo Olivoro	1,580.52	47½
Belennti Gusseppi (first crop)	346.16	30
Porenti Alberto (first crop)	241.23	25
Cimineti Chesri	507.14	15½
Zampa Peitro	822.31	15
Ornesto Spadina	936.65	31½
Geovanni Silverstrinni, No. 1	1,285.38	36
Pulatti Antorio (first crop)	260.16	18½
Neno Greganti	995.28	37½
Edwardo Foalosino	762.85	31½
Antorio Reginannlli	727.73	20½
Belverdressa Gueiseppi	985.01	26½
Angoletti Dominnico	869.01	21
Schueco Francesco	658.43	14
Alfredo Sponcorrilla	739.10	20
Alphonso Mariangori	591.12	12½
Cunnelli Peitro (first crop)	128.92	12½
Total amount paid out	$36,885.80	
Total number of acres worked	1,500	

STATE OF ARKANSAS, *County of Chicot:*

Personally appeared before me, J. B. Ray, a justice of the peace, J. S. Wright, manager of Sunnyside Company's property, at Sunnyside, Ark., to me well known, who certifies that the above is correct as stated.

Witness my hand and official seal as justice of the peace this the 24th day of June, 1905.

J. B. RAY.

Attuned to the songs of the South just sung in praise of the much misrepresented and defamed children of the fatherland of Garibaldi, Cavour, and Mazzini is this refrain of the Brooklyn Eagle:

SONS OF SUNNY ITALY MAKE GOOD CITIZENS.

Many persons having occasion to visit the magistrates courts have been much impressed by the thrift displayed by Italian residents. No matter how much bail may be required of a defendant by the court—if he is an Italian—there is always a fellow countryman or friend ready to bail him. The bail may run from $100 to $2,000, it makes but little difference so far as the amount is concerned. And it is the same way in the case of fines imposed. There seems to be a brotherly feeling among the right kind of Italians, and when one is unfortunate others come to his aid or try to help him out of his difficulty.

It is interesting to watch this spirit of comradeship and to note how the Italian takes heed of what may happen and then acts accordingly. He is not, perhaps, a fatalist, but he does feel conscious of a possibility of acc'dents happening and of certain plans not turning out according to programme. Therefore, when he is informed by the clerk of a magistrates court that he must bring a deed of real estate, when he offers to go bail for a fellow-countryman, he goes after his deed and returns with it. And the next time he is called to court on a similar errand he is prepared with his papers and there is no delay in accepting his bond. Italians are great land buyers and are very ambitious to become real estate holders. Students of political economy and observers of local events have been amazed at times at this tendency. If one watches the real estate transfers he will be impressed with this fact. They buy not only flat houses, but store property as well, and in some cases more pretentious buildings. And it is interesting in many instances to see how much cash is paid down and how comparatively little is left on bond and mortgage. A noteworthy feature, too, is the change wrought in many Italians when they become landowners. While they are tenants they may be careless in many respects and unmindful of duties devolving upon them. This neglect and thoughtlessness, however, gives way when they become holders of real estate themselves, to a sense of dignity and importance evidently due to their new relationship and surroundings. A well-known captain of the police called the writer's attention to this fact.

People who in the course of their daily travels watch the army of Italians that is now helping to build the subways, as well as other important works, do not always realize that many of these men have a just sense of their obligations. They are good pay and ashamed to do many things that those who poke fun at them do not seem to feel so sensitive about. They are not all assassins, nor are all members of various "Black Hand" organizations. They are debt-paying, industrious workers. The right kind of Italian has an excellent reputation as a rent payer, and he stands equally high in paying the undertaker's or the doctor's bills. In fact, it is said that there are many physicians who are only too glad to have Italian patients, because they know the latter will not "hang up" their bills. There have been instances where, in emergencies, certain physicians have redoubled their efforts to reach the patients before other aid could be called in.

Italians of late have been entering on new fields of labor, and are not confining themselves to manual occupations, as was the case some years ago. It is not a question with them of simply becoming cobblers, carpenters, masons, tailors, or of following similar pursuits, but they have entered on the learned professions, and quite a number have either chosen law, medicine, architecture, or some other equally important calling. And in the matter of education, the shrewd, far-seeing Italian, who recognizes the importance, in fact, the absolute necessity, of speaking English in this country, if the best results are to be obtained, is not behind representatives of the other nationalities in sending his children to school and thus availing himself of the advantages which can alone be secured by intellectual progress. Of course, now and then there will be isolated cases where fathers are called up in magistrates court to explain why they have neglected to send their children to school. As a rule such dereliction is explained by the simple words "avarice" and "ignorance."

The rapid increase of the Italian population and the development of colonies or sections known as "Little Italy," have led to bids for their business. The South Brooklyn Savings Institution at Atlantic avenue and Clinton street, one of the oldest savings banks in Brooklyn, and of which ex-Congressman William J. Coombs is president, evidently thinks so well of Italian business that it has issued a handsome calendar printed in Italian and containing a carefully engraved map, in colors, of Italy.

These calendars and maps are delivered free and it is said that there has been quite a call for them. The bank in question numbers many hundred Italian depositors. A resident of the upper section of Brooklyn in speaking of some of the traits of the Italian character which he has observed alluded to adaptability as one of them. "Why," he said, "it is a remarkable feature and probably accounts for much of their success. I have a case in mind. It is that of an Italian named Anton Shotaloni, who lives somewhere in Sumner avenue. He is a shoe shiner, but when the March snowstorm came he shut up his place of business and, with his assistant, set out with shovels and brooms. That morning, they said, they earned $3 each, and that they enjoyed the sport. The reckoning is that to earn $6 shining up it would be necessary for them to have operated upon 120 pairs of shoes, while if they had remained in the shop all day till 9 o'clock p. m., they would have earned nothing. That is Italian grit and thrift."

This is somewhat different from the man on the Heights who said he wanted work, and when he was shown a small-sized extension roof and was offered liberal pay for clearing off the snow thereon, looked it over very critically and added: "I think I would rather not do it."

In harmony with this the Boston Traveler, in editorial, says:

THE ITALIAN, PAST AND PRESENT.

It is natural that the greater interest in the San Francisco horror will make the disaster around Vesuvius less prominent in the news, but it should not be forgotten that the necessity for relief for the stricken people of Naples is just as pressing now as it was a week ago, and that, without neglecting our own sufferers, the Italian sufferers should not be forgotten.

The Italians have not the power of recuperation our people have; they have not the means to build a new city on the ruins of an old while the ashes are still smoking. The Italian farmers whose holdings have been covered with the lava from Vesuvius will not be able to till their ground for from five to ten years.

This is the first time that the United States has ever had an opportunity to show her sympathy for Italy; and the country which gave us Columbus, Cabot, and Vespucci is entitled to some consideration.

The Italians are going to be a powerful factor in the future of this country, because they are a strong people racially. Despite internal troubles and governmental changes which would have disrupted a people less strong, since the time of Charlemagne they have remained practically homogeneous.

Our people do not realize the influence of the Italians on Anglo-Saxon business methods and speech. Italian nobles were the merchants and financiers of Britain 800 years ago.

Lombard street is named after an Italian financier of the House of Lombard.

Such business terms in the English language as cash, from cassia; journal, from giornale; bank, from banco; bankrupt, from bancorotto, show the influence of the Italian on the business history of England.

£ s. d., which stands in England as the sign of money, meaning pounds, shillings, and pence, comes from the words lire, an Italian coin of the value of 20 cents; soldo, which is the smallest Italian coin, and denaro, meaning money.

Further proof of the commercial importance of the Italians, which they are going to repeat in this country, is shown in the history of England, when Edward I mortgaged the whole of the revenues of Ireland to the Italian Frescoboldi. When he died, out of his estate of about $600,000 almost $200,000 went to Frescoboldi and much of the remainder to Italian creditors.

The Florentine house of Bardi was impoverished through loans made to Prince Henry, the son of Henry II, whose death in 1148 gave the throne to Richard Cœur de Lion.

Under Edward I the entire monopoly of the woolen trade in England was controlled by Italian woolen merchants.

In the fourteenth century we find Edward III hiring forty vessels in one year from the Doge of Venice.

This recapitulation of Italian influence on English history is interesting when it is known that during those years, besides being a leader in the arts and sciences, Italian commerce held up a guiding light for the rest of the world to follow.

The Italian is prudent and hard working, physically strong, and intellectually keen.

Help to the sufferers of Vesuvius will not only be money bestowed in a worthy cause, but will earn the gratitude of the Italians in this country and help make them better citizens.

Without abating in the least our sympathy and aid for our own sufferers, let us not forget that a little to the Italian sufferers will be worthily bestowed.

Mr. Chairman, in line with these tributes to the worth of our Italian citizens, I would that every member of the House would take the time to read the speech recently delivered in my city by a distinguished Bostonian, a scholar, sociologist, philanthropist, and public-spirited citizen, much of whose intellect, energy, time, and resources are unostentatiously and unstintedly applied for the upliftment and betterment of his fellow-citizens of Boston.

James J. Storrow is an American whose ancestry can be traced back as far as this comparatively new country dates. A business man of sterling worth and capacity, his opinion weighs heavily within the confines of the Old Bay State and his utterances upon one phase of the very important and vexatious problem, the solution of which engrosses our attention to-day, namely, the influence of the recent influx of Italian immigration upon our civic, industrial, and social standard, deserve more than passing thought.

There is nothing of the demagogue about James J. Storrow, and every syllable uttered by him upon this question is the honest expression of a man who has given it deep study. There are sociologists and sociologists; this man is not the dilettante, who ventures into the purlieu of poverty, who studies life's seamy side through the window of a closed carriage in company with a special police officer or a settlement worker. He is genuine and sincere, and his words are the ripe fruit of long and practical experience:

A brief for immigration—Mr. Storrow corrects some popular errors—We are not growing more criminal or ignorant because of the increase in the numbers of immigrants—The current notion that Italians are not good citizens examined in detail—Their property-holding proclivities—Some typical streets in the north end.

[From an address delivered at Faneuil Hall, June 6, by J. J. Storrow.]

Many people seem to think that the percentage of foreign-born population in this country has very much increased of late years. This is not true. In 1870 the foreign-born population in this country constituted 14.44 per cent of the entire population. In 1890 the foreign-born population was 14.77 per cent.

It also seems to be a prevailing impression that within the last few years there has been a great change in the character of our immigrants, and that the proportion of illiterate immigrants has been rapidly increasing. The figures show that in 1890, 25 per cent of the immigrants could neither read nor write. Last year (1905) the immigrants who could neither read nor write constituted 26 per cent, or almost exactly the same proportion of the new arrivals.

Some people think that the country is in danger of being submerged by a rising proportion of people who can neither read nor write; but there is absolutely no basis for this fear, according to the census figures of the United States. The census shows that in 1880, 17 per cent of the people of this country were illiterate; that in 1890, but 13.3 per cent of our people were illiterate; while in 1900 the number of illiterates had sunk to 10 per cent. If there has been a danger from illiteracy in this country it has passed, for the proportion of illiterates was almost twice as great twenty-five years ago as it is to-day.

Another statement that is often made by people who talk a good deal upon this subject is that the amount of criminality among the immigrants is exceedingly large. Accurate figures on this point are very difficult to get. In Prescott F. Hall's book on immigration, published this year, his figures of native and foreign-born criminals show hardly more than a nominally greater percentage of criminality among the foreign-born inhabitants of this country; and it may be said that these figures can probably be trusted, as Mr. Hall is in favor of restricting immigration. Now, this slightly larger percentage of criminality among our foreign-born population can, I think, be easily accounted for, and very likely more than accounted for, by the fact that a larger proportion of our immigrants live in the cities than in the country; and we all know that where people are crowded together in the big cities the temptations and the opportunities to commit crime and the likelihood of arrest are much greater. The farmer tilling the soil on his own land, and only once a week or once a fortnight driving into the village store to chat and buy his supplies, does not have very much temptation or many opportunities to steal or to be arrested by the police.

A great deal of confusion in the discussion of the subject is caused by the fact that "restriction" and "selection" are often confounded. I think every reasonable man, whether foreign or native born, is in favor of selective measures. I believe in keeping out the diseased, the criminal, the insane, and anyone who is likely, and particularly whose children are likely, to become public charges or not to make themselves useful in this country. But I do object to mere restriction, as distinguished from selection. Congressman GARDNER, in his speech advocating this bill, frankly acknowledges that he is not particularly interested in securing better immigrants, but that what he wants to secure is cutting their number in halves, or at least very greatly reducing it.

There is another point where many go astray in discussing this question. We can let the persecuted Jew, who is fleeing to save his life and the honor of his wife and daughters from the Russian tyrants, come into this country, and then if we think it unsafe, after he gets here, to allow him to vote unless he can read and write, he will be the first to acknowledge the justice of our position. In fact, as you know, that is what we do in Massachusetts. A man who can not read and write is allowed to vote in many States, but not in Massachusetts; and we do not find that the illiterate immigrant who has been denied the privilege of an education, although probably without any fault on his part, feels that our position here in Massachusetts is arbitrary or unjust.

I am now going to say a few words about the Italian and the Jewish immigrants, because the advocates of restricting immigration seem particularly opposed to these two races, and the Gardner bill, if passed, will bear particularly against the Italians and the Hebrews.

Certainly the Italian has a great many good qualities which ought to contribute to the improvement of the present American stock. In the first place, the Italian immigrant is physically stronger and tougher than any other large class of immigrants. In fact, I believe that the average Italian immigrant in physique is the superior of the average native New Englander; and what other single consideration is of more importance to us, or lies more at the base of a strong and vigorous race.

Second. The love of family is strong among the Italians. What is more fundamental than this? The whole structure of modern civilization is based upon the family group. If this goes to pieces, what matters it what the form of our Government may be? It will also disintegrate and go to pieces. Can the native population point to any superlatively superior record in this respect?

Third. Of the 13,000 Italian immigrants that came to Boston last year, 11,000 were between the ages of 14 and 44. The fact that this tremendous proportion of the Italians who come to this country are in the very prime of their usefulness, or within a few years years of becoming so, is of enormous economic value.

Fourth. Again, while the Italians consume a good deal of light wine, and occasionally too much, yet they are on the whole a very temperate race. The Italian drunkard hardly exists. I think it is very rare that an Italian unfits himself to work, or becomes a public charge, or permits his family to do so, as the result of drinking. Most important of all, the Italian women do not get drunk. My friend, Mr. Badaracco, who is one of the relatively small number of Italians whose parents came to this country long enough ago so that he was born in Boston, and who has lived all his life in the North End, told me recently that in all his life he does not recall once having seen a drunken Italian woman on the street. Certainy the Italian women deserve the highest possible praise in this respect.

The Italians have many other pleasant characteristics which mark them as good material for American citizens. I have often been struck with the civility of the Italians—and I do not mean "servility." The Italian seems to have a natural courtesy, which is not a mere surface indication, but, I think, springs as all true courtesy does from a certain nobility of soul and regard for others. I have many times received a pleasant "good morning" greeting from an Italian who was a stranger to me, when the native-born American, or the descendant of other immigrants, would have passed without a word, or even with what would seem to be an unfriendly look.

About the only thing we can say against the Italians is that there are a certain number of them who commit serious crimes, particularly as the result of assaults with a weapon—generally a knife—resulting from a quarrel. Mr. Bushee, who in his book entitled "Ethnic Factors in the Population of Boston," has stated the results of a careful study of the statistics relating to our native and foreign-born population, gives the number of paupers in almshouses in the city of Boston by place of birth and parent nativity; and I find that the percentage of Italians in our almshouses is less than any other race in Boston, whether native or foreign-born, except the Hebrew. The natives of Ireland, Scotland, England, the United States, British America, and Germany, both in the first and in the second generation, find their way into the Boston almshouses in a larger percentage than the Italian. The State census for 1895 shows that of the dozen races which go to make up our population, including the Americans of native descent, the percentage of paupers is much smaller in the case of both the Italians and the Jews. In fact, these two races are practically in this respect in a class entirely by themselves. The Italian and Jewish paupers are less than half the native paupers in percentage, less than one-third of the Scotch, German, and English, and hardly more than one-tenth of the paupers of Irish birth.

When we come to arrests in Boston, we find that the Italian is a little above the average, but that there is a less percentage of arrests among the Italians than among the Scotch, the Irish, and the Norwegians; while among our Boston population born in Russia and Poland—which means mostly Jews—the percentage of arrests is much less than the average, and less than any other race except the Germans.

In commitments in Boston to the House of Correction the Italians are away below the average for the city, and the same thing is true of the Jews. The Italians furnish only about half the general average for the city, and the Jews only about one-sixth of the general average for the city. The same thing is true in regard to commitments to the Massachusetts Reformatory and the Reformatory for Women.

Another charge that I have sometimes heard made against the Italians is that they are not as thrifty as other races, but I have never heard anybody give any evidence to bear this out. The Italians are frugal, and they resort to our savings banks in large numbers. I have caused an examination to be made by an experienced ex-assessor of a number of streets in the North and West Ends, to see if the Italians do all live in tenements and never acquire any real estate, as is often alleged. The figures are certainly very gratifying, and ought to make the Italians feel proud.

For example, take Henchman street, a typical North End street, where Italians live. In 1875 not a single piece of real estate on that street was assessed to a person with an Italian name. In 1885 there also was not a single Italian owner; but in 1895 36 per cent of the entire frontage of that street was owned by Italians, and ten years later our fellow-citizens with Italian names own 63 per cent of that

entire street. The figures for the leading different nationalities in that street, given in percentages, are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	0	36	63
Irish	36	54	36	19
American	64	46	19	18
Hebrew	0	0	9	0

Hull street is another street wher e Italians live, and the figures in regard to i are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	9	51	63
Irish	39	63	33	24
American	58	25	16	13
German	3	3	9	0

Sheafe street is another North End street where a good many Italians live. The figures in regard to it are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	0	19	46
Hebrew	3	3	25	30
Irish	53	73	46	21
American	44	24	10	3

The statistics in regard to Charter street, another North End street, show that within the last twenty years the Americans have been selling, and that the Irish owners have been standing practically stationary, while the Italians have been steadily increasing their holdings. The figures are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Italian	0	3	15	23
Hebrew	0	0	10	3
Irish	41	48	49	51
American	56	46	23	20
German	3	3	3	3

Hale street is a West End street largely inhabited by Hebrews, and the figures show that within the last twenty years the Hebrews, from owning nothing on that street, have bought up a majority of the houses. The figures are as follows:

	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*
Hebrew	0	55	62
Italian	0	11	11
Irish	12	8	8
American	88	26	19

The same thing is true in regard to Poplar street, the figures in regard to which are as follows:

	1875.	1885.	1895.	1905.
	Per ct.	*Per ct.*	*Per ct.*	*Per ct.*
Hebrew	0	0	26	56
Irish	18	18	18	3
American	82	82	56	41

The Jews are a sturdy, strong, intellectual race, but many of them have been unable to obtain an education in Russia, and that a large proportion of them will be rejected if the Gardner bill becomes a law is shown by the last annual report of our Commissioner-General of Immigration, which shows that of the 129,110 Hebrews coming here during the year 23,557 were illiterate.

Now, bear in mind, also, that it does not at all follow that because a man has been deprived of an education he does not want his children to receive the benefits of an education. I think that our experience in the public schools is that the illiterate parent is quite as anxious to have his child get an education, and quite as likely to discourage truancy on the part of his children, as any other portion of our population.

So far as the Jewish immigrant is concerned, I believe that they are going to prove to be one of the very strongest and best elements in our population. The Jew's mental qualities exceed those of any other race, and they have a wide range. The Jewish men seem to succeed, whether they turn to business or to the professions, such as law or literature. We know that the best of the modern Russian literature has been written by Jews. I know myself that at Harvard College, where I received my education, the Jewish young men showed a love for and a skill in music far in excess of any other set of undergraduates.

If we turn to the record of the Jewish boys and girls in our public schools in Boston, we find the same story repeated. You know that the Franklin medals, which are paid for out of a fund left to the city of Boston by Benjamin Franklin, are presented to the best scholars in our grammar schools. During the six years from 1900 to 1905, the school board presented 147 Franklin medals; and as nearly as I can estimate, something over 30 per cent of these were given to Jewish children—a proportion more than twice the number they were entitled to receive on the basis of mere population.

The same thing is true in regard to the prizes given in the public Latin school and our big Central High School. During those same years we gave 517 prizes, and as nearly as I can estimate 160 of those were taken by Hebrews, or, again, more than twice the number they would have received, based merely on the percentage of population which the Hebrews here in Boston constitute.

These figures for prizes in the Latin and in the high school may possibly represent a larger percentage of children of Jewish descent in these schools than the percentage of Jewish population; but if that is true, it does not in the least rob our Jewish citizens of any credit, because it simply shows that they and their children appreciate the importance of the higher education afforded by these schools. In fact, these figures in regard to the high and Latin schools are very likely the result of these two causes. I saw it stated the other day in the Advocate, the leading Jewish paper of New England, that out of eight boys who received prizes in the Latin school two years ago, seven were of Jewish descent, and that out of the 8 who received prizes last year, 6 were Jewish children. The intellectual vigor and ambition of our Jewish fellow-citizens prove that they are a stock of great value to the development of our race.

I have based what I have had to say purely on selfish reasoning, and I think I have shown conclusively that we have not anything like enough evidence to warrant us in stopping, or seriously reducing, the Jewish and Italian immigration which we are now receiving; but besides this, any decently humane man, be he of the very oldest American stock, which is apt to think that God created this country for him alone or, whether he be one of the more recent arrivals in this country, ought to feel—and must, if he is properly constituted, feel—that it is our duty to welcome those fleeing from the hideous persecution which the Jew has been receiving at the hands of the Russians. If those who are advocating this Gardner bill would go down into the West End and meet some of the recent arrivals and hear their stories of suffering, of robbery, of death, and of dishonor, which they have to tell, I am sure they never would be willing, under the guise of any illiteracy law, to turn those exiles back from our shores.

In support of Mr. Storrow's views is found the following letter of Rev. Charles F. Dole, of Boston, who gives deep and intelligent thought to whatever subject he discusses:

To the editor of the Transcript:

We are hearing so much of the urgency of the need of the restriction of immigration that it seems fair to raise a voice on the other side. Let us grant that, so far as people are brought to this country, not as free men, but as peons or coolies or merchandise, we may righteously interfere, as we interfered with the slave trade. Here is the only substance of justification for this contract-labor law, in other respects a preposterons law, which works to hinder men from coming freely where they are really needed. The intent of the law (which seems signally to have failed of its purpose) was to prevent blocks of workmen from being handled like so many pieces of machinery. It is now proposed to make it more expensive for immigrants to come here by charging an increased head tax, and requiring each one to show a certain sum of pocket money. Perhaps it ought to cost more than it now costs to come to this country. If so, where shall we make the increased cost effective for our purpose? Evidently by requiring more humane and less servile transportation conditions from the great steamship companies. The present contrast between the steerage and the saloon passenger is distressingly undemocratic. The United States needs no petty head tax on immigrants. Let us ask for five or even ten dollars' worth each of more air and space and comfort for the people who are going to be our fellow-citizens. Raise the standard of humanity on shipboard, and you will tend to prevent men from being brought here as serfs. One ounce of the positive treatment is worth more than a pound of prohibition!

Now look at the proposed illiteracy test. This is directed specially to keep out certain peoples, namely, the countrymen of Garibaldi and Mazzini and Dante, the countrymen of Kossuth, the countrymen of the founder of Christianity. Of course we all deplore illiteracy, but I submit that, unfortunate as it is, it is no test of the brand of manhood and character. In other words, the proposed test does not make the only valid distinction that Americans—all immigrants themselves—can make between those who came here as free men and those who are only brought here like slaves. The most liberty loving of our ancestors were mostly illiterate an astonishingly short time ago. Hundreds of thousands of the purest Anglo-Saxon stock are still illiterate in our own southern States! We can and do cure illiteracy very rapidly in America. Neither are our most serious troubles from the illiterate, but from men who know the three Rs only too well.

Please see what we are afraid of in our rather vague alarm over the peril of immigration. Do the illiterate newcomers swarm into our poorhouses and asylums? I find no evidence that the per capita cost to our Boston overseers of the poor is increased on account of the arrival of our new Yiddish and Italian population. Doubtless the tax levied by the idle owners of the Astor estate upon the city of New York is greater than all the paupers of that city cost. No! The immigrants generally go to work and ask no help from the public. This is true even where the congestion is worst and the seamy side of immigration is most conspicuous. Moreover, those who know the Italian, the Jewish, and the Slavonic immigrants best give them quite as good a character for temperance and morality as other peoples among us. Have we not been hearing stories of decadent New England towns?

Look now at the subject of immigration on simply the money side. Suppose there have been as many as 300,000 illiterate immigrants in a single year. This fact can not mean less in money value than the increase of $30,000,000 of trade brought to the very doors of our business men. This is about the total value of our trade with China only as late as 1899, for "the open door" to which trade many Americans think they must spend a hundred millions a year on their navy. Every branch of industry feels the breath of this new trade. Moreover, every able-bodied man or woman, they tell us, has a calculable money value for what he can produce. Illiteracy does not necessarily impair this value. The immigrants are mostly in the prime of their working power. Only fifty years ago they used to pay several hundreds of dollars a piece for such working men and women in the form of negro slaves. Does anyone suppose a free man from Italy or Poland or Hungary is not worth as much as a negro slave was worth before the civil war? Estimate this worth at only $200 a piece, and your million of immigrants received during a recent year yield a value of $200,000,000, freely added to the wealth of the United States.

Every man who works calls also for other men to work for him. I can not think that, when the business men of the country see the significance of these figures, and what a veritable calamity it would be seriously to interfere with the natural movements of population, they will tolerate the passage of the arbitrary restrictive measures for which Mr. LODGE and Mr. GARDNER are sponsors.

I do not like to emphasize the money side of this question. I wish rather to urge the human side. I believe that it is bad for the immigrants, and it is perhaps worse for us to stand in an attitude of fear and suspicion toward them. Fear degrades men on both sides. Let us take the opposite attitude—that of friendliness and trust. For this works irresistibly to make the other more worthy of trust, and, at the same time, to bring the best selves in us to the front. If we would spend all the zeal and money and patriotism of the restrictionists in helping the newly arrived immigrants to feel that we are a "Christian" people, we should never need to hear again of GARDNER bills.

CHARLES F. DOLE.

JAMAICA PLAIN, June 8.

Mr. Chairman, the property-owning class in the community is the one that is most deeply concerned in the welfare of a community, particularly in great municipalities. The economic administration of public affairs, proper policing, guarding against conflagrations, keeping thoroughfares clean, maintenance of effective health regulations, etc., all affect the tax rate of a city and directly interests the property owner who pays the taxes.

In Boston, in the decade 1896–1905, $91,496,531 were invested in building brick structures. In the same period $33,926,916 were spent in remodeling and repairing buildings. To give an idea of how the Jew and Italian are gaining a hold in the Hub, getting a foothold materially, let me state approximately the amount these two races invested in the building, altering, and repairing of buildings in the same decade. From 1896 they invested in new buildings $8,105,000 and in alterations, repairs, etc., $2,365,000.

This is a powerful argument in refutation of the charge that they are dissolute and undesirable classes.

Benjamin Franklin, Bostonian, a historical figure that looms head and shoulders over nearly all who were contemporaneous with him in the struggle of the colonists for independence, took a great interest in education. In his will he bequeathed a sum of money, the interest from which was to be expended in purchasing a medal which would go to those scholars of the public schools of Boston that excelled in scholarship.

As proof of the avidity of the Hebrew for education and the results he has obtained, let me show the House the number of Franklin medals the Jew, in a great minority, captured in six years:

Franklin medals.

Year.	Total.	Hebrews.
1900	23	6
1901	25	5
1902	25	2
1903	25	9
1904	25	7
1905	24	9

Another reward for mental merit in the public high and Latin schools of the city demonstrates that the Jew has made remarkable advancement in the field of education, as the following shows:

Year.	Public Latin prizes.		English high prizes.	
	Total.	Hebrews.	Total.	Hebrews.
1900	50	7	28	8
1901	43	6	36	12
1902	45	8	30	21
1903	45	16	43	19
1904	59	9	45	17
1905	52	8	41	18

In June, 1905, 27 second-year diplomas were granted graduates of the English High School. Of these pupils 11 were Hebrews.

In the same school 132 first-year diplomas were issued, of which 43 were Hebrews.

In the Public Latin School 58 diplomas were awarded, of which number 6 or 7 were received by Hebrews.

Upon the question of general education in the country as it relates to the foreign born there is this encouraging feature, that which relates to 12 per cent of the whole, who are under 14 years of age. The school census of 1900 indicates that of the children of natives—that is, the native white children of native parents—68.7 per cent of the boys and 71.4 per cent of the girls were in school six months in the year; of the native white children of foreign-born parents 88.7 per cent of the boys and 90.6 per cent of the girls were in school; and of the children who were born abroad 89.1 per cent of the boys and 90.8 per cent of the girls were in school for six months of that year. It clearly appears from these figures that a larger percentage of the children of foreign-born parents and children born abroad were in school for six months in the year 1900 than there were of native-born children of native parents.

Mr. Chairman, I was born and have lived all my life in Boston and have had ample opportunity to meet and study the elements that comprise our great cosmopolitan citizenship. I have no patience with the man who blatantly asserts the decadence of patriotic spirit and ascribes this degeneration to the fact that alien and native blood have been too freely mixed. Years of contact with the Jew and Italian have taught me that a remarkably high order of patriotism is a pronounced characteristic of these races.

I recall vividly the sight of a company of Jews nightly drilling in the ghetto of Boston in the early summer of 1898, earnestly striving to reach that degree of efficiency that would insure their acceptance by Governor Wolcott into the service of the State that they might reach Cuba in the Army of Uncle Sam. This is not hearsay. I witnessed their maneuvers in the streets of old Boston, where the patriotic colonists had assembled over a century before in answer to Sam Adams's stirring call to physical resistance of the edicts of the King, and was impressed with the spirit that mustered them. Let no Member of this House be influenced in his action to-day by the thought that patriotism is wanting in our foreign-born brethren.

Mr. Chairman, for those who delight to delve into the mysteries of statistics, I offer a few minutes' diversion in that line, expressing the hope that comfort may be extracted from the fact demonstrated that, instead of increasing, the foreign-born is really diminishing, as the following tables will show:

Decade.	Population at beginning of decade.	Total number of immigrants.	Number per 1,000 of initial population.
1821–1830	9,633,822	143,439	15
1831–1840	12,866,020	599,125	47
1841–1850	17,069,453	1,713,251	100
1851–1860	23,191,876	2,598,224	110
1861–1870	31,443,321	2,314,824	73
1871–1880	38,558,371	2,812,191	73
1881–1890	50,155,783	5,246,613	104
1891–1900	62,622,250	3,687,564	59

The following table shows the increase by decades of our population and the sparsity of it if distributed equally over the area we possess, independent of our insular dependencies:

	Gross area in square miles.	Density of population.	Population.
1790	827,844	4.9	3,929,214
1800	827,844	6.6	5,308,483
1810	1,999,775	3.7	7,239,881
1820	2,059,043	4.8	9,638,453
1830	2,059,043	6.4	12,866,020
1840	2,059,043	8.4	17,069,453
1850	2,980,959	7.9	23,191,876
1860	3,025,600	10.8	31,443,321
1870	3,025,600	13.3	38,558,371
1880	3,025,600	17.3	50,155,783
1890	3,025,600	21.2	62,947,714
1900	3,025,600	25.6	75,994,575

Mr. Chairman, labor's name has been used here to-day and this legislation invoked that its cause may be advanced. Those who champion it with intense zeal to-day are laggards and sulkers when an attempt is made to get the eight-hour bill up for consideration, action which means much to labor—far more than anything contained in this bill. Labor's friends champion the anti-injunction bill. If the same forces upon this floor that are behind this measure, and suddenly display such solicitude, were sincere friends of labor and really took an equal interest in the measures I have stated, there is no doubt that they would adorn the Federal statutes within a month, providing, of course, that that much-vaunted friend of labor, Theodore Roosevelt, did not balk.

Mr. Chairman, upon this question there is but one place for labor, and that against the main provisions of this bill. That the immigrants coming into the country to-day will have the effect of injuring organized labor is absurd. An argument strikingly analogous to the one now under discussion occupied the attention of this country sixty years ago, when the Irish and Germans were coming in such great numbers. Let me read

what Edward Everett Hale said regarding the likely effect upon native labor the immigrant would have, away back in 1852, the reasoning of which applies with force to-day, and let me incidentally pay a deserved compliment to the remarkable foresight of this great son of Massachusetts, who, at the present time, though past his eightieth year, still expounds the philosophy of Christ in yonder Senate Chamber.

If into the civilized community made up of hand workers and workers in higher grades you pour in an infusion of a population competent at first only to the simplest hand work, they take the lowest place and lift the others into higher places. They do the manual labor. They do it most cheaply, and so they leave those whom they find free to other and more agreeable walks of duty. Thus, practically at this moment, our simplest drudgery of factory work and farm work comes into the hands of Irishmen. It does not follow that the natives, who must otherwise have performed it, do nothing or starve. They are simply pushed up into foremen of factories, superintendents of farms, railway agents, machinists, inventors, teachers, artists, etc., filling classes of society some of which we could not have had at all.

The simile of a pyramid is perfect here, I believe. A community is a pyramid, with its base of manual labor, supporting some higher classes of effort. The larger the pyramid—the larger, that is, the population of the community—the higher the position of the apex. But, if now you choose to exclude the population of manual laborers which at this moment forms your basis, you can not keep your apex where it has been. There must be a basis, though it is not necessary that there should be so high an apex as there has been. Exclude your foreign population and your whole fabric sinks. You find you have still men at hard and wholesome labor. They are now your own sons. You have lost what you had—the highest results of your civilization—for every grade descended when you moved the lowest grade away.

Mr. Chairman, a bill carrying most of the pernicious features of the one pending was passed by a Republican House and Senate, but met a violent death at the hands of that sturdy disciple of true Jeffersonian Democracy, Grover Cleveland, who vetoed the measure and sent a ringing message to Congress, telling why he did so. In that document President Cleveland said, among many other things:

A radical departure from our national policy relating to immigration is here presented. Heretofore we have welcomed all who came to us from other lands, except those whose moral or physical condition or history threatened danger to our national welfare and safety. Relying upon the jealous watchfulness of our people to prevent injury to our political and social fabric, we have encouraged those coming from foreign countries to cast their lot with us and join in the development of our vast domain, securing in return a share in the blessings of American citizenship.

A century's stupendous growth, largely due to the assimilation and thrift of millions of sturdy and patriotic adopted citizens, attests the success of this generous and free-handed policy, which, while guarding the people's interests, exacts from our immigrants only physical and moral soundness and a willingness and ability to work.

A contemplation of the grand results of this policy can not fail to arouse a sentiment in its defense; for, however it might have been regarded as an original proposition and viewed as an experiment, its accomplishments are such that if it is to be uprooted at this late day its disadvantages should be plainly apparent and the substitute adopted should be just and adequate, free from uncertainties, and guarded against difficult or oppressive administration.

Mr. Chairman, to sum up in opposition to this bill, I advance the following reasons why the policy of free immigration should obtain, and those who desire should be allowed to land.

We want them to help build the 13,014 miles of new railroad now under contract or construction.

We want them to work in our many growing industries in our new South. We want them to work in our mining industries. We want them next year and future years to help gather in the always large and frequently enormous harvests of our golden West.

We want them to work in 700,000 factories. We want them for their own sake, so that they may change their lives of suppression to lives of progression. We want them for our own sake, so that our country and our work may be energized by new blood. We want them because it is largely by the coming of such as they that our country's resources have developed to a point which justifies our claim of being not only the country with the largest resources in the world but also of the country with the largest development of those resources.

We want them so that in the future, as well as in the present and the past, our ranks may contain millions of free American citizens who are foreign born or of foreign parentage. We want them because in receiving them and affording them an opportunity to live as well as to work we are fulfilling the place in history and the destiny for which God created "Free America."

Legislating for the good of the nation, the statesmen of the past dismissed consistently every petition that came in here in answer to the dictates of race intolerance and religious bigotry. They legislated wisely upon this great problem by not legislating at all, and the grandeur and prestige of the nation are monuments to their wisdom and statesmanship. Let the foreigner alone and the country will not suffer. His coming marked the dawn of the Republic's great prosperity and prestige. Mr. Chairman, the foreign born in this country has never been called to action that he has not responded quickly and in the proper spirit, no matter what the character of the call. In the early days he was a pioneer blazing the path of national advancement, crowding the hostile red man backward, and pushing civilization's boundary line forward. When the great canals and roadways of the East were to be dug and built, it was the pick in the hands of the foreigner that turned the soil and his shovel that removed it from the path of these projects of progress. When the dense forest lands of the West were transformed into modern cities, as if by magic, it was the foreigner's labor that was the mystic wand that wrought the marvel.

They have largely been the instruments by which the coal, iron, gold, and other ores which contribute so lavishly to our wealth have been taken from the earth's depths; on the sea they have been numbered among our best sailors, forming a large part of the crews that manned our merchantmen when trade was the goal, and when fighting was necessary to maintain the nation's honor they contributed Barry, Jones, and McDonough. On the scroll that records the names of the heroes whose valor made and preserved the Republic will be found the names of foreign born, illuminating that list of immortals.

In the law, statesmanship, science, and the arts, in the world of finance and commerce, the foreigner has ever been a rich contributor and a potential factor for good.

Mr. Chairman, it behooves those of us who have the country's best interests at heart to follow the illustrious lead of the distinguished men who have preceded us in this body along the path laid out by Jefferson in the Declaration of Independence and later indorsed in the Constitution, and vote against the policy of exclusion that is embodied in this measure, and which contravenes the true spirit of American institutions. [Applause.]

Mr. DE ARMOND. Mr. Chairman, no one at all acquainted with the facts can doubt that a great many of the best citizens of our country are of foreign birth. Of course it is notorious that those of us not born in foreign lands are descendants of foreigners. The question, however, that we have before us, primarily, is whether there should or should not be restricted immigration. If immigration should not be restricted, all minor questions as to how restrictions might be applied, and what restriction is best, go for nothing. If immigration should be restricted, the first question is, How shall that restriction be brought about? Without stopping to debate the question, for there is no time, of course, in five minutes to do so, I wish to say that I am one of those who believe there should be restriction. Then, what would be good, wholesome methods of restriction? I have not time now to discuss that question at large. But coming down to the matter directly before the committee, if this proposed restriction become law, are the requirements reasonable? Is this provision likely to result in good or harm? Is it broad and patriotic, or is it narrow, selfish, and shortsighted? Upon this question we shall soon vote in the committee, but not in the House; there we shall not have an opportunity to vote directly upon it. Without going into the relative consideration of what is the most valuable requirement or restriction, what will work the most good or what the least harm to anybody, the question is, whether or not this educational requirement is a wise restriction of immigration; whether good will probably be done or harm will probably result from its adoption.

That brings us to the other consideration of whether intelligence is or is not a desirable thing in the immigrants to or the citizens of this country. That does not afford room for discussion. There are no two sides to that proposition. Our whole fabric of government is built upon the corner stone of intelligence and virtue in the people, and without intelligence and virtue in the people the whole structure of our governmental fabric must fall into irretrievable ruin. Now, if that applies to the people here at home, no matter whence they came, no matter how long they have been here, does it not apply, and ought it not to apply, to people seeking to come in from abroad? Let us see if here we can make the application.

That the reading test would exclude some who are desirable immigrants there can be no doubt, but that it would also exclude many more who are not desirable, I think, is equally beyond the possibility of dispute. This is not an idle proposition, nor can that be idle which will give more of good and less of harm; will be most reasonable, and an effective agency to secure to us the better classes of those who seek these shores, and exclude the less desirable elements. Will not the man who is able to stand that reading test prove more desirable than the man who can not read in any language or dialect? I believe this test, coupled with other tests, will tend to give better results from immigration; will tend to hold American citizenship to the standard upon which our institutions rest, that of the intelligence and virtue of the people. I believe the section

ought to be retained. I believe it would be unwise and injurious to the legislation to strike it out.

I do not care to turn aside from the real question by trying to argue as to whether or not we ought to admit an ignorant class of immigrants merely because they can work. Now, what is that proposition when you come to dwell upon it? Do gentlemen desire the introduction of an ignorant class because they can be put to work; because they can be "bossed" in their work; because they can be used by the evil agencies of this country; because they may be marshaled to stand against the free, intelligent, home-loving, reputable laboring citizenship of this country?

What a plea to make—that the doors ought to be opened wide, that restriction ought to be applied or ought not to be applied, according to its effect upon the industry, of bringing ignorance here merely because it can work! Ignorance is objectionable and faulty everywhere. Very good people may be ignorant people, having the capacity for great development and possessing the rudiments of the great virtues, but their ignorance is of no benefit to them, and it can be of no benefit to the citizenship of which they become a part. Intelligent laboring men must not be beaten down in this country by massed ignorance, driven by organized greed and corruption.

Let us endeavor to admit intelligence and virtue, and not debase ourselves by the enormity of admitting ignorance merely because we can work it and use it and abuse it without limit, and without protection either for it or for our own dearest interests. [Applause.]

Mr. HAYES. Mr. Chairman, I believe the proposition before the committee at this time is the amendment proposed by the gentleman from Ohio [Mr. GROSVENOR], which refers the matter treated of in section 38 of the bill to a commission to be appointed. I presume that everyone understands that this is only a ruse to defeat the provisions of section 38 of this bill. I quite understand that it was introduced here to give Members an opportunity to defeat this section of the bill without appearing to do so, and yet I believe it ought to be stated that Members who go upon this theory may find themselves in something of the position of the ostrich that hid its head in the sand and supposed it was all hidden. It deceived no one, and merely exposed its own lack of intelligence. So I believe the Members of this House, if they vote for a proposition of this kind, will deceive nobody in the country as to its purpose, and will simply expose their own lack of courage.

Now, Mr. Chairman, I am one of many who believe that section 38 is the most important provision in this bill. Many men who have given much thought and study to this subject have become impressed with the truth that the conditions of immigration to this country are very different from what they were twenty years ago. The immigrants that make the great tide that is yearly flowing here are different, and the conditions in our own country are very different. Therefore the problem is totally unlike what it was fifty or seventy-five years ago, or even twenty years ago. As the gentleman from Massachusetts has quoted from the Hartford convention, we will go back that far. The problem is even more different from that of ninety years ago. Indeed, there was no immigration problem then.

In the first place, we have now very little wild lands to be settled by the immigrants from Europe, and in the second place the immigrants that are coming to this country to-day are not generally the class that have come in the past, that go to Texas or to any other place in the South or in the North to settle on the vacant lands or meet the demand for farm labor; but they are the class that settle mostly in the large cities, who go into the slums already too full and help to fill them still fuller; the class that feed the sweat shops in the great cities. If you will study the immigration statistics you can not help being impressed with the fact that the increase of immigration is not going into the country, but is constantly augmenting the already large element that is not desirable in the great cities. You will find that 60 per cent of the immigration of last year went to the five great States containing the great cities. I have no fault to find with the statement of the gentleman from Texas [Mr. BURLESON] that Texas to-day needs 200,000 laborers; but the gentleman must be cognizant of the fact that the laborers who are now coming here are not going to Texas. Texas is getting none of the increase in the immigration of this year, although there will probably be an increase of 150,000 over last year. Neither is any other agricultural State getting any of this increase.

Now, the question is, What class of laborers, what class of immigrants, do we desire? Is it desirable by some process to sift them, admitting only the best, or shall we keep the gates wide open? If it is desirable to sift them, then what method shall we pursue? After many years' study of this subject I see no more desirable way than the way proposed by section 38, an easily applied educational test. It must be admitted, I think, by all thinking men that ignorance is always undesirable. Although it is true that many ignorant people are good people, it is also true that they would be better if they were not ignorant. We are spending hundreds of millions of dollars in this country to educate our own people, and unfortunately we still have a lot of illiteracy in this country, but is that any reason why we should add to it by importing ignorance from abroad? The martyred President, in his first message to the Congress of the United States, in 1897, said truly that "illiteracy must be banished from the land if we shall attain that high destiny as the foremost of the enlightened nations of the world that under Providence we ought to achieve."

Mr. WILLIAMS. I would like to ask the gentleman a question.

Mr. HAYES. Certainly.

Mr. WILLIAMS. On the assumption that the theory at the bottom of section 38 is correct, why should the following exceptions be made from it: Why should the half-breeds from Cuba, the greasers from Mexico, the niggers from Porto Rico, and the Filipinos from everywhere, no matter how illiterate, be admitted to the United States?

Mr. HAYES. I will say to the gentleman that the reason why some of these were excepteed is that legal complications would thus be avoided. The reason why the Mexicans were excepted is the same reason that the Canadians were excepted, because of the difficulty of applying to them the educational test. It would be practically impossible for us to exclude those along our borders under such a test.

Mr. WILLIAMS. What about the people of Cuba?

Mr. HAYES. The same reason applies to Cuba, and, besides, the present law admits immigrants from Cuba on the same basis as from Canada.

Mr. WILLIAMS. But this bill makes law. Why not change the present law? Why should you let in the most illiterate people in the world, and such a people as we refuse to assimilate with, thereby weakening instead of strengthening the Republic?

Mr. HAYES. Personally I agree with the gentleman, but I am giving the reason that moved the minds of the committee, as I understand it.

Mr. Chairman, as I have already stated, many men who have given a great deal of study to this subject and have had great experience agree that something of this kind is now most necessary. In this connection I beg to call to the attention of the committee the words of the present Commissioner-General of Immigration, as found in his report for 1904. He says:

> It can not, in justice to the interest of our country and to the preservation of its institutions, be too urgently or too frequently repeated that, in confining our treatment of the all-important immigration problem to the exclusion of such of certain enumerated classes as we can detect, our policy is superficial. The practical and pressing question is, What shall be done with the annual arrivals of aliens—approximating now 1,000,000—to avoid the dangers threatened thereby or resulting therefrom, which only the thoughtless or groundlessly optimistic can deny.

It is for us to say, gentlemen of the committee, whether we shall continue this superficial policy we are now pursuing or whether we shall seriously attempt to further cull out the undesirable immigrants that are coming to our shores. It does not matter to me that a man is an Italian, an Englishman, a Bulgarian, or a Lithuanian. The only question that I am interested in as a legislator and American is whether he is a desirable addition to our citizenship. The man who can not read and write is generally the man whose parents can not read and write. He is generally a man whose grandparents can not read and write, and, therefore, he is descended from a race of ignorance; and when he comes here he has not the capacity necessary for him to understand great problems that face the American citizen. I am aware that this rule has many marked exceptions, but a citizen of the United States is a sovereign, he is a king, and he has to face great questions of statecraft when he goes to the ballot box. How is he to face them wisely without capacity or preparation? An alien who can not read has usually come from a long line of ancestry who have been in ignorance and oppression. He is not only often incapable of grasping these great problems, but he has frequently ingrained in his very bones hatred of the government which he regards as his oppressor, to be borne with because he can not help it, and he does not as a rule look upon the Government as his protector, his benefactor, and his helper.

I repeat that the character of our immigration has been changed within the last twenty years. Prior to 1880 our immigrants were largely our own kinsmen across the water, those of the same blood, the Celtic and the Teutonic, who were accustomed to self-government, accustomed to self-restraint, who had not been so terribly oppressed as many of those who come

here now. I insist that the proposition that this country is an asylum to which all the oppressed from every land must have a right to come, irrespective of the effect of their coming upon us, has been largely overdone. The sole question which we ought to consider in this hour is, What is for the interest, what is for the welfare of the people of the United States on this question? If it is for our interest, if it is for the benefit of our people that the flood gates be opened and the slums of the cities of Europe be dumped upon us, then let us keep the gates freely open; but if it is not for our interest, then let us devise some method of keeping out the undesirable.

Mr. GARDNER of Massachusetts. Mr. Chairman, I ask unanimous consent that I may proceed for twenty minutes.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to proceed for twenty minutes. Is there objection?

Mr. SMALL. Mr. Chairman, how much time would that leave?

The CHAIRMAN. There would be twenty-five minutes remaining. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none, and the gentleman is recognized for twenty minutes.

Mr. McCALL. Mr. Chairman, before the gentleman proceeds I would like to ask him a question.

The CHAIRMAN. Does the gentleman yield?

Mr. GARDNER of Massachusetts. I yield.

Mr. McCALL. Mr. Chairman, I desire to ask my colleague, who has given such careful attention to this matter, a question about the section we have already considered--the provision that there shall be a head tax now of $2, and that it shall not be imposed on those who go into the Philippine Islands, Porto Rico, and Hawaii. The point that occurred to my mind was whether, especially so far as Hawaii is concerned, which is an organized Territory, that did not violate the uniformity clause of the Constitution requiring duties to be uniform? That has given me some difficulty.

Mr. GARDNER of Massachusetts. Mr. Chairman, in my opinion it does not. The head tax, while it is called a head tax, is imposed, not under the taxing power granted by the Constitution, but under the right given us by the Constitution to control immigration. Moreover, while it might be very true that we could not impose on our own citizens a differential tax, if they arrive in Hawaii, from the tax imposed upon them if they arrive in New York, I think, without question, it is competent for us to impose such a differential tax on an alien.

Mr. Chairman, we have heard a great deal about bigotry being at the bottom of this movement. Has bigotry been at the bottom of it for the last ten years? Is bigotry at the bottom of petitions from 4,000 local labor unions? Is that bigotry? Is this bigotry, this letter from Samuel J. Gompers, president of the American Federation of Labor, to the Hon. JAMES E. WATSON, which I will in part read to the House? He says:

> The organized workers of this country feel that the existing immigration laws, while not without their value, are of trifling effect, compared with the needs and the just demand of American labor. * * * The Nashville convention of the American Federation of Labor by a vote of 1,858 to 352 pronounced in favor of an educational test for immigrants. Such a measure would check immigration in a moderate degree, and those who would be kept out by it are those whose competition in the labor market is most injurious to American workers. No other measure which would have any important effect of this kind is seriously proposed.
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> I earnestly hope that you will be able to procure the embodiment of an illiteracy test for immigrants in the bill which the House now has under consideration.

Mr. BENNET of New York. I would like to ask the gentleman the date of that letter.

Mr. GARDNER of Massachusetts. It was the last time the immigration bill was up—May 16, 1902. I supposed the committee understood that.

Mr. COCKRAN. I would like to ask the gentleman if Mr. Gompers represents the *Mayflower*, or those who landed at Jamestown?

Mr. GARDNER of Massachusetts. I have not the slightest idea. What does the gentleman think?

Mr. COCKRAN. From the letter I should say that it was the *Mayflower*.

Mr. GARDNER of Massachusetts. To go on, Mr. Chairman, there are 4,000 local labor unions who have petitioned specifically for the educational test. Is that all bigotry? Are economic conditions at the bottom of it, or is it bigotry that is at the bottom of it?

This is the first time in my life that I have been accused of bigotry, because I say that our immigration of 1,000,000 annually is too big to assimilate, because I say that our working people should be protected from too much competition, because I remember the hard times and fear for the fate of my constituents and yours if hard times finds us with a redundant population.

There is, however, one great satisfaction after all. No Hebrew Member of this House has accused me of bigotry. Every one of you Hebrews in this Hall is my personal friend. It has remained for the hirelings of the great interests involved and for suborned and prejudiced editors who have not even read this bill to stamp it as bigoted.

I believe in the educational test because it will cut down our immigration annually to three-quarters its present size. I believe in it because it will chiefly affect the European and Asiatic countries on the Mediterranean from which men are imported in violation of our contract-labor laws.

The educational test is not perfect. I admit that many good immigrants will be excluded under it; but no omelet can be made without breaking eggs, and I feel that it is time to cut down the competition of which the working people complain.

Now, a word about the two religious-refugee amendments. I opposed the Littauer amendment, as it seemed to me poorly adapted for its purpose and dangerously loose in its wording. The Denby amendment was opposed solely by the gentleman from Ohio [Mr. GROSVENOR].

The trouble is that gentlemen say they want restriction, and whenever a proposal is made that will restrict then we find that they say it is the wrong kind of restriction. It is always something else that they want—another kind of restriction. If it is the head tax that is proposed, they say, "Oh, no; it should not be that, but some other kind." If it is the illiteracy test, they say, "Oh, no; try a head tax." If it is a flat limitation of numbers that is proposed, they claim that that is all wrong. Now they say they want a commission to study this question. I hold in my hand the report of the last Commission. Which one of you has ever read it? Which one of you knows from cover to cover a single word that that report contains? Immigration Commission? Why, here is the report of the Senate, and here is the report of the House, and here is the report of the Industrial Commission, on immigration. And now gentlemen are talking this nonsense about having another commission. Mr. Chairman, the fact is that at first I did not believe in an educational test myself, or at least I did not think that it was as good as a large head tax. But the committee thought otherwise, and they were very wise, because the head tax had not been fought out with the American people. The educational test has been fought out with the American people. The gentleman from Texas waves a letter in his hand and talks about "influences." He says that not one-third of this House would vote for that educational test if it were not for "influences." Let me read to you what happened before "influences" were tried. On the 20th of May, 1896, the House of Representatives passed the educational test by a vote of 195 to 26. Where were the "influences" then? Is it not much more likely that if "influences" were not at work we should have an equally large majority to-day? In 1897 it again passed the House. I have not the exact figures of that vote. Gentlemen talk of the Democracy standing together and voting against passing it over President Cleveland's veto. To their credit and to the credit of the Republicans be it said that they read that message vetoing the educational test and then proceeded by a vote of 193 to 37 to say they did not think there was anything in his position.

Then, again, four years ago, May 22, 1902, we had a vote, a standing vote asked for by the gentleman from Illinois [Mr. MANN], and the educational test was carried 86 to 7. That is the natural sentiment of the House of Representatives. Talk about your artificial sentiment! It is not we who have created an artificial sentiment, but it is the people who have moved heaven and earth for their own interests to misrepresent this bill in the press and in mass meeting. Telegrams and petitions have been showered on Congressmen from honest men misled by knaves. I hold in my hand the Daily Jewish News, of New York, which calls on Congressmen and gets up meetings to beat this bill, amongst other things on the ground that it separates husband from wife. The bill does nothing of the sort. If I were a Hebrew and I was told "Here is a bill which if passed separates husband from wife" I, too, should have petitioned my Congressman; I, too, should have attended the mass meetings; but nothing of the sort is true of the bill. The separation of families is carefully guarded against. People have been misled, and what proves it is that the United Garment Makers of America, composed largely of Hebrews, is amongst the list of those who have petitioned for an educational test. Now, to go on, I do not believe the rank and file of the Hebrews want to have any unlimited immigration into this country. They do not want their own people to come on so fast that they can not take care of them, and they can not take care of them.

The Jewish societies of New York confessedly can not take care of their own people. I asked my colleague from New York [Mr. BENNET] to give me the last report of the United Hebrew Society. He could not furnish me with it, and I am sorry to say I shall have to read a somewhat old report.

Mr. BENNET of New York. Will the gentleman yield just for a question;

Mr. GARDNER of Massachusetts. Certainly.

Mr. BENNET of New York. When was it the gentleman asked that?

Mr. GARDNER of Massachusetts. I beg his pardon, I meant no reflection; I was simply apologizing for reading the only report I had at hand.

Mr. BENNET of New York. It was yesterday morning.

Mr. GARDNER of Massachusetts. Oh, certainly. Here is from the twenty-seventh annual report of the United Hebrew Charities of New York of October, 1901:

No matter how earnestly we labor to care for the Jewish poor already in our city, our burdens are being constantly increased by the thousands who come from Europe every year to settle in our midst. It is worth noting in passing that, comparatively speaking, few of these newly arrived immigrants come to us for assistance until after they have been in New York for a year or two.

What do these figures (here omitted) mean? The answer is easily given, and is but a repetition of the statements made to you in these annual reports for the past few years. They mean, if they mean anything, that a condition of chronic poverty is developing in the Jewish community of New York that is appaling in its immensity. Forty-five per cent of our applicants, representing 20,000 and 25,000 human beings, have been in the United States over five years.

Now, Mr. Chairman, I have seen this campaign go on. I have seen that newspaper in New York call on the Hebrews in my district, and there are plenty of them—there are two synagogues I know of in my district, and there are possibly many more—they have called upon them to denounce me and oppose this bill. I have sent them copies of a true statement, and not one resolution of denunciation has been gotten up by any Hebrew in my district. A Hebrew is too intelligent to be long deceived. When this thing is properly understood they will know that the blow is not aimed at any race. It is aimed simply and solely at numbers and at undesirable immigrants. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has seven minutes remaining.

Mr. GARDNER of Massachusetts. Now, Mr. Chairman, I was interested in the statement of the gentleman from Texas that a universal demand from all over the South for labor was published in the Manufacturers' Record, of Baltimore. I have studied that symposium with great care. It was I who had it published in the hearings of the committee, and I came to a very different conclusion from that of the gentleman from Texas.

Mr. BURNETT. Mr. Chairman, in that connection, I desire to ask if the Farmers' National Congress, at Richmond, Va., December 14, 1905, did not pass a resolution using this language:

That we favor excluding absolutely immigrants of poor physique and those unable to read in some language?

Mr. GARDNER of Massachusetts. The gentleman is perfectly correct, and I shall put that, with a number of other resolutions and letters, in the RECORD.

Now, Mr. Chairman, we can fool with this question this year, if this committee so votes. But a vote for that commission to duplicate that book means a vote against a real immigration bill. You so far have only cut off a tip of the ear and an end of the nose to-day. Now, you are at the meat of the bill, and you are hard at work on it. You take out the meat of this bill by a provision for another volume like that, Mr. Chairman, and you will not deceive a single man interested in this question throughout the United States.

To illustrate the unfairness of the compaign which has been carried on against the educational test I can point to nothing more significant than the counterfeit circular recently issued by some scalawag on a Knights of Labor letter head, in which a protest was entered against the educational test. The men who are financing this campaign against us must have been supremely disgusted when the fraud was exposed the next day.

I submit herewith three resolutions and a letter.

FARMERS' NATIONAL CONGRESS, 1905.

Resolution adopted by the Farmers' National Congress at Richmond, Va., September 14, 1905:

"*Resolved*, That we urge upon Congress the importance of further judicious regulation of immigration, and in particular demand the enactment of a law raising the present head tax upon immigrants and excluding absolutely immigrants of poor physique and those unable to read in some language."

BROTHERHOOD OF RAILWAY TRAINMEN, 1905.

Resolution passed by the Brotherhood of Railway Trainmen at its seventh biennial convention, held at Buffalo, N. Y., May, 1905:

"Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

"Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years and have failed to carry out these pledges: Therefore, be it

"*Resolved by the Brotherhood of Railway Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905*, That we criticise the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration."

AMERICAN FEDERATION OF LABOR, 1905.

[From proceedings of national convention of American Federation of Labor, held in Pittsburg, Pa., November 13–25, 1905, p. 238.]

A further check should be put upon assisted immigration. The law now permits the passage of an alien to be paid by any relative or "friend" living in this country. Every employer who wants to bring in cheap laborers is of course a "friend" to them, or can find somebody to play the part. It is one of the readiest means of evading the contract-labor law. The privilege of paying the passage of others should be restricted to the nearest relatives—fathers, mothers, and children, brothers and sisters, husbands and wives.

In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico.

WASHINGTON, D. C., *June 23, 1906.*

Hon. A. P. GARDNER,
House of Representatives.

DEAR SIR: Information has been received that certain opponents of the Senate immigration bill (S. 4403), now pending in the House, are asserting that the American Federation of Labor is not particularly interested in its passage, and especially that part known as the "educational test."

I have been directed by the executive council, who were in session this week, to state that the American Federation of Labor has not changed its position, which is clearly set forth in the following instructions to the officers of the American Federation of Labor, adopted November 24, 1905, at the Pittsburg convention:

"In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico."

I am communicating this to you so you will understand that the assertions made by our opponents are unfounded and untrue.

Respectfully,

FRANK MORRISON,
Secretary American Federation of Labor.

Now, Mr. Chairman, I yield back the balance of my time.

Mr. COOPER of Pennsylvania. It was stated on the floor of the House here this afternoon, particularly by the gentleman from Missouri [Mr. DE ARMOND], that this bill violates the "most-favored-nation" clause.

Mr. GARDNER of Massachusetts. I am glad the gentleman spoke to me about that.

Mr. COOPER of Pennsylvania. Is there anything in this bill of that kind?

Mr. GARDNER of Massachusetts. Absolutely not. The exceptions which are made for the citizens of Canada, and so forth, in the present law might possibly violate the "most-favored-nation" clause in the Japanese treaty, but in no other. We submitted this clause to the Secretary of State when we changed the text from "citizenship" to "domicile." He approved it, and said it was a very good way of avoiding the difficulty.

The CHAIRMAN. Has the gentleman from Massachusetts [Mr. GARDNER] yielded the floor?

Mr. GARDNER of Massachusetts. I yielded back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Illinois [Mr. MICHALEK].

Mr. MICHALEK. Mr. Chairman, the opposition to the immigrant has its foundation in racial conceit and prejudice, the psychology of which is found in loyalty to racial tradition and in that peculiar instinctive egotism that deludes the possessor with the obsession that he is better than his fellow-man. It does not seek its justification in the demonstration of facts, but in the viciously silly attacks of mental dyspeptics who muck rake nations and races of whose past contributions to the sum of human knowledge and culture they know little, of their present less, and of the people themselves nothing.

This unjust villification is the result of impressions created and conclusions arrived at by the study of the foreign-born from a mental view point akin to that of a curious visitor at a menagerie. And the worthy American citizen of foreign birth or parentage, whose renationalization is recent, suffers the humiliation of having the entire race of which he is an offspring judged by and slandered to the low level of certain of its types—types inherent in all races of mankind. Thus a few are studied and a race condemned.

In my opinion, the belief in and advocacy of the policy of further restricting immigration is based on the theory, or rather prophecy, of a resultant future evil conjured up by the magic of imagination, the overstudy of statistics, and their misleading application to a condition with the purpose of exaggerating it into a problem. Mr. Chairman, there never has been, nor is there now, any white immigration problem, and to

assert the contrary is to prostitute the teachings of our past history and disregard the logic of the unexampled progress of these United States.

Now, I do not deny the right nor do I question the policy of our Government to keep out the unworthy and really objectionable immigrant, but, sir, that policy is already in force, and I contend that further restriction is unwarranted in the light of our past experience, unwise in view of our present freedom from any tangible immigration evil, and demoralizing in its future effects upon the proper development of this country. [Applause.]

Briefly summed up, it is charged that immigration promotes pauperism, crime, anarchy, labor riots, competition of cheap labor, and the consequent lowering of our standard of living and wages, race pollution, and political degeneracy. And because an intelligent and unbiased study of the immigrant's past and present abode in our midst and his effect on the racial, political, and industrial condition of this country is a complete and unanswerable refutation of these charges, it is asserted, and with a logic worthy a disciple of a certain mental healing sect, that the immigration of to-day and that of the past are two entirely different problems; that certain civilized races of certain sections of Europe are of a better grade than those of other parts. Oh, not because these self-appointed judges and critics of European nations have such a high regard for some of the peoples whose virtues they extol, but because it serves the purpose of specious argument.

Mr. Chairman, the proposition that the immigrant is a contributing agent to the crime and poverty in our midst in an extraordinary degree is hardly borne out by the fact that poverty and crime are the result, broadly speaking, of a physical and mental condition of the individual, a condition that is not influenced by racial heredity or decided by the place of birth. I believe that the danger to our institutions through certain immigrants' alleged propagation of the doctrine of resistance to lawful authority is greatly exaggerated, if not altogether unfounded. That liberty is mistaken for license is true, but not so much on the part of those to whom the heritage of life brings toil instead of ease—the poor immigrant, the toiler who is content with a modest and decent living—but on the part of those whose inhuman greed is in stupendous contrast to human needs and sane desires. The high priests of Faganism, whose contempt for and evasion of the law of the land and absolute disregard of the moral code of enlightened civilization burlesques human rights, makes our laws a meaningless babble of words, casts a doubt upon the virtue of honesty itself, and resolves our cherished ideals into naught but a grotesque figment of a vanished national dream. [Applause.] And so long as the qualities of heart and mind shall be subordinated to the spirit of this degenerate commercialism, so long as the acme of our nation's desire shall be the acquisition of wealth, so long as captains of industry, apostles of dishonesty, shall be held up as shining examples for the youth of the land to emulate, so long will the destiny worthy of our institutions, of our possibilities, of our nation, be retarded. [Applause.]

And when it is urged that immigration influences and the foreign-born citizen tend to lower the high character of our citizenship I can not but think that the inspiration so to do is not lacking; that it is found in the shameful story chronicled in the press, the verdict of the courts of yesterday, of to-day, of a high trust outraged, an exalted office debauched. And need I say that this condition is not the result of or due to any of the alleged evils of immigration? And, again, consider, sir, the spectacle of a certain class of our countrymen who denounce and despise the immigrant, boast of their ancestry as if it was in itself the crowning glory of their Americanism, and yet who fawn like puppies at the feet of some titled and monocled ass. Oh, what a pitiful exhibition of retrogression to ideals from which humanity, since the awakening of man's desire to be less and less the beast, since the dawn of civilization, made spasmodic and at times successful efforts to escape—ideals that underlie the creation of the ridiculous human institution of classes in their various phases and stages of evolution—ideals, sir, that are fundamentally opposed to the philosophy of our form of government. [Applause.]

Mr. Chairman, let us appreciate the fact that the immigrant is human and entitled to our respect and consideration as such. Let us realize the fact that the foreign-born citizen is not ignorant simply because he can not speak English; and that his conception of duty, life, and ideals may be as lofty as our own, and that his Americanism is none the less fervent or patriotic and self-sacrificing because of the accident of birth; for after all, Mr. Chairman, our acceptance of life is not contingent on our own volition, is involuntary, and not the result of choice, and surely that over which we have no control ought not to be made the basis of and reason for reproach or detraction. [Applause.]

As far as the race-pollution phase of this question is concerned, there is not a scintilla of evidence, scientific or otherwise, to support the proposition that the fusion of the blood of one branch of the Caucasian race with that of another results in race deterioration. That the contrary is true is evidenced in the very genius of the American people. The danger of racial adulteration is confined to the yellow races, and, in my judgment, is aggravated, so far as the Japanese are concerned, by the tendency of the American people to stamp them with the seal of their approval.

Now, I do not wish to be understood as criticising or condemning the yellow race, or any branch of it, as human beings, for they are excellent people in many ways; but I simply do not think it wise to create an opportunity for the violation of any immutable physical laws of reproduction. In other words, shall the picture of the black problem in our midst, with its disgusting high lights of brown, symbolic of a national mistake, shall it be reproduced, repeated, and our national life be further blotched and discolored with yellow? Surely one race problem is more than enough. I therefore believe, Mr. Chairman, that the Chinese-exclusion law should be more rigidly enforced and proper efforts made to have all yellow races placed in the same category as the Chinese, because assimilation is unnatural and obviously undesirable. [Applause.]

Another reason advanced by the exclusionist or restrictionist is that the poorly paid European laborer works for less and consumes less, and thus lowers the American standard of living and wages. And yet, despite the steady, and to some alarmingly large increase of immigration of recent years, our standard of living and wages was in no way affected, but is higher to-day than it ever has been.

Let us remember, Mr. Chairman, that while the immigrant received less for his labor at home his living expenses were correspondingly lower, and in this country he is not favored with any rebate by the few men who virtually control the necessities of life, and he would certainly be unlike the rest of humanity if he did not try to obtain the highest possible reward for his services. And yet by a strange law of reasoning, too subtle for me to grasp, it is charged in one and the same breath that he cheapens labor, and yet is largely responsible for labor strikes. You know that can not be true, for the very object of a strike is to secure a raise in the wage standard and better the condition of labor.

Again, it is urged that we place a high tariff on goods coming to this country with the ostensible purpose of protecting our wage-earners from the cheap competition of European labor, and at the same time allow the laborers themselves free entry into our country. Now, Mr. Chairman, the immigrant does not perform any labor for nothing, for the labor he renders he is compelled to demand an equivalent sufficient to meet his high American living expenses. I am applying these arguments not to the imported contract laborer or the so-called "bird of passage," whom I emphatically object to, but to the white man that comes here with the purpose of making this country his permanent home.

The demand for labor increases naturally with the growth of industries, and the immigrant comes in response to that demand. In this connection, I think that the recent large influx of immigrants is a high tribute to the Republican party, its policies and their practical application in the conduct of the affairs of this Government. [Applause on the Republican side.]

Now, the idea of free trade or tariff for revenue only has its basis in an altruistic conception of the commercial brotherhood of nations—a conception belied by the experience of mankind and fundamentally opposed to the law of self-preservation—a law that applies to nations as well as individuals, and a law that is the basis of the protective system. That the policy of protection may be, and is in some respects, overapplied I personally have no doubt. And while I recognize and appreciate the vast amount of work and controversy the readjustment of the existing tariff schedules would involve, I believe it ought to be done to the extent of reducing the tariff on goods whose production and sale is controlled by a few men. My conclusions in this regard are that immigration is not antagonistic to the principles of national self-preservation, because its ruiing motive underlies the individual's desire to better the status of himself and progeny. Or, put in another way, his aims and those of the nation are harmonized by a unity of intention. [Applause.]

Now, it has been charged by some and, I think, believed by many, that certain foreign governments, and Austria-Hungary in particular, control the foreign colonies through the medium of a subsidized press and other methods, with the purpose of

inspiring in the minds of the people loyalty to the land of their birth and a hatred for American institutions. I can not conceive the existence of such a deplorable and practically impossible situation. In the section of this nation that I have the honor to represent in this great body, there are published and ably edited in various languages, over a dozen daily and weekly newspapers and magazines, and I have never heard it even intimated that any of these newspapers were used to propagate the doctrine of anti-Americanism, but know, as a matter of fact, that the contrary is true. These newspapers are practically reproductions of our English dailies, except as to language, and perform a great work in familiarizing those who through no fault of their own can not read English, with the meaning, significance, and value of our institutions.

Mr. Chairman, the report of the Commissioner-General of Immigration for the fiscal year ending June 30, 1905, classifies rather arbitrarily the Slavonic race into the following subdivisions: Bohemian, Moravian, Bulgarian, Servian, Montenegrin, Croatian, Slovenian, Dalmatian, Bosnian, Herzegovinian, Hebrew, Lithuanian, Polish, Roumanian, Russian, Ruthenian, and Slovak; and so much has been said about the hordes of illiterates, the pauper invasion, the scum of Europe, and these expressions have in the main been applied so frequently of late to this race that they have with constant parrot-like repetition stereotyped themselves into the public mind as typifying the mental and moral status and general undesirability of these peoples as prospective Americans. And while I agree with the first citizen of the United States when he says "that we can not have too much immigration of the right sort and we should have none whatever of the wrong," I protest against the attempts to classify these races as the wrong sort of immigrants.

These races have demonstrated that they make the best of citizens, are law-abiding, willing and able to work, and home seekers and builders to a degree not surpassed by any other peoples. The younger generation is aggressively American, a fact that a study of the names of those who responded loyally to the call of President McKinley in our late war with Spain will verify. Because of these facts, not fancies, the Slav needs no more defense than does the immigrant from any other section of Europe. And I deplore the veiled endeavor to excuse or justify the proposed restrictive legislation on the theory of their alleged unfitness for American citizenship.

Mr. Chairman, in conclusion I wish to say that the main provisions of the pending measure relative to the educational test, financial qualifications, and increase of the head tax, if enacted into law, would have the effect of excluding a large percentage of very desirable immigrants. I am opposed to the bill in its entirety, because its operation would eunuch the productive power of our country in all of its elemental phases, and because, in my judgment, it is unnecessary, unjust, and un-American. [Loud applause.]

Mr. COCKRAN. Mr. Chairman, I have waited with very great interest—I may say with eager anticipation—for an explanation by the gentleman from Massachusetts [Mr. GARDNER], whose name will be linked forever with this proposal, of his reasons for attempting to change so radically the policy toward immigration which we have maintained through all the years of our national existence. So far as I have been able to understand his position, it seems that he has instituted a comparison between the number and influence of citizens who have signed petitions in favor of the measure and citizens who have expressed opposition to it, and striking a balance of popularity between them he appears to have decided its supporters are the stronger and more influential body. Now, that may be entirely satisfactory to him; it may meet fully his notions of loyalty to duty as a Representative on this floor, but I am confident a large majority of this committee are moved by a desire that justice and sound policy should govern them in dealing with this measure, rather than a desire to promote their popularity at any particular moment. In the few minutes at my disposal I shall therefore ask the committee to consider the effect of restricting immigration, and especially of restricting it by an educational test, on the substantial and moral interests of the American people.

The one serious argument in favor of this proposal—the one argument that I think needs answering—is that of the gentleman from Missouri [Mr. DE ARMOND]. He put the issue with a characteristic clearness. He asks if immigration should be restricted to the desirable; and if so, is an educational test the most effective method of restriction. He answers both questions in the affirmative. Everybody here agrees that immigration should be restricted to the desirable, but we differ radically as to the meaning of that word "desirable." If the significance of that qualification were made clear, there could be little division of opinion about the method or test most effective for establishing it. The gentleman from Massachusetts [Mr. GARDNER] evidently considers the desirable immigrant a man who can read, who can speak according to rules of grammar, who is trained in loquacity. That being his conception of what is desirable, the proposal he has submitted becomes intelligible to all of us, even though to many of us it is objectionable. We who oppose the educational test believe the man who works with his hands, who is trained to efficiency in labor, is the desirable immigrant. The test we wish to impose is one that will establish his ability and his willingness to work. Now, the gentleman from Missouri suggests that we who oppose this restriction favor the admission of ignorance in order that it may be worked. I think that was his expression. Mr. Chairman, I don't quite understand just what the gentleman means. If he means that we want no immigrants except men who must work to live, he is entirely correct. But when he is worked in this sense the immigrant is not injured, but improved. He is worked in the widest and most productive field of labor in the world, but of the abundance he creates he receives an equitable share. The gentleman from Alabama [Mr. UNDERWOOD] spoke of restricting immigration to the virtuous. Mr. Chairman, it is precisely to the virtuous that I think it should be restricted, and my object in taking the floor now is to suggest a test for virtue that is absolutely infallible and which every opponent of this measure would be very glad to see imposed on everyone seeking admission to our population.

While the gentleman from Alabama [Mr. UNDERWOOD] was on the floor I challenged him to name one man in all his acquaintance who worked with his hands every day that was not a valuable element of our citizenship. There is not a vicious man in any community outside of a poorhouse that is not more or less educated. He can not live by his wits rather than by his hands unless those wits are trained to some extent. Any unlettered immigrant shows that he must have virtuous instincts by the very fact that he comes here, for he can have no other purpose than to support life by his toil. I believe it is more important that the applicant for admission to these shores should be made to show by the calloused palms of his hands that he is accustomed to work than to show glibness of tongue in meeting a literary test. [Applause.]

Mr. Chairman, let us consider in the light of ordinary experience what must happen to the man who comes here with nothing except capacity to work. He must work to live, and he must work hard all day. No man who spends all the hours of the day in labor can be vicious. Even if he had vicious propensities he would have no time to indulge them. It is simply unthinkable that a laborious man can be a vicious man. The object and end of vice among men who are not rich is to live without labor. It is only those who desire to escape work that are vicious. The man who works with his hands and lives by the sweat of his brow must in the very nature of things lead a virtuous life. If, therefore, we want to secure admission of none but the virtuous, and make absolutely sure of excluding the vicious, let us admit those only who can show that they have lived lives of labor in their native lands, and that they are anxious to live lives of industry here.

If we admit those only who possess some educational qualification, what class shall we find passing through our ports? Why is a man instructed in reading and writing? If he be not rich enough that he can expect to lead a life of leisure, the very object of educating him is that he may live by the labor of his head rather than the labor of his hands.

Now, that is precisely the character of immigrant the opponents of this measure consider the least desirable. We believe the effect of this proposal would be to exclude the desirable and admit the objectionable. I repeat the question propounded by the gentleman from Texas [Mr. BURLESON]: Do you want more lawyers, do you want more school-teachers, do you want more artists, do you want more anarchists, do you want more linguists, or do you want more laborers? If lawyers, clerks, artists, writers, and agitators are the desirable immigrants, the measure of the gentleman from Massachusetts [Mr. GARDNER] is highly meritorious. Its effect will be to increase enormously the supply. We believe in encouraging the arrival of immigrants who will not be a tax on the resources, but a vast reenforcement to the productive capacities of the country. There is but one way in which a man can serve the country in time of peace, and that is by work upon its soil. How can any person work from morning until night, increasing the production of the soil, and be other than a valuable citizen? The man who comes here where no mode of living is possible to him except by the work of his hands gives a bond to society that his life, if it be supported at all, must be spent in actively serving the common welfare. The unlettered man can live only by work. The educated man never wants to live by manual labor.

If I were reduced to a choice—and I do not want to exclude anybody—but if I were reduced to a choice between the man who could stand this educational test and the man who could not—if I must exclude one or the other—it would be the man with such a literary qualification as the bill provides, for he may lead a vicious life, while the man who works with his hands can not lead other than a useful because an industrious life.

Mr. GARDNER of Massachusetts. Will the gentleman allow me a question?

Mr. COCKRAN. I yield for a question.

Mr. GARDNER of Massachusetts. Does the gentleman mean to say that out of 500,000 immigrants who can read, the average of good citizenship would be less than in 500,000 who can not read? That is the educational test; and if you are right, then our whole theory of popular education is an entire failure. [Loud applause.]

Mr. COCKRAN. I am perfectly willing to meet the gentleman's question. I do not say that 500,000 men who can not read are necessarily better than 500,000 men who can; but I do say this, that the chances or probabilities of vicious lives are greater among men who can live by their wits than among men who must live by their hands. [Applause.] The man who must work for his bread can not be dangerous to peace and morals, for he can not support life without exercising and practicing the virtues that are always important forces for promoting the moral and material welfare of a nation.

The man who can work and do nothing else is fitted to join that throng of 200,000 for which the State of Texas is looking. He must delve in the cellars of Boston, as the gentleman from Massachusetts [Mr. KELIHER] has described; he must plough furrows in western fields; he must construct railroads and pave highways; above and beyond all, when he is performing this primary labor upon the bosom of the earth, without which no higher labor could find any opportunity of exercising its skill, he is lifting an American laborer on his shoulders to a higher plane of employment, where he can command higher wages. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. I ask that the gentleman's time be extended five minutes.

Mr. BURNETT. I understand that there are only five minutes remaining.

Mr. COCKRAN. I am much obliged to the gentleman. There are thirteen minutes remaining, but as I understand gentlemen are anxious to address the committee, and as I have already discussed this question to some extent when the naturalization bill was before the House, I shall not now ask an extension of time.

The CHAIRMAN. The Chair recognizes a member of the committee, the gentleman from Alabama [Mr. BURNETT].

Mr. BURNETT. Mr. Chairman, the gentleman from New York [Mr. COCKRAN] says that wherever you find men who are industrious, you find men who are honest and lawabiding and worthy of admission to our shores. If his logic is correct and is carried out to its legitimate analysis, then he would break down and repeal the Chinese-exclusion act and let every man from the Orient invade this country. [Applause.]

Mr. COCKRAN. Mr. Chairman——

Mr. BURNETT. My time is too short.

Mr. COCKRAN. I am speaking of the white races. There is a racial question involved.

Mr. BURNETT. The gentleman can not deny that the Chinaman is an industrious man and an honest man, and yet does he favor the admission of Chinese laborers?

Mr. COCKRAN. I admit; but there may be a racial reason for excluding people from this country.

Mr. BURNETT. I hope the gentleman will not undertake to make a speech in my time, because I did not in his, and my time is so limited that I can not yield further.

Mr. COCKRAN. I do not want to be misrepresented.

Mr. BURNETT. I am not misrepresenting the gentleman. The gentleman undertakes to dodge it, and there is no dodging the result of his proposition. [Applause.] He knows what he said, and this House knows. If his proposition is a correct one, the man who comes with a Buddhist bible and undertakes to tear down the Christian churches of this country and to erect the temples of Buddha on their ruins is a desirable addition to the population of our land. The juggernaut of commercialism is being erected by that same body of men who to-day are trying to crush out American laborers with illiterate foreign labor, and for the Sermon on the Mount they would substitute the philosophy of Confucius. I appeal to you of the South, you of the land which has been baptized in the blood of your ancestors and of your brothers in their struggle for our white civilization, the land which so far has been kept free from contamination, to keep it spotless as a goodly heritage for your children. [Applause.] Why, gentlemen, I would read, if I had time, a clipping from one of the daily papers showing that in one of the towns of North Carolina within the last few days a band of Italians terrorized that town, and the police and citizenship had to be called out and the town placed under martial law.

Gentlemen of the South, we believe that we have partially solved one race question. We believe that by the help of the eternal God and our own intelligence the race problem with which we have had to contend is to a very great extent settled; but if you allow this horde of Italians, Austrians, Hungarians, Syrians, Bohemians, and others of that class to come in great numbers, then you are giving us a greater race problem than that which your intelligence and your patriotism have already solved. I appeal to you, gentlemen, not to allow that day to come. There is not a man living who understands the colored man in the South like the southern white man. That colored man recognizes the Caucasian as his superior; but there is not a negro in the South but what thinks that the "dago," as he calls him, is his inferior, and when the two races meet in great numbers, there will be the devil to pay. [Great applause.]

Gentlemen, this is a serious proposition. I have nothing against foreigners. Many of the best friends I have are foreigners. Just a few months ago I appointed to Annapolis a splendid young German from one of my counties, after having first tendered the place to an excellent young Jew of my own city. But why is it that the desirable immigration from northwestern Europe is ceasing to come to our borders? It has been shown by those who have been investigating the conditions there that the very decrease in the splendid immigration from northwestern Europe has been brought about by the influx of Italians, Syrians, Austrians, Hungarians, and others from that part of Europe. [Applause.] The immigrant from northwestern Europe is not illiterate. Of the Germans only about 4 per cent of those over 14 years of age are unable to read and write; of the Irish and Scotch, only about 3 per cent, and of the English and Scandinavian only about 1 per cent, while of the South Italians more than 56 per cent can not even read their own language.

Gentlemen try to deceive the southern farmer into wanting Italians for work on the farm. Who ever heard of a dago doing well on the farm? You will find them herding together in the cities, running push carts and fruit stands and hand organs, and crowding together in tenement houses, breeding disease and sending forth the seeds of death upon every passing breeze.

You all remember that when yellow fever was devastating New Orleans the papers were full of statements as to how the Italians were concealing its victims in their ranks, and hiding their dead from those who would stay the progress of the terrible disease.

Gentlemen, do you call that class of people a desirable population?

The real farmers among the Italians are from northern Italy, and as only 14 per cent of them are illiterate, but few would be excluded by this bill.

Let us see what is really the provision of the bill about which gentlemen rant and rave like they were mad.

Here is that part of the section providing for the educational test:

SEC. 38. That no alien over 16 years of age physically capable of reading shall be admitted to the United States until he has proved to the satisfaction of the proper inspection officers that he can read English or some other language or dialect, and the Secretary of Commerce and Labor is hereby authorized and directed to prescribe from time to time such methods and rules as he may think best for the purpose of testing the ability of such immigrants to read: *Provided*, That an admissible alien over 16 years of age, or a person now or hereafter in the United States of like age, may bring in or send for his wife, his mother, his grandmother, his affianced wife, his father who is over 55 years of age, or his grandfather, if they are otherwise admissible, whether they are able to read or not; and such persons shall be permitted to land: *Provided further*, That a daughter not exceeding 21 years of age or a son not exceeding 18 years of age, otherwise admissible, if accompanying an admissible alien father or mother, shall be permitted to land whether said daughter or son is able to read or not.

Can gentlemen say that there is anything unreasonable in that?

A few weeks ago the gentleman from New York [Mr. BENNET], in a speech on this floor, sneered at the illiteracy in the district of the gentleman from Kentucky [Mr. HOPKINS]. Mr. Chairman, we have many illiterates all over the South, both white and black. Our people are poor. A little more than a generation ago we emerged from one of the most terrible wars that ever drenched any land with the blood of its sons. The old Confederate soldier came hobbling home to find wreck and destruction on every side and starvation staring him and his family in the face. But with nothing but his faith in the eternal God and his own unconquered will and energy he went

to work to recover his ruined fortunes. He had nothing with which to educate even his own children, and yet the vicissitudes of war had thrust upon him the duty of educating not only his own, but also those of his former slaves. This duty he has striven and struggled to perform without a murmur.

The white people of the South have paid 90 per cent of the taxes, and yet the colored man has had an equal share of these taxes in the education of his children.

Now, if the gentleman from New York has spoken truly when he taunted us with illiteracy in the South, will you representatives of a southern constituency, by your votes, aid in bringing in a third race of illiterates to be educated by your poor, struggling constituents?

Is it fair to the poor farmer, the blacksmith, or the mechanic to tax their little homes to educate the children of the dago, while our own native-born sons and daughters are growing up in ignorance?

Gentlemen, these Poles, Hungarians, Syrians, and Italians are not the ones who send you here. The proof shows that many of them do not become citizens or taxpayers, but that as soon as they accumulate a little money they either return with it or send it back to their native land. It has been shown that to Hungary alone more than $50,000,000 was sent last year from this country. Most of them do not try to assimilate with our people, but they are taught by their priests and their ministers from the very hour they land on our shores not to renounce or forget their allegiance to the fatherland.

Not so with the English, the German, and other people from northwestern Europe. They come seeking homes for themselves and their families. I have many of them in Cullman County, in my district, and they are an honest, intelligent, and industrious citizenship. Such as they are I welcome to our country, and only wish we had more of them. They have made Cullman County to blossom as the rose, and I am proud of them. They are my friends, and I rejoice in their friendship. They have made "our country their country, our people are their people, and our God is their God." They have cast their lots beneath southern skies; on Alabama soil they have erected their homes, and as an Alabamian I bid them welcome.

But, gentlemen, they are very different from the dirty Bohemian who vends decayed bananas and pushes a hand organ on the streets of our cities.

Not all Italians are illiterate or bad, and I would not exclude them merely because of their name.

As good a friend as I have in my home city was born beneath Italian skies. So excellent a character does he bear that he is a member of one of the secret orders to which I myself belong, and, as a brother, I am glad to meet and greet him; and were all Italians like Mike Costa, I would never raise my voice against their admission. But I have no doubt but that he would join me in my desire to shut out the illiterate hordes from entering our sunny South. I do not subscribe to the doctrine of America for Americans alone. To those who come to help build up our national wealth, and at the same time to help elevate and adorn our citizenship, I say, throw wide the doors. But to those who come with the Black Hand or the Mafia, or who come to take away our wealth to build up foreign lands, I say, shut and bar the gates. [Great applause.]

Mr. Chairman, who is it that wants them? It is not the laboring man, for he has expressed his views in no uncertain sound. I will here insert in the RECORD resolutions passed by the Federation of Labor and by the Brotherhood of Railroad Trainmen. They are as follows:

[From proceedings of national convention of American Federation of Labor, held in Pittsburg, Pa., November 13 to 25, 1905, page 238.]

A further check should be put upon assisted immigration. The law now permits the passage of an alien to be paid by any relative or "friend" living in this country. Every employer who wants to bring in cheap laborers is of course a "friend" to them, or can find somebody to play the part. It is one of the readiest means of evading the contract-labor law. The privilege of paying the passage of others should be restricted to the nearest relatives—fathers, mothers, and children, brothers and sisters, husbands and wives.

In accordance with the views here outlined, we recommend that you authorize your officers to use all honorable means for the amendment of our immigration laws, so as to exclude persons physically unfit, to check the evil of assisted immigration, to introduce an educational test, and to provide that ports of entry shall be confined to those on the Atlantic and Pacific oceans and the Gulf of Mexico.

Resolution passed by the Brotherhood of Railroad Trainmen at its seventh biennial convention, held at Buffalo, N. Y., May, 1905.

Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

Whereas the Representatives of that party have been in complete control of the Congress of the United States for the past ten years, and have failed to carry out these pledges: Therefore, be it

Resolved by the Brotherhood of Railroad Trainmen in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905, That we criticise the Representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration.

It is not the farmers who want them, for in their latest national congress they spoke out in the resolution which I here insert in the RECORD:

Resolved, That we urge upon Congress the importance of further judicious regulation of immigration, and in particular demand the enactment of a law raising the present head tax upon immigrants and *excluding absolutely immigrants of poor physique and those unable to read in some language.*

The test in the bill now under consideration meets just the proposition stated in this resolution, and yet gentlemen representing farmers are trying to defeat it. Under the rule adopted for consideration of this bill there can be no record vote.

In my opinion this rule was brought in by the enemies of the educational test with the deliberate purpose of allowing gentlemen to oppose the educational test without their constituents finding it out, and I fear that there are some voting against a restricted immigration that will be denying it before five years shall have come and gone.

It is not because I look down upon the man who can not read that I favor this bill. Many of the best friends that I ever had were totally illiterate. But, Mr. Chairman, they were reared in the midst of American civilization, and from their youth up have drank of the fountain of liberty and have eaten the fruits of American freedom.

The report of the Commissioner of Immigration shows that during the last fiscal year 1,026,499 immigrants landed on our shores, and up to the 1st of June of this year more than 950,000 landed, so that the number this year will be even greater than that of last. Think of it, gentlemen: Nearly two and a quarter millions of foreigners landing on our shores in two years. Of the 1,026,499 landing last year, 239,091 could not even read their own language.

Nearly all these illiterates came from Austria-Hungary, Italy, Russia, and other eastern and southeastern European countries. Think of it, gentlemen, and say whether the future American citizenship is to be made up of such as these—people who have no idea of our American system of government and are totally unable to prepare themselves for the duties of American voters. Already there are 5,000,000 foreign males in America of voting age out of an entire voting population of about 16,000,000. Then what will it be if the present rate of increase continues for ten years more?

Mr. Chairman, we now have the opportunity of at least mitigating the evil of too many undesirable immigrants, and if we let this opportunity pass it may pass forever, for as the tremendous tide of immigration piles up higher and higher, representatives of a free people become enthralled by the environments till they dare not lift their voice or cast their vote in the interest of a free republic.

Again, I ask who is it that is wanting this horde of illiterates? I answer, the steamship companies in their greed for the passage fees, the railroad companies in their greed for the transportation fees, the large manufacturing companies in their desire to destroy respectable wages to the intelligent laborer, and a few large farmers who can live in ease and luxury with their families in the cities while their managers corral the ignorant laborer on the farm.

Gentlemen, in my district the small farmer has to "bed and board" his white laborer in his own household. He sleeps in the bed with the farmer's sons and eats at the table with his wife and his daughters. So long as that laborer is a decent Caucasian, that is all right; but where is the poor white man that wants the dirty Syrian to thus share his home? These poorer constituents are the men, gentlemen, that need our protection. Your pockets are not filled with telegrams from these poor farmers protesting against this legislation, but, gentlemen, while they and their children, and perhaps their wives, are trying to support themselves by honest toil, they are expecting us to protect them, and by the help of their God I intend to try to do it so far as in me lies. [Great applause.]

I would not close the doors of our Republic against those who on account of religious or political persecution are refugees to our shores, whether they can read or not, and hence I most cheerfully supported the amendment of the gentleman from Michigan to let such as these in without applying the educational test. I say to such as they: "Come over and cast your lots in free America, where every man can worship God according to the dictates of his own conscience." [Applause.] But, Mr. Chairman, I do not want to go further and make America the dumping ground for the millions of illiterates who come here merely to fill their pockets with American gold and then return to their home country to enjoy it. [Applause.]

Mr. Chairman, I have not discussed at great length the effect of this unrestricted immigration on American labor, for other gentlemen have elaborated on this phase of the case. The labor unions in my district are not very strong, but those we have are

of as fine a class of citizenship as any in the land, and I am glad to say that they are all my friends, and I am one of those who believe that the laborer is worthy of his hire whether he follows the plow, drives the plane, mines the coal, or smelts the ore.

Just before every election the Republican party has orated its lungs out in appeals for the protection of American labor against the pauper labor of Europe, and my greatest complaint against organized labor is that it has listened too often to those siren notes.

Now, gentlemen, you have the chance to make good. Either do it or let the brand of hypocrisy stand forth on your brow. Within the last few days Republicans on this floor have talked in pathetic strains of the rights of the workingman, and now, when you can escape a record vote, you are trying to stab him from behind. Your President in his message has advised the literary test. The platform of 1896 on which you defeated that real friend of the workingman, William J. Bryan [applause], declared, "We demand that the immigration laws be thoroughly enforced and so extended as to exclude from entrance to the United States those who can neither read nor write." Gentlemen, did you mean that when you said it, or was it only hypocritical cant to catch the workingman's vote? If you meant it, you have now the chance to make your promise good. If you did not mean it, you stand before the American people convicted of deliberate falsehood by your own words and deeds. This day will tell the tale. "Choose ye whom ye will serve." [Great applause.]

I have witnessed to-day what I had expected never to see. The Speaker of the House, on a nonpartisan question, on a question of great and serious import to the American people, lobbying on the floor of the House of Representatives for the defeat of a just and wholesome bill.

On account of his great influence and high official character, he is followed by men of his party who, flying in the face of their own intelligent consciences, and of their own platform declarations, seek to strike a death blow to this important bill. [Applause.]

Mr. Chairman, I would not put one single obstacle in the progress of legitimate commercial development and prosperity. The town in which I live is moving upward by leaps and bounds, and I am proud of it. There is no city in the State except Birmingham which is making such rapid strides, and I would be the last man to stay its onward march.

Yet I would rather see it forever nestling amid sylvan oaks, only known as the pretty village beside the Coosa, rather than see it built up on the ruins of the civilization of our fathers. [Loud applause.]

As yet the influx of illiterate aliens to the South has been so small that we have felt but little evil effects from it, and if the present exodus from the slums of western and southwestern Europe were but a temporary expedient to meet urgent demands for more toilers, then the danger would not be so great. But, gentlemen, we are legislating for posterity, and while the evil fruits may not be seriously felt while you and I live, yet if this march of illiterates to American shores continue, your children and mine will pronounce anathemas upon us who might have checked it and saved them the evils they will feel. Other Members from the South may do as they please. I am no man's conscience keeper but my own, but, gentlemen, as for me, I would vote for this bill if I knew it would be my political death knell, and trust to posterity to write my just epitaph and to make my vindication. [Loud applause.]

Mr. BENNET of New York. Mr. Chairman——

The CHAIRMAN. The Chair recognizes another member of the committee, the gentleman from New York [Mr. BENNET].

Mr. BENNET of New York. Mr. Chairman, I desire to answer the statement of the gentleman from Alabama [Mr. BURNETT], my colleague on the committee, in relation to the Italian as an immigrant to the South, by reading a telegram from Mr. Leroy Percy, of Greenville, Miss. I do not know Mr. Percy, but the gentleman from Mississippi [Mr. WILLIAMS] tells me he is a man of the highest character. He says:

GREENVILLE, MISS., *June 14, 1906.*

W. S. BENNET,
House of Representatives, Washington, D. C.

Work over 4,000 acres in cotton with Italian labor from north Italy. Have worked them seven years. They are industrious, law-abiding, thrifty; make 30 per cent more cotton than best negro labor. Consider it the most desirable immigration for this section.

LEROY PERCY.

Mr. GARDNER of Massachusetts. Do I understand the gentleman to say that those men are from north Italy?

Mr. BENNET of New York. Yes.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York yield to the gentleman from Massachusetts?

Mr. BENNET of New York. I can not yield, I have only five minutes. Now, I want to answer the gentleman from Massachusetts in what he said about poverty in the city coming from immigration. The gentleman himself made a speech on the 14th of March in this House, and here is what he said:

It is foolish to say that these immigrants congest our large centers and become charges upon the community. It is not true. There were 315,000 immigrants settled in New York State last year, one year's importation alone, and yet only 12,000 aliens, all told, are in the penal and charitable institutions of the State. In Pennsylvania less than 6,000 aliens, all told, are in charitable or penal institutions, and yet 210,000 last year alone settled in Pennsylvania. I think that we must accept the fact as demonstrated beyond doubt that those people stay in Pennsylvania and stay in New York on account of economic reasons.

Now, the gentleman has not said very much about his chart. That is "before taking." I want to call his attention to "after taking," and he will find in the census of 1900 that the illiteracy among those born abroad and settling here had decreased to 12 per cent, and then if he will look at the same document he will find on page cvi, part 1, of the Census, that out of 30,000 white persons over 10 years of age born of native parentage 5.7 per cent were illiterate, while among the whites of the same age born of foreign parents it was only 1.6 per cent that were illiterate. That is, the children of native parents here, the children of our own, are nearly 4 per cent more illiterate than the children of foreigners. He will find further that while the white parents, native born, kept their children in school 65 per cent of the time, the white parents of foreign birth kept their children in school 71 per cent of the time.

The gentleman talks about bigotry. I haven't time to go into it, but if you will read that letter you received this morning from Rev. C. E. Redeker you will see that he says the immigrant is coming in to build a beer garden in every back yard. That man's parents were born in Germany. I have no sympathy with the man who comes over here and after he comes across the gang plank says, "Thank God I am in America; America for Americans; put up the bars." [Laughter and applause.]

Mr. GROSVENOR. If the gentleman from Massachusetts [Mr. GARDNER] had been as vigorous and enterprising and industrious to give this House and the country some information pertinent to the question before the House as he has been to slur the membership of the House and impugn the motives of the gentlemen of the House who have differed with him in opinion, we might have had some information on the great question involved in the mighty question of immigration. But he has seen fit to come into the House and attack every man who was in favor of this amendment by assailing his motives, while he himself presented a dense ignorance upon every question connected with the whole transaction. [Laughter and applause.]

Mr. Chairman, a long experience in life has taught me——

Mr. GARDNER of Massachusetts. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. GROSVENOR. Certainly not. A long experience in life has taught me to beware of the men who always impugn the motives of others. I have been taught to fear that possibly their own mode of life has had something to do with their opinions of their neighbors. [Laughter.]

Mr. GARDNER of Massachusetts. I beg the gentleman from Ohio will not talk that way. I very much resent his language.

Mr. GROSVENOR. Certainly the gentleman does. I should regret if after I had made such an effort as I have he should not appreciate it. [Laughter.] But the gentleman ought to remember that men who differ with him in opinion have something of patriotism, something of intelligence, and something of fair play about them. One of the gentlemen on the other side has said that if we proceed upon this line of discussion and operation we shall repeal the Chinese-exclusion act. Let me say to the gentleman that if you apply the doctrine of this bill to the Chinese-exclusion act hundreds of thousands of Chinamen will come over, and under a competitive examination the gentleman from Massachusetts could not get a position as a common-school teacher in comparison with the literary test that would be applied in these cases. [Laughter.]

Mr. WILLIAMS. They are the least illiterate of all the nations of the earth.

Mr. GROSVENOR. The least illiterate of all nations, and yet we exclude them. I voted for it and I would vote to continue it, and I would like to apply it to some other locations on the map of the world.

But the test of illiteracy is purely a misfortune and an injury rather than a benefit. I have spoken on this subject in the House before, and I brought before the House a proposition which involved this. There never was a great crime attempted

against good government in this country or in any other country by a man who could not read and write. There never was a murder of a President of the United States which was not committed by an educated man. There was not a conspiracy against this Government in 1861 by any men who could not read and write and who could not pass an examination under this bill. What is the use of telling the people of the country that the ignorant men are the dangerous men in this or any other country?

Mr. GARDNER of Massachusetts. May I ask the gentleman a question?

Mr. GROSVENOR. Yes; I yield for a question.

Mr. GARDNER of Massachusetts. If those are the gentleman's views, why did he vote for the educational test on March 2, 1897?

Mr. GROSVENOR. 1897? I don't think I did. I made a speech against the educational test.

Mr. GARDNER of Massachusetts. The gentleman voted to pass it over the President's veto.

Mr. GROSVENOR. I may have voted for a bill which contained an educational test, but it was, if at all, a choice of evils. The gentleman must not interrupt me. I voted against the educational test in the bill to admit the Territory of Hawaii and the Territory of Alaska, and I have always voted against it, and I do not believe that I voted for the educational test. I may have voted for a bill that had the educational test in it after I found it impossible to exclude it, as I may do in the present case. What is the purpose in view of this amendment? The purpose of this amendment is to ascertain how much of truth there is in a series of charges that have been made and which this committee have been silent upon. How much is there?

The CHAIRMAN. The time of the gentleman has expired. Debate has been exhausted. The question is on the motion of the gentleman from Ohio to strike out and insert the amendment which the Clerk reported at the beginning of the reading. Without objection, the Clerk will again report the amendment.

There was no objection; and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Ohio.

Mr. KEIFER. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. KEIFER. I make the point that we may have a separate vote on this—that is, that we divide it so as to have a motion put first on striking out.

The CHAIRMAN. Under the rules of the House, the Chair will state to the gentleman, a motion to strike out and insert is not divisible. The question is on the motion of the gentleman from Ohio.

The question was taken; and on a division (demanded by Mr. BENNET of New York) the Chair reported—ayes 123, noes 136.

Mr. BENNET of New York. Mr. Chairman, I demand tellers.

Tellers were ordered.

The CHAIRMAN appointed as tellers Mr. GROSVENOR and Mr. GARDNER of Massachusetts.

The House again divided; and the tellers reported—ayes 128, noes 116.

So the amendment was agreed to.

The CHAIRMAN. In accordance with the special order adopted by the House, the committee will now rise.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. WATSON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill S. 4403, the immigration bill, and in accordance with the order adopted by the House reported the same back, together with an amendment thereto in the nature of a substitute.

The SPEAKER. The question is on agreeing to the amendment in the nature of a substitute.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill as amended.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. WATSON. Mr. Speaker, inasmuch as it is late in the session and this legislation is important, I move that the House ask for a conference on the immigration bill just passed.

The SPEAKER. The question is on the motion of the gentleman from Indiana that the House ask for a conference on the immigration bill.

The question was taken; and the motion was agreed to.

The SPEAKER announced the following conferees on the part of the House: Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. RUPPERT.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its disagreement to the amendments of the House of Representatives to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulation of traffic therein, and for other purposes, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEYBURN, Mr. MCCUMBER, and Mr. LATIMER as the conferees on the part of the Senate.

DURANGO, COLO.

The SPEAKER laid before the House from the Speaker's table the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, with House amendments disagreed to.

Mr. LACEY. Mr. Speaker, I move that the House agree to the conference asked by the Senate.

The motion was agreed to.

GAME BIRDS.

The SPEAKER also laid before the House the bill (H. R. 19190) to protect birds and their eggs in game and bird preserves, with a Senate amendment.

The Senate amendment was read.

Mr. LACEY. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

LEAVES OF ABSENCE.

By unanimous consent, Mr. BUTLER of Tennessee was granted leave of absence for ten days, on account of important business.

Mr. BIRDSALL was granted leave of absence indefinitely, on account of important business.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on the District of Columbia was discharged from the further consideration of Senate resolution No. 29, and the same was referred to the Committee on the Library.

EXTENSION OF REMARKS.

Mr. PATTERSON of South Carolina. Mr. Speaker, I ask leave to extend my remarks in the RECORD on the naval appropriation bill amendment in relation to Port Royal—amendment No. 13.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water; and

S. R. 68. Joint resolution expressing sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolution of the following titles; when the Speaker signed the same:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 19080. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin; and

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.

H. R. 5998. An act creating the Mesa Verde National Park;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 9528. An act to reimburse Fred Dickson for the loss of his tools through the fire which destroyed the engine house at Fort Duschesne, Utah, on September 19, 1902;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 11029. An act to authorize the holding of a regular

term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes; and

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States.

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 9854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne on September 19, 1902; and

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska.

MINORITY REPORT ON GENERAL DEFICIENCY BILL.

Mr. SULLIVAN of Massachusetts. Mr. Speaker, I move to extend the time for the filing of the minority report of the Committee on Appropriations on the general deficiency bill until noon to-morrow.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The Chair will announce that at the session beginning at 8 o'clock after the recess the gentleman from Pennsylvania [Mr. DALZELL] will please act as Speaker.

Mr. PAYNE. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; and accordingly (at 5 o'clock and 35 minutes p. m.) the House took a recess until 8 o'clock this evening.

AFTER RECESS.

The recess having expired, the House was called to order by Mr. DALZELL, Speaker pro tempore.

COLLECTION OF THE REVENUES.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19750) to amend the act to simplify the collection of the revenues.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19750.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 19750) to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. The gentleman from Minnesota [Mr. MCCLEARY] is recognized. [Applause.]

[Mr. MCCLEARY of Minnesota addressed the committee. See Appendix.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. BLACKBURN, Mr. GALLINGER and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed the following concurrent resolution, in which the concurrence of the House of Representatives was requested:

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. GALLINGER, Mr. PERKINS, and Mr. MALLORY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 7. An act to provide a seal for the United States commissioners;

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;

H. R. 10074. An act in relation to contracts with the District of Columbia;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point light-house reservation, in San Mateo County, Cal.;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased; and

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

The message also announced that the Senate had passed the following resolution without amendment:

House concurrent resolution 36.

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to return to the House of Representatives H. R. 18668, "An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington."

COLLECTION OF THE REVENUES.

The committee resumed its session.

Mr. WILLIAMS. I yield to the gentleman from Missouri [Mr. HUNT].

Mr. HUNT. Mr. Chairman, among the many questions relating to the betterment of the country that have been brought before Congress from time to time I fain would call the attention of the House to a bill (H. R. 12318) which was introduced by myself January 18, 1906, and a favorable report made

thereon by the Committee on Labor April 12, 1906, having for its object the abrogation of the interstate-commerce law as at present applied to convict-made goods, thereby affording to the different States and Territories the right to inhibit the shipping of convict-made goods within the confines of any State or Territory. In short, to strengthen the power of the State and assist in aiding it so far as the Federal power is concerned.

At the present time any State of the Union may pass an act to prevent the products of its penal institutions from being sold in competition with the honest manufacturer and the citizen merchant, both of whom are taxed directly to maintain law and order and also taxed indirectly to maintain the families of felons, while the State itself, under the guise of reforming its criminal classes, actually enters into the business of making and offering for sale the products of its prisons, in some cases actually turning its convicts over to syndicates who in turn sell the labor of its prison birds to others that may be in search of cheap labor that will not strike—aye, that will not by sentence of the State dare to call its master into question or to even grumble at the grievous grind imposed by corporations that have no more interest in the reformation of the unfortunates contracted to their care than they have in the outcome of the convict corpse buried by the roadside. [Applause.]

Mr. Chairman, it seems to me that while the penitentiary systems of our country are organized ostensibly for the purpose of converting its convicts into good citizens, they are really being exploited by politicians whose only desire is to juggle figures and frame up a few facts to fool the people, and after doing so pride themselves in showing what they are pleased to call a balance in favor of the State and exult in being able to show that their several penitentiaries are self-supporting.

In 1898 a commission was established by act of Congress and submitted its report, a portion of which I will place in the RECORD in order to show the necessity of legislating along the lines proposed by House bill 12318:

[Report of the Industrial Commission on prison labor. 1900. Pages 10 to 15.]

After a careful consideration of the subject in all its phases, as presented in numerous reports, of the testimony and recommendations that have been submitted, of the present systems of employing convicts, and the conditions that culminated in the adoption of those systems, the Commission feels warranted in arriving at the following conclusions:

First. That provisions should be made in the laws of each State for the employment of all prisoners in productive labor.

Second. The State should have absolute control of the care, punishment, reformation, and employment of the prisoners, as well as the disposition of the products of their industry.

Third. The employment of prisoners in productive labor does, of necessity, result in competition of some character with free labor and industry.

Fourth. The employment of prisoners with the intention of producing revenue, either for the State exclusively or for private individuals or corporations and the State jointly, tends to the greatest competition with free labor.

Fifth. That a system of employing prisoners for the purpose of producing revenue has a tendency to detract from the punitive, reformatory, and disciplinary features of the prisons.

Sixth. The employment of prisoners in the production of supplies for the maintenance of State, county, and municipal institutions and the support of inmates of same, or in work on the public buildings or roads, tends to the least direct competition with free labor.

Seventh. Of the various systems of employing convicts, those under which private individuals or corporations are interested have resulted in procuring the greatest revenue to the State.

Eighth. No system of employing convicts, however wise in conception and however carefully guarded, can be entirely free from the danger of abuses in management.

Ninth. The most desirable system for employing convicts is one which provides primarily for the punishment and reformation of the prisoner and the least competition with free labor, and, secondarily, for the revenue.

Tenth. In order to harmonize the antagonistic interests of the different States it is essential that the industrial operations of all the penal, reformatory, and eleemosynary institutions in each should be under the supervision of a central office.

Eleventh. The adoption of laws embracing the above principles has been retarded by the prevailing industrial, economic, social, and climatic conditions in many of the States. These conditions are so diversified, and the industrial, moral, and educational possibilities of the prison population differ so widely in the several States that the Commission is of the opinion that it is impracticable for all of them to adopt a uniform law for the employment of prisoners. The necessity for uniform legislation is, however, fully realized; it is the only permanent remedy for the abuses that exist under the systems now prevailing and for the abatement of competition with free labor.

The Commission accordingly submits the following general provisions of law, mainly from New York statutes, which are in harmony with the above conclusions, and recommends that all, or such of them as may be possible, shall be embodied in the laws of the different States, with such additional provisions as to management as may be necessary to meet the prevailing social conditions:

PROPOSED PROVISIONS OF LAWS REGULATING EMPLOYMENT OF PRISONERS.

"Within ten days after the passage of this act the governor, by and with the advice and consent of the senate, shall appoint four persons, who shall be commissioned for the purpose of this act, to be called commissioners of prisons, who shall constitute the State commission of prisons; one of the persons so appointed shall hold his office for one year, one for two years, one for three years, one for four years, as indicated by the governor on making the nominations, and all nominations thereafter, except to fill vacancies, shall be made for four years. Said commission shall have power to make and use an official seal and alter the same at pleasure. It shall be the duty of said commission to visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors; to aid in securing the just, humane, and economic administration of all said institutions subject to its inspection; to aid in securing the erection of suitable buildings for the accommodation of the inmates of such institutions, and to approve or reject plans for their construction or improvement; to investigate the management of all institutions made subject to the investigation of said commission and the conduct and efficiency of the officers or persons in charge with their management; to secure the best sanitary conditions of the buildings and grounds of all such institutions, and to protect and preserve the health of the inmates; to collect statistical information in respect to the property, receipts, and expenditures of said institutions, the number and condition of the inmates thereof, and to ascertain and to recommend such system of employing said inmates as may, in the opinion of said commission, be for the best interest of the public.

"The proper authorities shall provide for and assign to such commission suitable furnished rooms for its office and its place of meeting at the State capital, where it shall hold its meetings as often as once in three months.

"The said commission shall annually elect one of its members as the president of the commission, and shall also annually elect a secretary, who sall keep a record of its proceedings and perform such duties as may be required of him by the commission and by law, and he shall receive a salary of $—— per annum; and said commission may also appoint as employees and assistants of said commission and of the commissioners in the performance of their official duties a clerk, at the salary of $——, a general office assistant, at an annual salary of $——, and remove each and appoint a successor at any time; and the said commission is authorized to make rules and regulations for its meetings and the transaction of its business and also as to the manner in which reports to it shall be made and all matters shall be presented before it.

"Said commission or any of said commissioners, or its secretary, if authorized by it, is authorized to visit and inspect any of said institutions subject to its visitations, and may take and hear testimony or proofs in relation to any matter before it or him upon any visit, inspection, or examination made by such commission or member thereof, and the said commission or any member thereof shall have full access to persons, grounds, buildings, books and papers relating thereto, and may require from the officers and persons in charge any information it or he may deem necessary in the discharge of its or his duties. Said commission may prepare regulations according to which and provide blanks and forms upon which information shall be furnished in a clear, uniform, and prompt manner for the use of said commission. Said commission shall make an annual report to the legislature, or to the governor when the legislature is not in session, in which it shall give the results of its work and such information as it deems proper relating to said institutions and its opinions and conclusions relating to the same.

"The warden of every prison, the superintendent or manager of every penitentiary, and keeper of every jail or other institution used for the detention of sane adults charged with or convicted of crime or detained as witnesses or debtors shall, on or before the 1st day of November in each and every year, report to the State commission of prisons the number of male and female persons charged with crime and awaiting trial, the number convicted of crime, the number detained as witnesses and as debtors, in his custody on the 1st day of October last past, together with a statistical exhibit of the number of admissions, discharges, and deaths which have occurred within the past year, the nature of the charge, the period of detention or sentence, and such other facts and information as the commission may require.

"Any officer, superintendent, or employee of any of said penal institutions who shall refuse to admit said commission or any of said commissioners or its secretary or other authorized agent for the purpose of visitation or inspection, or shall refuse or neglect to furnish the information required by said commission or any member thereof, or its secretary, shall be guilty of a misdemeanor, and subject to a fine of $100 for each such refusal or neglect. The rights and powers hereby conferred may be enforced by an order of the supreme court. In making investigations as herein empowered said commission or any member thereof is hereby empowered to issue compulsory process for the attendance of witnesses and the production of papers, to administer oaths, and to examine persons under oath, and to exercise the same powers as belong to referees appointed by the court.

"The said commission shall have the further duty and authority to require the proper officials of the State and the political divisions thereof, and all public institutions of the State, and poltical divisions thereof, supported wholly or in part by the State or any political division thereof, to furnish to said commission annually estimates for each ensuing year of the amount of labor to be required by each, and of the articles which may be manufactured in penal institutions, required to be purchased for the use of the State or the political division or said institutions in their charge or management. All persons sentenced to the prisons, reformatories, penitentiaries, or jails in the State shall be employed for the State, or the political division thereof, or in productive industries for the benefit of the State, or the political division thereof, or for the use of public institutions owned or managed or controlled by the State, or the political divisionn thereof, which shall be under rules and regulations for the distribution and diversification thereof, to be established by the State commission of prisons. The labor of the prisoners in the institutions known as State penitentiaries, prisons, or reformatories, after the necessary labor for the manufacture of all needed supplies for said institutions, shall be primarily devoted to the State and the construction and the care of the public buildings, roads, and institutions thereof, and secondly, to the public divisions of the State and public institutions thereof; and the labor of the prisoners in the institutions known as county jails, prisons, workhouses, or reformatories, after the necessary labor for and manufacture of all needed supplies for the same, shall be primarily devoted to the counties, respectively, in which said institutions are located, and the towns, cities, and villages therein, and to the construction and care of the public buildings, roads, and institutions thereof, and the manufacture of supplies for the public institutions of the counties or the political divisions thereof, and secondly, to the State and public institutions thereof.

"It shall be the duty of the State commission of prisons to distribute among the penal and reformatory institutions under its jurisdiction the labor and industries assigned by the commission to said institutions, due regard being had to the location and convenience of the institutions to the other institutions to be supplied. The commission of prisons shall annually cause to be procured and transmitted to the legislature with its annual report a statement showing in detail the amount and the quantity of each of the various articles manu-

factured in the several penal and reformatory institutions under its control, and the labor performed by the prisoners therein, and of the disposition thereof.

"The officers of the State prison reformatories and penitentiaries, county jails, and other penal and reformatory institutions, respectively, are authorized and directed to cause to be manufactured by the prisoners in the institution such articles as are needed and used therein, and also such as are required by the State or political division thereof, and in the buildings, offices, and public institutions owned or managed and controlled by the State, including articles and materials to be used in the erection of the buildings and construction of roads.

"All such articles manufactured in the institutions and not required for use therein may be furnished to the State or to any political division thereof, or for or to any public institution owned or managed and controlled by the State, or any political division thereof, at and for such prices as shall be fixed and determined as hereinafter provided, upon the requisition of the proper officials, trustees, or managers thereof. No article so manufactured shall be purchased from any other source for the State or public institutions of the State or the political division thereof, unless said commission of prisons shall certify that the same can not be furnished upon such requisition, and no claim thereof shall be audited or paid without such certificate.

"On or before October 1 of each year the proper officials of the State and the political divisions thereof, and of the institutions of the State, or the political divisions thereof, shall report to the said commission of prisons estimates for the ensuing year of the amount of supplies of different kinds required to be purchased by them that can be furnished by the penal and reformatory institutions of the State and the political divisions thereof. The said commission is authorized to make regulations for said reports, to provide for the manner in which requisitions shall be made for supplies, and to provide for the proper diversification of the industries in said institutions.

"The State commission of prisons shall fix and determine the prices at which all labor performed, and all articles manufactured and furnished to the State, or the political divisions thereof, or the public institutions thereof, shall be furnished, which prices shall be uniform to all. The prices shall be as near the usual market price for such labor and supplies as possible. The State commission of prisons shall devise and furnish to all such institutions a proper form for such requisitions and the comptroller shall devise and furnish a proper system of accounts to be kept by all such institutions. The State commission of prisons shall not, nor shall any other authority whatsoever, make any contract by which the labor or time of any prisoner in any State prison, reformatory, penitentiary, or jail in this State, or the product or profit of his work, shall be contracted, let, farmed out, given, or sold to any person, firm, association, or corporation; except the prisoners in said penal or reformatory institutions may work for, and the products of their labor may be disposed of, to the State or any political division thereof, or for or to any public institution owned or managed and controlled by the State or any political divisions thereof.

"The superintendents, managers, and officials of all penal and reformatory institutions in the State shall, so far as practicable, cause all the prisoners in said institutions who are physically capable thereof to be employed at hard labor for not to exceed eight hours of each day, other than Sundays and public holidays; but such hard labor shall either be for the purpose of production of supplies for said institutions or for the State, or any political division thereof, or any public institution owned or managed and controlled by the State, or any political division thereof, or for the purpose of industrial training and instruction, or partly for one and partly for the other of such purposes.

"No appointment shall be made in any of the penal, reformatory, or eleemosynary institutions of this State on the grounds of political partisanship; and any violation of this rule shall be sufficient cause for the removal from office of the officer committing such violation.

"The said State commission of prisons shall have the further duty and authority to direct the employment of such of the prisoners in the State and county penal and reformatory institutions, as they may deem desirable, in agricultural pursuits on the State or country lands, and the products of such labor shall be devoted to the support of the inmates of the public institutions of the State and of the counties or the political divisions thereof.

"No machine, except machines operated by hand or foot power, shall be used in any of said institutions in the manufacture of any goods, wares, articles, or things that are manufactured elsewhere in the State."

The Commission are of the opinion that the nearest to complete remedy for the evils of convict-labor competition with the business and labor of the country would be the interdiction of *interstate commerce* in all goods, minerals, or materials in whole or in part the product of convict labor, supplemented by State legislation on the lines above indicated. But in the absence of such legislation by all the States, and in order to protect such States as do adopt such legislation from the convict-labor competition of others, the most practicable step would be an act of Congress by which goods, minerals, or materials in whole or in part the product of convict labor, upon their arrival in any State would become fully subject to its laws.

For if interstate trade in convict-made goods be not absolutely prohibited it would be of little use to recommend the foregoing law for the enactment by the States were it not supplemented by national legislation, which should, if possible, protect the States adopting such improved legislation from other States which may still proceed under the old system. There can be no reason, constitutional or economic, why the markets of one State, which has adopted the noncompetitive theory of convict labor, should be swamped by the product of the competitive convict labor of neighboring States. In fact, a condition of this sort would penalize a State for adopting such improved legislation, as its markets would thereby become more completely the prey of the competitive convict labor of other States which might choose to profit by the situation; but, on the other hand, those States which still retain the money-making theory of conducting their convict labor should not complain of the competition of the other States retaining the same policy. There should, at the least, be national legislation to protect the States from the competition of convict-made goods, so far as they protect their own markets against their own convict-labor competition, even if not interfering with interstate trade in such goods as to such States as themselves seek to profit by it.

The Commission are of the opinion that it is both constitutional and possible to enact such a law, and that a simple statute which shall merely remove the Federal control of interstate trade in convict-made goods, so that they become subject, wherever found, to the general regulation of the State laws, would meet the case. A precedent can be found in the so-called "Wilson Act" (U. S., 1890, ch. 728), applying to intoxicating liquors. We have already a statute forbidding the importation of convict-made goods from foreign countries (U. S., 1890, ch. 1244, 51). Nothing remains but to protect the States, so far as they are fairly entitled to such protection, as against each other. The Commission would therefore recommend the passage by Congress of an act similar to that of August 8, 1890 (26 Stat. L., 313, ch. 728), substituting the words "good minerals, or materials wholly or in part the product of convict labor," for the words "all fermented, distilled, or other intoxicating liquors," etc. It seems probable that Congress would have the power to pass such a statute as to any article of interstate commerce whatever at its own discretion; certainly it has the power when the traffic in the commodities concerned obviously affects the health, safety, or general welfare of the people, as is the case in both intoxicating liquors and convict-made goods.

It would then be possible for the States to enact laws regulating or even prohibiting the sale of all convict-made goods, requiring bonds, licenses, labels, or other safeguards, which would apply also to the convict-made goods of other States. For an example of such a law, see New York act of 1897 (general labor law), article 4; also Penal Code, section 384b. Summaries of similar laws in Ohio (which were held unconstitutional in the absence of Federal legislation above recommended), Indiana, Kentucky, and other States will be found in succeeding pages.

JAMES H. KYLE, *Chairman*,
BOIES PENROSE,
JOHN J. GARDNER,
WILLIAM LORIMER,
JOHN C. BELL,
THEOBALD OTJEN,
LEE MANTLE,
ANDREW L. HARRIS,
ELLISON A. SMYTH,
JOHN M. FARQUHAR,
EUGENE D. CONGER,
THOMAS W. PHILLIPS,
M. D. RATCHFORD,
JOHN L. KENNEDY,
ALBERT CLARK,
Commissioners.

Mr. Chairman, in quest of information relative to the annual amount of prison products placed upon the open market, I called upon the Commissioner of Labor, and while in conversation with Mr. Neill, Commissioner of Labor, he told me that he would send a corps of men out to procure the desired information. He also told me that it was no easy matter to secure the necessary data, etc., on account of an unwillingness on the part of prison contractors, etc., not caring to make public what their sales or output was, so that any attempt to even approximate the financial value of prison-made goods would be exceedingly difficult. The following communication will show the Labor Commissioner's willingness to assist in ascertaining the information that will startle, if not surprise, the people of our country who, in the pressure of other interests, have for the moment overlooked the mercenary motives that at the present time obtains in the management of our penal institutions, not even to mention the damnable poison injected into the open market by the State becoming a competitor against the free and honest manufacturer.

Mr. Chairman, the real injury consists not so much in the amount actually sold as it does by having this penitentiary product used as a club by the sharp-bargain business man to either force the free products to a lower price than would be done if the State did not contract its able-bodied convicts for a period of years and to furnish free of cost to the contractor the use of building, power, and light, and a thoroughly subdued slave for the miserable pittance of 45 cents per day.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF LABOR,
Washington, February 19, 1906.

Hon. JOHN T. HUNT,
House of Representatives,
Washington, D. C.

DEAR SIR: I have just been talking to Mr. Brennan in regard to the information you want about convict labor. We are now working on a report on convict labor and still have agents in the field collecting information. Much of it has been very hard to get, but as soon as the report can be prepared, I think you will find that it has nearly all the information that you want. I do not think, however, that I can get the report finished within the next two months.

I am, very truly, yours,

CHARLES P. NEILL, *Commissioner.*

I submit herewith table showing value of prison products:

Market value of convict-made goods produced in the United States sold and used in the year 1903–4.

Sold within State where made	[a] $9,325,068
Sold outside of State where made	[a] 17,520,860
Total	27,248,761
Used in public institutions	6,513,684
Total market value of goods sold and used	33,762,445
Per cent of convict-made goods:	
Sold within State where made	[b] 27.6
Sold outside of State where made	[b] 51.9
Used in public institutions	19.3
Total	100.0

[a] Not including $402,833 worth of goods concerning which there is no record as to locality of sale.

[b] Not including 1.2 per cent of the total value of goods concerning which there is no record as to the locality of sale.

[Memorandum.]

In an investigation into the commercial effect of prison-made goods by the Bureau of Labor, the details of which are in the possession of this Bureau, the following facts were ascertained:

In all leather whips and whiplashes (other than buggy whips) fully 90 per cent of the total product is prison made, and in black-snake whips and cheap handmade whiplashes, 99 per cent. The industry has been almost entirely abandoned to the prisons.

In saddletrees fully 90 per cent are prison made, only special patented shapes being attempted by outside manufacturers.

Of stove hollow ware, the cheaper grades of kettles, skillets, etc., 99 per cent are prison products, the industry having been abandoned by the outside manufacturers, who as stove producers have become largely the jobbers of prison hollow ware.

In harness and saddles and cheaper grades of horse collars prison competition is a serious menace.

In binder twine the outside manufacturers have been forced to carefully estimate the needs of the market and the prison output, eliminating the latter from their calculation and taking only what is left. They do not attempt to meet prison prices, except one or two firms who compete by lowering the quality of their product far below that of the prison-made goods. In various lines of goods this tendency to adulterate products or lower the grade because of prison prices was noted.

In many lines manufacturers have been driven by prison competition to entirely change their line of products; in cases where that could not readily be done they have been forced to suspend business altogether.

Agents of the Bureau found manufacturers practically a unit in favoring a Federal law prohibiting interstate commerce in prison-made goods.

[Memorandum.]

In an investigation into the commercial effect of prison-made goods on the boot and shoe, furniture, brush, shirts and overalls, and broom industries, by the Bureau of Labor, the following facts were developed:

The manufacturers affected in the boot and shoe industry are a unit in condemning the prison-made product, denouncing it as unfair and ruinous competition, demoralizing to markets and business stability, compelling the reduction of prices below a fair margin of profit, and often the sale of goods without profit, while also forcing reductions of wages in vain efforts to lower the cost of production to that of the prison contractor; in some cases a deterioration of quality and in others an entire abandonment of the manufacture of grades of shoes similar to those made in prison. Prison-made shoes are 16 per cent of the output of legitimate shoe factories, with which it comes into direct competition. Twenty per cent of the total output of legitimate factories is of the same grade or quality as the shoes made in prisons.

In furniture the prices and output are seriously affected by the prison product. The prison contractors use the catalogues of the regular manufacturers to market their goods, offering to supply any of the goods therein illustrated at discounts of from 20 to 40 per cent less than the prices of the regular manufacturers.

In any effort to reduce the cost to meet the prison competition wages were reduced, and in certain grades the manufacturers were driven out of the business of manufacturing. Traveling salesmen find it impossible to sell the trade against them.

In the brush industry the manufacture of scrubbing and shoe brushes has been abandoned by most of the large houses which formerly made them, owing to the fact that the prisons are making immense quantities of these kinds, and many of the principal manufacturers buy the prison brushes to sell with their higher grade goods. Those who still make the prison grades can not sell the large jobbers, and have to sell the retail trade. The department stores buy this class of goods almost entirely from contractors and jobbers in prison-made goods.

In the working-shirt and overall industry the manufacturers can not sell the trade at all until the low-price prison-made goods are all sold out. They can get no action to sell their goods until the prisons are sold up for the season. (The prison quality is as good, and the finish attachments are better than those of free manufacturers.)

If the manufacturer has to sell before the prisons are sold up, he must reduce his prices to obtain enough work to keep his factories in operation. The prison prices affect the prices of the entire output of free factories.

In the whisk and broom industry the prison-made goods have a most demoralizing effect. The prison brooms are often sold at less than the cost of production of the regular manufacturers. Many factories in several States have been running three days a week, while all the prisons ran full time. In whisks, prison-made goods are shipped 1,400 miles, freight prepaid, and sold $2 per gross less than free manufacturers sell them at place of delivery.

In all of the industries the manufacturers are a unit in their desire for a Federal law confining the sale of prison-made goods within the State in which they are made; in other words, an interstate law prohibiting interstate transmission of convict-made goods.

A bill (H. R. 12318) to limit the effect of the regulation of interstate commerce between the several States in goods, wares, and merchandise wholly or in part, manufactured by convict labor, or in any prison or reformatory.

Be it enacted, etc., That all goods, wares, and merchandise manufactured wholly or in part by convict labor, or in any prison or reformatory, transported into any State or Territory or remaining therein for use, consumption, sale, or storage, shall, upon arrival or delivery in such State or Territory, be subject to the operation and effect of the laws of such State or Territory to the same extent and in the same manner as though such goods, wares, and merchandise had been manufactured in such State or Territory, and shall not be exempt therefrom by reason of being introduced in original packages or otherwise.

Here let me read a communication from the warden of Missouri Penitentiary, also a more extended report made by a special agent of the department of labor of the State of Missouri:

MISSOURI STATE PENITENTIARY,
WARDEN'S OFFICE,
City of Jefferson City, January 25, 1906.

Hon. JOHN T. HUNT, M. C.,
Washington, D. C.

MY DEAR SIR: Your favor of the 22d instant, requesting information pertaining to the subject of convict labor, has been received and contents noted. In reply, I beg leave to advise you that you have been erroneously informed in regard to the report of 1905 being in the hands of the printer. We only publish a biennial report, and our next report will not go to the printer until January, 1907. We always try to have this report out as early as possible after the first of the year in order that it may be submitted to the legislature which is in session at that time. I send you, under separate cover, a copy of our last biennial report, which will give you about all the information you desire up to that time.

In addition to this will state that at the close of business hours on yesterday afternoon we had 2,033 prisoners, 1,970 of whom were males and 63 females. Of this number there are assigned to contractors within the walls of the penitentiary 1,468 males, for whom the State receives a daily stipend of 60 cents per man per day, and 30 women, assigned to the Star Clothing Manufacturing Company, for whom we receive 40 cents per woman. The remainder of the women of the institution are engaged in working for the State, cleaning, repairing, and working in the different State shops, for which the State receives no remuneration whatever, as all the products of these shops are used here in the penitentiary. The State manufactures only binder twine, for the benefit of the Missouri farmers. Last year we manufactured 512,000 pounds of twine, every pound of which was sold within the State of Missouri, and for the coming season we expect to manufacture from a million to a million and a half pounds. At the present time there are 45 of our inmates employed in this plant. We have already manufactured in the neighborhood of 500,000 pounds of twine for the coming season, and are now running at the rate of about 5,000 pounds per day, our full capacity, when we desire to rush things, being about 10,000 pounds daily. Under the law, we sell this twine to farmers of Missouri at about actual cost, taking into consideration the wear and tear on the machinery, number of men employed, and cost of hemp, oils, etc.

If there is any further information that I can give you, do not hesitate to command me.

Very truly, yours,

MATT. W. HALL, *Warden.*
Per DUDLEY.

The Abuses of Prison Labor, by Collis Lovely. An impartial discussion of the five prevailing systems of convict administration in the light of the facts obtained as special agent of the department of labor of the State of Missouri, after a personal inspection of twenty-eight penal institutions in various parts of the United States.

The objection that free workingmen raise to prison labor is not because prisoners are employed, but because of the present methods of their employment.

THE LEASE SYSTEM.

How a convict-slave trust and a regular convict-slave market now flourishes in the South, where this ancient method is in vogue, with some incidents to show the corrupt and vicious character of many of the southern prison officials and the innumerable crimes and cruelties that are daily perpetrated against thousands of human beings.

The time has come in this country for as great and as sweeping reform in the care and employment of prisoners in all penal institutions as John Howard's epoch-making book, The State of the Prisons in England and Wales, brought about in Great Britain more than a century ago.

Prison officials in every institution in America, where the State or private contractors are allowed to realize profit from the employment of convicts, have entirely lost sight of the original idea of the reform of the prisoner himself and the protection of society.

In at least three States in the South a flourishing convict-slave market has been established, with an aggressive convict-slave trust, and already in control of the entire prison population of one State, now actively engaged in crushing out competing labor contractors in other States as well. This trust, in common with the independent prison contractors throughout the South, does not employ convicts itself, but subleases them, at a large margin of profit, in lots of 25, 50, and 100 men to other employers. Such a system as this, coupled with many other illegal and inhuman practices common in the South to-day, has created a new form of human slavery more cruel and unjust than chattel slavery before the war.

But the need of prison reform is not a bit more pressing in the South, where these abuses exist, than it is in every section of the country where other evils fully as malignant and corrupt still flourish.

Scheming contractors and corrupt politicians, North and South, East and West, have grown rich from the profits of prison labor, while the States themselves, in most cases, have realized but a small fraction of the returns from the employment of their penal class; and the health and the reform of the convicts has usually been eliminated from all consideration.

A QUESTION OF HUMANITY.

All manner of inhuman torture are still employed in nearly every State in the Union to compel convicts to perform the herculean labors that the contractors mark out for them. Solitary confinement in the dark cell, the only humane method of punishment now recognized, has been dispensed with because the State or the contractor is thus robbed of the convict's labor during the period of incarceration, and the more expedient and economical method of the whipping post, the cold-water shower, or the rake have been recalled from the dark ages in order to bring unruly prisoners to speedy subjection. In the South men are tied to the most convenient tree and clubbed unmercifully with the first weapon the infuriated guards can secure. In prisons in other parts of the country more ingenious and fiendish tortures are employed.

Humane punishment is too expensive for practical use in many of our modern penal institutions. And just so long as the State rents, contracts, or leases its convicts to private contractors, inhumane systems of punishment will prevail in order that the unwilling slaves of the law may be forced to work the full quota of hours demanded by their task makers. In part responsible for the extreme cruelty that to-day marks nearly every method of prison punishment is the fact that there is hardly a State in the Union where prison authorities are selected because of any particular fitness they themselves possess for the work or because of any knowledge that they may have of prison methods.

The sole essential requisite for appointment to a position of authority in a penal institution depends, in most cases, on the ability of the candidate to deliver votes on election day.

What influence has he got? How many votes does he control? These are the questions that those who hold the appointive power always ask.

THE MOST VICIOUS EVIL.

But even more vicious than these evils, which affect only individuals of a certain class, is the final one of which I am to write, which affects every industry and every American workingman—open competition

with unpaid, slave-driven, convict labor which has been forced upon wage-earners in nearly every art and trade given to free men to earn a livelihood.

In every city in America these cheaply made products of prison labor are to be found on sale in the stores and shops in competition with the products of free industry. Shirts, collars, shoes, furniture, hollowware, brooms, cigars, baby carriages, and a variety of other products made by prison labor are sold to-day in Boston in the shops of the small retailers and in the big department stores. These self-same products you will find in every city in the country. The public that buys such goods never realizes their prison origin, and the dealers that put them on the market guard the secret of their ability to undersell all competitors as zealously as smugglers who bring over laces from Paris.

PURPOSE OF THE WRITER.

It shall be my purpose in whatever I have to say about the employment of prisoners, not only to show that it is wrong to allow men who have been committed to penal institutions by the laws of the land to be put in tread mills of industry for the profit of influential contractors and dishonest prison officials, but to prove it is a violation of the right of every American citizen to force free and honorable labor to compete in the open market with that of convicts, and to endure loss of work and lower wages because of the prison-made products that now flood our cities. This article and the others that are to follow it have not been inspired by any hope of entirely removing competition of prison labor with that which is free. If prisoners are employed at all they must compete with free labor to the extent of having made an article or performed a task which otherwise would have been performed by a free laborer. The objection that free workingmen raise to prison labor is not because prisoners are employed, but of the present method of their employment. The hope of the free laboring man and of all fair industry is to find a way to employ prisoners with the least possible competition with free labor. If properly administered I believe, and shall endeavor to show, that the New York system approaches most nearly to this ideal. There are five systems of employing convicts in vogue in the United States to-day: The lease, the contract, the piece-price plan, public account, and what is known as the "New York system." I shall discuss each of these systems. Take up the lease system, as I found it in my tour of investigation through the South, in this paper, and reserving the New York system, which I believe should be adopted in every State in the Union, for my last paper.

VISITED TWENTY-EIGHT INSTITUTIONS.

I was appointed a special agent to investigate the operation of penal institutions under the department of labor of the State of Missouri, March 2, 1905. I immediately took up the work and visited and inspected in all twenty-eight institutions in every section of the country. Altogether I encountered very little difficulty in gaining permission from prison authorities to thoroughly inspect their institutions. This was undoubtedly due to the fact that I always presented my credentials from the State of Missouri, and did not volunteer any additional information about my connection with the Boot and Shoe Workers' Union, or my intention to write a series of articles detailing my experiences for general publication. The lease system, which I am to discuss in this paper, I found best exemplified in the State of Georgia. There, as in Alabama, Florida, and Louisiana, where this system is most generally employed, the convicts are hired out to an individual or farm for a special time for a given sum of money. The lessee assumes all control of the convict. He feeds, shelters, and clothes the prisoners he has leased, and is supposed to maintain all discipline. Thus the convict is completely removed from the authority of the State.

Wherever I found the lease system in the South I found convicts in a hopeless state of slavery, more cruel and inhuman than chattel slavery, where the slave owner had a property right in the slave. He was interested in the well-being of his slave. If the slave was underfed, beaten too severely, and mistreated, he could not perform a good day's labor. If his general health was injured, or he was prematurely broken down by ill usage, his price on the market would be cut in two and his master would be out just so many hard dollars.

WORSE THAN SLAVERY.

This is not true in the case of the convict slave. The lessee has no interest in the convict except to secure the largest possible amount of labor in a given time. What matters it to him if the convict's health is broken down? There are plenty more convicts and he can secure another one from the State. Overseers employed by these contractors are, almost without exception, men of brutal natures without a saving touch of kindness in their makeup. When the convict fails to satisfy the exactions of one of these taskmasters the whip, more often a club and sometimes even more direful methods of chastisement, are brought into immediate requisition.

At Montgomery, Ala., ex-Judge J. W. Carmichael, who is now the president of the board of prison inspectors of the State of Alabama, made some most interesting comments to me on this very aspect of the lease system, and the innumerable crimes it has been guilty of in the State.

We were driving out to a convict slave camp and had just crossed the tracks of the Louisville and Nashville Railroad, when the judge turned to me and said:

"This road was built by convict labor under the lease system, and if a tombstone were erected over the grave of every convict who fell during its construction, either by a bullet of the overseer or his guards, it would be one continuous graveyard from one end to the other."

That this statement is true is evidenced in the recent peonage cases in Alabama, one of which is as follows:

"In May, 1903, John W. Pace, ex-sheriff of Tallapoosa County, Ala., was indicted by the United States grand jury of the middle district of Alabama, on the charge of violating section No. 5526 of the Revised Statutes of the United States, commonly known as the peonage statute.

"In July of the same year Pace pleaded guilty in eleven cases against him, and was sentenced by Judge Jones to five years in each case, the sentences to run concurrently. Pace was dissatisfied with the sentence and appealed to the United States court of appeals, and was released on $5,000 bond. The court of appeals handed down its decision in March of this year, which affirmed the decision of the lower court. The special test case decided by the appellate court revealed the fact that Pace's overseer had horribly mutilated a negro named Owen Green, whose breastbone and ribs had been broken while being whipped. And this is but one of the hundred similar cases. There are twenty-two men under indictment for peonage in the State of Alabama at the present time."

CONVICT SLAVE TRAFFIC.

These facts, and many more that I might refer to, show that the lot of the convict slave in the South to-day is not a whit better than that of the black slave before Lincoln issued his emancipation proclamation, in 1863.

The following information which I have gathered will show further that the traffic in convict slaves in Georgia, Alabama, and Florida is almost as great as was the traffic in black slaves before the war, and would seem to indicate that the business is far more profitable.

The Atlanta Constitution of March 28, 1905, contained the following:

"Officials of the prison department are much interested in the fact that Dr. W. B. Hamby, of Waycross, who, with W. M. Toomer, also of the city, now controls the labor of 585 Georgia convicts, is the leading member of a syndicate composed largely of Georgians, which has just secured a four years' lease upon the entire number of Florida's convicts, amounting to between 1,100 and 1,200. Dr. Hamby, who has an office in Atlanta, has gone to Jacksonville and from there will go to Tallahassee to arrange the final details under which the syndicate will take charge of the Florida output.

"For Florida's convicts the syndicate pays $207.70 a year each, including men, women, and boys, and will also guard and care for them. This is said to be the highest price now paid for any State convicts.

"Georgia, under the contracts made last April, receives an average of $225.12 for each able-bodied convict, while the women, boys, and invalids are kept on the State farm at the State's expense. Besides, Georgia has to guard and furnish physicians for her convicts at an expense of about $60 a year each. It is evident, therefore, that Florida will get about $40 a year each more for her convicts than Georgia does. Florida followed Georgia in making a new contract, as Alabama did, and both have profited well by Georgia's experience.

SYNDICATE SUBLETS PRISONERS.

"It is probable that many of Florida's convicts will be sublet by the syndicate; perhaps all of them. They will be used on the turpentine farms and in the phosphate mines, where there is a great demand for them because negro labor is exceedingly scarce in Florida. There is little doubt, therefore, that the syndicate will get a good advance on the price it has agreed to pay.

"As an illustration of this fact it is stated that Messrs. Hamby and Toomer, who now have a lease contract on the labor of 585 convicts in this State, have sublet about 535 of them at a price average of about $30 per month per man, or $360 a year. This is an advance of about $135 per man over the price paid by them to the State, so that it can be readily seen how great a profit there is in the transaction. Messrs. Hamby and Toomer are of course under bond to the State and are responsible for a compliance with the laws.

"*So great is the demand for convict labor at the present time*, according to State officials, that during the coming summer it will bring even higher prices. It is stated that some contracts have already been made for convicts to work on turpentine farms in south Georgia during the coming summer, at $32.50 and $35 per month per man. This means $390 to $420 per man per year, a profit of $165 to $195 over the amount now paid to the State for the services of these men."

CONVICT-SLAVE TRUST.

It will be seen from these facts that a regular convict-slave market has been established in at least three States in the South and that a convict-slave trust is already assuming control of the entire field. The firm of Hamby & Toomer, with headquarters at Atlanta, Ga., already controls the entire prison population of one State and 585 of the 1,500 prison population of another State; and it should be remembered that this company does not employ the convicts, but subleases them indiscriminately to whoever will pay the price, in lots of 25, 50, and 100, all at a large profit. This traffic seems to be sanctioned by the law, as will be seen by the following, which is taken from the last report of prison commissioners of the State of Georgia, page 8. After giving the names of the successful bidders, subsequently and before the contracts and bonds were executed, the following transfers were made:

L. J. McKinnon to Durham Coal and Coke Company.
W. J. James to G. V. Gress Company.
J. B. Holmes to J. W. Callahan.

These transfers, with other orignal bidders, executed contracts and bonds, as required by law.

Complete ownership in the convict in each case is vested in these lessees, who have only to put up their money to secure a slave for the period of time specified. That the first consideration in the hiring out of convicts under this system is the amount of profit to be made is shown by the following from the same report, also on page 8:

The contract so made will bring into the State treasury annually for a period of five years, beginning April 1, 1904, the gross sum of $340,000, and after deducting the necessary expenses of this department, estimated at $115,000, will leave a net amount of $225,000 per annum, which under the law will be divided among those counties not using convict labor upon their public roads, according to population, to be used for school or road purposes, as may be determined by their respective grand juries. The price at which this labor was let, $50.52 per capita per annum over the set price of the legislature, is considered very satisfactory.

PRISONERS' RIGHTS DISREGARDED.

Much satisfaction is expressed in the above report at the financial results, but not a word as to the well-being or reformation of the prisoner nor its effect upon the community at large.

Again I quote, this time from the eighth biennial report of the commissioner of agriculture of the State of Florida, page 308, wherein it is sought to shift responsibility and even up with the financial results:

I wish to state plainly that three-fourths of the reports relative to cruel treatment of prisoners have originated in county convict camps and with county prisoners at State camps, over which this department has no control whatever. Anyone who will go to the trouble to investigate will note the broad difference in the camps, their equipment for comfort, the character of bedding, clothing, and food. The State prison system has suffered much in reputation at the hands of county

prison camps, the newspapers not drawing the distinction when discussing the subject, thus prejudicing the public mind unintentionally against the present system of handling prisoners.

From the best information obtainable, I must again insist that Florida derives more net revenue from the hire of her State prisoners than any State in the South, or in the Union, for that matter, when numbers are considered. The net revenue paid into the State treasury for the last two years is as follows: For 1903, $156,678.78, and for 1904, $158,000.52. Total for the two years, $314,688.30. The first year, 1901, of my term was under the old lease for $21,000 per annum; for the second year, 1902, the first year of the present lease, the State treasurer received $138,588.75, making a total for the three years now past, under the present lease, of $453,277.05. This is the net cash converted into the State treasury. This money is distributed to the different counties according to their assessed valuation of property, which makes it of interest to a county to have its property as something near its real value, as it derives greater revenue from the prison fund and can therefore lower its millage for county expenses.

The people of the State have cause to congratulate themselves on the results.

MODEL FEDERAL PRISONS.

Yet there are model penal institutions even in these four States where the lease system obtains. I found the Federal prison at Atlanta to be a praiseworthy institution in every respect. Its buildings are all new and up to date. The sanitary conditions are the best that modern plumbing can create, and, as the Federal statutes forbid the employment of convicts in the manufacture of articles for sale in the open market in any form, its entire population, consisting of 450 inmates, except those required in the actual operation of the prison, are employed in cutting stone and preparing other materials for the construction of additional buildings and in the building of a huge wall around the entire grounds.

This is the least competition with free labor in this institution that it is possible to have where convicts are employed at all. If all State institutions were operated along similar lines, labor would have little or no complaint to make.

But the Federal prisons contain only a small per cent of the total number of convicts in the South. The great majority of criminals are State and county prisoners and are the slaves of the lease system, which in all my travels and investigations in the South I was unable to find more than one man who was willing to put himself on record as its advocate and defender, and he was himself a prison official in Florida.

So far as competition with free labor is concerned, the lease system is not the most objectionable method of employing prisoners. The convicts in Georgia, Louisiana, Alabama, and Florida are used on the turpentine farms, in brick yards, lumber camps, and in railroad construction. In performing this class of service in the South where good laborers are generally scarce very little injury is done to workingmen as a whole. It is mainly on the score of the dishonesty, the extreme cruelty, and the inhumanity of the southern systems that all fair-minded men oppose it.

THE CONTRACT SYSTEM.

Mr. Lovely describes the extreme barbarity that characterizes this method of employing convicts in more than a dozen States, and shows how impossible it is for manufacturers who employ free laborers to successfully compete with prison contractors who hire convicts to operate machines at from 32 to 40, 50, and 85 cents a day—more than 25,000 pairs of shoes manufactured a day, three hundred and thirteen days a year, in twelve institutions investigated.

While there are differences of opinion about other methods of employing convicts, publicity is all that is needed to unite the manufacturers of America and all classes of citizens in a campaign with the trade unionists against the contract system which, although most generally in use, is manifestly so antiquated, unjust, and cruel. Manufacturers who employ free labor of any sort know fully well the impossibility of competing with prison contractors who are furnished by the State with free motive power, with free factory rent, and all the men they desire to operate machinery for from 32 to 40, 45, 50, and 85 cents a day.

Although our manufacturers and the men and women who work in the shop and factory are the ones most closely affected by this system, every true American citizen, whether he objects to prison-made products or not, will certainly protest against the inhumane cruelty that exists in nearly every institution in this country where the labor of convicts is sold by contract. In conservative New England, for instance, the general public is wholly unaware of the barbarity that characterizes the punishment of prisoners in some of the large State institutions. And this punishment is accorded, not only to the insubordinate, but also to those who fail to keep up the pace set by the prison contractor in the manufacture of shoes, chairs, shirts, and other commodities which are to be found on sale in every city, town, and hamlet in America in competition with similar articles made by free laborers.

"THE CROSS."

Because I intend to describe the methods of employing prisoners and the varieties of torture used in New England in a later article, I shall defer a specific description of some of the atrocities peculiar to that section of the country at this time and take up "the cross," a particularly cruel system of punishment that the contract system is responsible for in the Virginia penitentiary, at Richmond, Va. "The cross" is so named because the convict is pinioned to the floor in much the same manner that he might be fastened to an upright cross. He is laid flat on his back on the hard floor in a cell absolutely bare and dark, with his arms outstretched and his wrists and ankles fastened in a rigid position.

There he is confined from one to six days. He is released for a luncheon of bread and water at mealtimes and is taken out at night that he may sleep enough that he may bear the tedious tortures of the following day. The prison authorities at this same institution have, too, a convenient but none the less cruel custom of throwing a convict over a barrel, stripping off his clothes and laying the flesh on his back and legs open with a long, thick strap. As will be seen from the illustrations, the victim's feet are shackled, and one guard holds him by the wrist while the other applies the lash.

THE WATER CURE.

At the West Virginia penitentiary, Moundsville, W. Va., and at the branch penitentiary, Eddyville, Ky., "the water cure" is another devilish torture that the contract system must stand sponsor for. The prison authorities declare that this method of punishment will take the courage out of the most unruly convict and make him whimper like a child in a very few minutes. The convict is stripped, blindfolded, and placed about 20 or 25 feet in front of a hose. A 2-inch hose is used with water under a pressure of 280 pounds. Beginning with warm water, the temperature is steadily lowered until it is ice cold. This freezing water, thrown with terrific force on the convict's naked body, puts him into such frightful agony that he is speedily willing to do any task the warden or the prison contractor requires. I was told at the West Virginia penitentiary that the dark cell took too much of the convict's time away from his work, and that the paddle and the cold water shower were the only practical and economical methods of forcing a prisoner to buckle down to the work laid out for him. A convict can be taken out and flogged or put through "the water cure" in a very short time, and is then ready to go back to work. In this way neither the State nor the contractor loses more than an hour of the convict slave's labor.

GRAFT AND CRUELTY IN GEORGIA.

The paddle and the whipping post are the two most prevalent forms of punishment that came under my personal observation in the many other prisons East, South, and West that I have visited where the contract system is in use. In the South, Georgia, for example, where the contract system is in vogue, as well as the lease system, which I treated in my first paper, the main responsibility for the excessive cruelty that is to be seen in every prison camp is due the unprincipled character of the wardens and guards. As the State pays a guard but $20 a month and requires him to board himself, none but the most ignorant and dissolute will accept such a position. The only requirement for the position of a guard in Georgia is ability to use a club and shoot straight.

At each of the twenty so-called "prisons" in Georgia the State employs a warden, who receives $50 a month for his services. Such a salary as this for a prison warden implies either one of two things—inefficiency or dishonesty, and perhaps both. Those who know the Georgia system best openly declare that most of the wardens are "grafters" who, while receiving but $50 a month from the State, get from $50 to $200 a month more from the prison contractor. This condition of affairs undoubtedly explains why the interests of the prison contractors are so well cared for in the South.

In the beginning the contract system was only a feeble attempt at an improvement over the ancient lease system. Instead of selling the convict outright to the employer, or the convict jobber, for a period of years, he is hired out at a fixed daily wage for some specified number of months or years. The State, in return for the 30, 40, or 50 cents a day that the contractor pays for the convict's labor, furnishes shop room, water, and light free of charge, and also a number of convicts who are employed as cleaners and janitors.

In addition to all the advantages that the prison contractor enjoys over the manufacturer who employs free labor, many of the States where the contract system is in vogue furnish free motive power also. To show the extent of the prison-contract evil and the extreme limit to which some States have gone in

the way of favoring contractors with everything free except the material with which to manufacture commodities, I will briefly tabulate the results of my personal investigations in three States, giving the names of the contractors and manufacturing concerns so favored, the number of men they employ, and the wages they have to pay.

In each of these States, it should be remembered, free power, free shop room, free light, and free water are furnished the contractor.

KENTUCKY.

At the branch penitentiary, Eddyville, this State supplies the following firms with convicts, at the following rates, in addition to the free power and other items mentioned above:

The Louisville Broom Company, 65 men, at 35 cents a day.

The Kentucky Foundry Company (hollow ware), 65 men, at 50 cents per day.

The Eddyville Collar Company, 150 men, at 40 cents a day.

The Kentucky Shoe Manufacturing Company, 175 men, at 45 cents a day.

At the Kentucky penitentiary, Frankfort, the Frankfort Shoe Company, 400 men, at 50 cents a day.

Mason and Ford Broom Company, 104 men, at 50 cents a day.

The Frankfort Chair Company, 650 men, at 40 cents a day. (The chair company, however, furnishes its own power.)

MARYLAND.

At the Maryland Penitentiary, Baltimore, this State furnishes free shop room, light, water, and power to the following firms:

E. B. Blakesly (marble polishing), 63 men, at 55 cents a day.

Jones Hollow Ware Company, 175 men, at 55 cents a day.

Export Shirt Manufacturing Company, 403 men, at 55 cents a day, and 68 women, at 30 cents a day.

Baltimore Boot and Shoe Manufacturing Company, 235 men, at 45 cents a day.

INDIANA.

At the Indiana reformatory this State furnishes the following firms with employees, thirty days of free labor for each new convict, besides the free power, shop room, and other privileges noted above:

Indiana Manufacturing Company (hollow ware), 250 men, at 40 cents a day.

Union Carriage and Rattan Company (chairs and baby carriages), 200 men, at 32 cents a day.

Indiana Chain Works, 130 men, at 32 cents a day.

I have cited the exact conditions in these three States, because they were the only ones I visited where free power was furnished the contractors. In the other States, where I personally investigated the contract system, free shop room, light, and water were generally furnished, but in most cases the contractors paid a normal amount for power. Lack of space alone prevents me from giving the names of the various manufacturing concerns that profit by the contract system in other States. Prison manufacturing is, in fact, carried on much more extensively in a dozen States other than those mentioned.

STATES USING CONTRACT SYSTEM.

Alabama, Arkansas, Connecticut, Georgia, Indiana, Iowa, Kansas, Kentucky, Nebraska, New Hampshire, North Carolina, Ohio, Oregon, Tennessee, Texas, Vermont, Maryland, Michigan, Mississippi, Missouri, Virginia, West Virginia, Wisconsin.

FREE INDUSTRY HANDICAPPED.

From these facts it will be seen that a large number of States impose a heavy handicap upon all manufacturers who attempt to carry on their business with free labor. A rapidly increasing prison population has led most of those States to adopt the easiest method of securing some return from their convict class without thought of the consequences to free industry and the general welfare of their citizens. The growth of such form of prison industry will continue with rapid strides until the manufacturer and the workingman unite forces and make common cause against all methods against employing convicts that put prison-made commodities on the market in competition with those created by free laborers.

The trades most affected by contract prison labor are the shoe workers, iron molders, garment workers, reed and rattan chair workers, and broom workers. Of the 28 institutions I visited, 12 employed a total of 4,253 convicts in the manufacture of boots and shoes. These 4,253 convict shoe workers are paid an average wage of 48 cents a day, and they are turning out 25,340 pairs of shoes every day, six days a week, fifty-two weeks a year, which are dumped into the shoe market under various names and labels that are devised to conceal from the public their true character.

THE DAVIS SHOE COMPANY.

One of the most impressive examples of the extent that prison labor may be employed by a single firm in the manufacture of boots and shoes is that of the Davis Boot and Shoe Company, which has its headquarters in Boston and makes its shoes under a prison contract with the Virginia Penitentiary, of Richmond, Va. This firm manufactures a medium grade of women's, misses', and children's McKay sewed shoes that are sold in the open market under such names as the Winson, the Violet, Nonesuch, and a number of others.

The Davis company employs 961 male convicts at 42 cents per day and 56 female convicts at 30 cents per day, or a total of 1,017 persons. Of this number, 16 are employed in making cartons and boxes in which to pack the shoes, leaving 1,001 convicts annually employed in the production of shoes, exclusive of foremen. Their average output is 5,000 pairs per day, or an average of five pairs per day per person.

I know of no person employing free labor and making this grade of shoes whose output exceeds five pairs per day per person employed, and surely none who get their labor at 42 cents per day. Shoe manufacturers might well ponder over these figures and see if they are not somewhat interested in this matter. This firm uses no machinery in the lasting department, and the task ranges from 36, 42, and 48 pairs per day, or an average of 42 pairs per day lasted by hand. The task for McKay sewers is 480 pairs per day, and so all along the line.

The above figures will reveal the fact that the total labor cost, exclusive of foremen, to the Davis Shoe Company is eight cents and a fraction per pair.

THE GIESECKE BOOT AND SHOE COMPANY.

To show what sort of favoritism the State of Missouri shows upon prison-contract shoe manufacturers, I will use the Giesecke Boot and Shoe Manufacturing Company, of Jefferson City, for an illustration. This firm made a contract in December, 1898, with the Missouri State Penitentiary at Jefferson City for the convicts of that institution to be employed in the manufacture of footwear. This contract has put thousands of dollars into the coffers of the Giesecke company. The State now, however, exacts 60 cents instead of 50 cents a day. Not only has this firm been furnished with shoe-machine operatives for 50 cents a day, but it has free water, has paid absolutely nothing for rent, and has been furnished power from a 145-horsepower engine, which would cost a manufacturer outside of a prison at least $500 a month, on payment to the State of only $100 a month.

In Missouri the task of a convict is based upon, and usually to, what a free laborer can perform. The penalty for a convict who fails to perform the task set for him is the whipping post. From ten to thirty lashes are usually given, and the strap used is made of heavy harness leather, 2 inches wide and 18 inches long, fastened to a wooden handle 12 inches long.

This strap will bring out the blood with every blow, if the warden so desires. Warden Woolridge, of the Missouri Penitentiary, admitted before a legislative committee but a few months ago that prisoners are punished for not performing the required amount of work. He said: "If Captain Todd finds that a prisoner is lazy, he will talk to him and try to do the best he can by him. If the convict fails then to do his work the captain sends him to the post."

A SAMPLE PRISON-LABOR CONTRACT.

I have before me a copy of one of the eight contracts that have been in force at the Jefferson City Penitentiary for a number of years, and are still in force, except that the per diem has been changed to 60 cents instead of 50 cents per day, as formerly. It reads as follows:

This agreement, made and entered into this 31st day of December, A. D. 1898, by and between J. D. Stark, as warden of the Missouri State Penitentiary, party of the first part, and the Giesecke Boot and Shoe Company, party of the second part.

Witnesseth, first. That the party of the first part agrees to furnish to the said party of the second part 300 able-bodied male convicts for the manufacture of boots and shoes at the Missouri State Penitentiary.

Second. That the said party of the second part shall have the right to work any number of able-bodied male convicts in excess of the 300 contracted for, provided said party of the first part may have them on hand to spare.

Third. The said party of the second part binds itself to pay to the said party of the first part for the labor of convicts by it employed on the 5th day of each and every month during the continuance of this contract for the preceding month at the following rates, to wit: From and after the taking effect of this contract—December 31, 1898—the sum of 50 cents per man per day for 300 men, whether working or not, until the termination of this contract—December 31, 1904.

Fourth. That the said party of the second part agrees and binds itself to pay for all men worked in excess of 300 from December 31, 1898, to December 31, 1904, the sum of 50 cents per man per day for each and every man worked.

Fifth. That the said party of the first part shall furnish as good, able-bodied male convicts as he may have on hand when the said party of the second part shall make application for them.

Sixth. That the said party of the first part reserves the right to

withhold any convict that he may deem necessary to work for the State: *Provided*, That said convict has not already been assigned. The party of the first part shall also furnish to said party of the second part the longest term convicts, provided no other contractor has applied for them.

Seventh. That during the continuance of this contract no convict assigned to said party of the second part shall be taken away without its consent.

Eighth. That convicts either sick or undergoing punishment shall be returned to the said party of the second part when fit for duty and no charge shall be made for the time so lost nor for Sundays or holidays.

Ninth. That if any convict assigned to the said party of the second part shall, from any cause, prove inefficient, the said party of the second part shall have the right to reject such convict within fifteen days from date of his assignment, and in such cases no charge shall be made for the time so worked.

Tenth. That said party of the first part shall furnish a sufficient number of good guards whose duty it shall be to maintain order and discipline in the shop and see that the convicts do good and sufficient work.

Eleventh. That the said party of the first part shall furnish a sufficient number of shop cleaners free of charge.

Twelfth. That any convict that may make his escape or be discharged by pardon or otherwise, having been in the employ of the said party of the second part, provided such convict may have served the major portion of his previous or unexpired term in its employ.

Thirteenth. That said party of the first part shall furnish all steam, steam power, and main shafting for the successful operation of the machinery that the said party of the second part shall use in the manufacture of boots and shoes, and shall furnish all steam for heating the shops, also all the water necessary for their business, for which the party of the second part agrees to pay at the rate of $100 per month until the termination of this contract, December 31, 1904, and at the time and in the manner as provided for in section 3 of this contract.

Fourteenth. That the said party of the second part shall have the right to put up and maintain such machinery and fixtures as may be necessary for the manufacture of boots and shoes in said penitentiary.

Fifteenth. That the said party of the second part reserves the right to suspend work long enough in each year to take an account of stock, which shall not exceed two weeks.

Sixteenth. That the said party of the second part shall have the right to occupy all of the two-story building designated "New No. 1," all of the three-story building designated "New No. 5," and the first floor of the two-story building designated "New No. 2."

Seventeenth. That the said party of the second part shall have the right, by its officers, foreman, and employees, to direct the labor of convicts by it employed, subject, however, to the interference of the warden of the penitentiary where the health of the prisoners or the discipline of the institution may be menaced; and the said officers, foreman, and employees shall at all times conform to the rules and regulations of the penitentiary, and whenever the warden shall deem it for the best interest of the institution to close the doors against any such officers, foreman, or employees, the right is reserved to do so.

Eighteenth. That in case of panic or general business depression, necessitating a reduction of the force employed by said party of the second part, for the reason stated or for any other cause, the warden of said penitentiary, with the approval of the board of inspectors, may in writing agree with said party of the second part that any number of men that he may deem just and right may be temporarily laid off for any stated intervals, but this can only be done by agreement of said parties.

Nineteenth. It is hereby further stipulated and agreed that if at any time during the continuance of this contract the lawmaking power of this State shall enact any laws prohibiting or curtailing the sale or use of any articles manufactured by the said party of the second part with said convict labor, or shall enact any laws, the operation and effect of the agreement to set aside and annul this contract, or to make such changes and alterations herein as will as far as possible preserve and uphold the rights of both parties hereto, and without undue prejudice to either on account of any such legislation.

Twentieth. That the said party of the second part hereby agrees that if there parties hereto by a subsequent writ the right is hereby reserved by the which will materially change the rights of said party of the second part as they now exist under the laws of this State, then and in that event is no renewal contract made on or before the end of said six years, December 31, 1904, then the said party of the second part shall have the first four months of 1905 to close up their business, and accordingly after January 1, 1905, the said party of the second part may lay off without pay any number of men they so desire, and shall only pay for the number of men actually worked at 50 cents per man per day during said four months, and the said party of the second part at the end of said four months shall surrender the shoprooms or buildings belonging to said State and occupied by them, the said party of the second part, provided that if at any time during said four months or before surrendering said shops or buildings the said party of the second part shall again make and enter into a further contract, then the said party of the second part shall pay for the full number of men contracted for for the whole of said four months in like manner as if the contract hereby made had been made for the whole period, including said four months, without any provisions for closing up their business.

Twenty-first. That in case the party of the first part shall at any time have occasion to use the shoproom occupied by the said party of the second part, he reserves the right to direct the said party of the second part to move their machinery and fixtures into such shop or rooms so designated, to be equally as good as the one from which the said party of the second part is required to move. Such move to be made at the expense of the said party of the first part.

THE PIECE-PRICE PLAN AND THE PUBLIC-ACCOUNT SYSTEM.

Employment of the United States prisoners in State institutions a violation of the Federal laws and purely a "graft" for somebody, declares Mr. Lovely. How the desire to make money from the convict's labor is responsible for cruelty and corruption in nearly every State in the Union. What it costs the contractor to make shoes, shirts, and clothing in prisons in Massachusetts, New Hampshire, Rhode Island, Ohio, Indiana, and Minnesota, compared with prices legitimate manufacturers have to pay free labor to create the same commodities.

"For revenue only" seems to have always been the governing purposes in the management and control of convicts in this country. While representing to the public that the reformation of the criminal and the protection of society were the first ends of all forms of restraint and punishment, prison authorities have set their faces in exactly the opposite direction by regulating these just and commendable principles of penology to but an afterthought of some one of the money-getting systems of convict administration.

Convict slavery and peonage in the South, a hundred prison pens of the North grinding out tons of commodities every working day of the year for an already overflooded market, still tell the story of to-day of the inability of a prison board to understand that criminals are not sentenced to labor for other men's profit, but to be punished fairly and justly for their misdeeds, and reformed in every way possible for the future protection of society.

TWO SUPERFICIAL REFORMS.

As I have shown in the two preceding articles that the creation of revenue for the State or for individuals is the dominating purpose of the lease and contract system, so that my readers will find it the goal of the two superficial reform systems which I am to discuss this month. Where public agitation and enlightenment have forced the abandonment of one or the other of these ancient systems in many States, they have been replaced by either the piece-price plan or the public-account system.

Neither of these reformatory methods have proven successful, because they are founded on traditional fallacy, and neither was honestly designed nor intended to improve the condition of the convict nor to remove from the open market the disastrous competition between the products of his enforced industry and those of the free workingman. Both are forced reforms, alike unsatisfactory to the public, the prison authorities, and the prison contract manufacturer. There "isn't as much in it" for the State, and in most cases not so much for the manufacturer, and both systems hamper the authority of the prison wardens. Besides, the public-account system is ranked as a financial failure. Statistics show that the total income from the convicts' labor under this method constitutes but 32 per cent of the running expenses and 18 per cent of the entire expenses where it is employed. The truth of the matter is, therefore, that a majority of the prison authorities and all of the manufacturers that employ convict labor would gladly return to either the lease or the contract system if it were not for the laws in the various States and the public opinion behind them.

WARDENS VIOLATE FEDERAL LAWS.

If these gentlemen are mindful of the laws in their own State, however, the same thing can not be said of their obedience of the United States Statutes. A great many prisoners, some vicious, a large number only ignorant, violate the rules in all penal institutions, and are invariably punished with unrelenting severity; but what excuse can be offered by those in authority in these institutions who are so ready to order barbarous tortures administered to unhappy convicts for violations on their part of plain provisions of the Federal Statutes? Federal prisoners in every State prison in America where either the contract or the piece-price system obtains are employed in direct violation of the United States Statutes. At the Ohio Penitentiary I was told openly that the piece-price plan was vicious and detrimental to the best interest of the State, but it afforded an excellent opportunity to evade the Federal laws.

Because many people do not consider that a prisoner is really hired out under this system, since he is supposed to work directly for the State, it was the intention of the authorities in Ohio to maintain a piece-price contract another year, so as to be able to employ Federal prisoners in the manufacture of cigars.

The fact is that the employment of United States prisoners by any State in the manufacture of commodities for the market is purely a "graft." The United States Government in all cases pays the State for the care and maintenance of its prisoners, and the additional income that the State secures is clear profit for somebody.

THE UNITED STATES STATUTE.

That there may be no doubt about what the laws say on this point, I will quote the United States statute:

Be it enacted, etc., That it shall not be lawful for any officer, agent, or servant of the Government of the United States to contract with any person, corporation, or permit any warden, agent, or official of any State prison, penitentiary, jail, or house of correction where criminals of the United States may be incarcerated to hire or to contract out for the labor of said criminals, or any part of them, who may hereafter be confined in any prison, jail, or other place of incarceration for violation of any laws of the Government of the United States of America. That any person who shall offend against the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be imprisoned for a term of not less than one year or more than three years, at the discretion of the court, or shall be fined not less than $500 nor more than $1,000 for each offense.

That all acts or parts of acts inconsistent with the provisions of this act are hereby repealed; and this act shall take effect and be in force from and after its passage. (Approved February 23, 1887.)

The strict enforcement of the above law would land many a prison warden in the soup line, lock step among many of his former convict subjects, where he would have an excellent opportunity to study prison administration from the inside.

PIECE-PRICE PLAN ADOPTED.

In spite of this and many other unjust and impracticable features of the piece-price plan, it must be admitted that it was first adopted for the alleged purpose of limiting the quantity of prison-made articles which were being thrown on the market. It was argued that the only way to remedy this evil was to put the State in direct control of the quantity of the work performed by the convict. To this end, a simple modification of the old contract system was adopted, the only difference being that the contractor was no longer asked to assume any risk or responsibility whatever. When the State took charge of the convict in the workshop, it was naturally supposed that some stay would be immediately put upon the amount of work that was being turned out. Such was not the case, however, for the only limit that any of the States have since adopted is the old limit of both the contract and the lease systems—the limit of the convict's endurance.

Thus it will be seen that the adoption of this method has not reformed any abuses, or benefited anyone, unless an exception be made for the contractor. He simply delivers the material at the prison and in return receives the manufactured article on payment of an agreed piece price. The supervision of the work is wholly in the hands of the prison officials, and the States resumes all responsibility for bad work, loss of time, and other incidentals. The prices he pays for the making of commodities are usually so ridiculously low that no manufacturer employing free labor can hope to successfully compete with him.

WESTERN SHOE MANUFACTURING COMPANY.

For example, the Western Shoe Manufacturing Company has a contract for the manufacture of boots and shoes on the piece-price plan at the Minnesota State prison, at Stillwater, Minn. The thirteenth biannual report of that institution, page 15, contains the following under the heading of "Earnings."

Manufacturing 229,958 pairs of unlined shoes	$20,084.56
Manufacturing 84,909 pairs of lined shoes	11,119.84
Manufacturing 63,177 pairs of welt shoes	9,722.13
Manufacturing 17,012 pairs of boots	2,599.22

I will take the third item—men's welt shoes—for comparison, because manufacturers find them the most difficult to place on the market at a profit. I find that by dividing $9,722.13 by 63,177, the number of pairs made, that the total labor cost is 15 cents and a fraction per pair.

COST OF SHOES MADE BY THE FREE LABOR.

Now, let us compare this amount with what it costs to make such a shoe with free labor. American Shoemaking, one of the most reliable authorities on matters of this kind, in its issue of March 19, 1904, reproduced all of the dissected parts of a welt shoe, giving the labor cost of each part. The object was to discover whether a manufacturer could produce a medium-price shoe of this kind and realize any profit. Consequently the figures given at that time must have been as low as it is possible to get them. The labor was placed as follows:

Stock fitting	$0.03½
Cutting and skiving	.05
Stitching or fitting	.09
Bottoming	.16
Finishing	.01½
Treeing and packing	.03
Total labor cost	.38

MORE ADVANTAGES FOR PRISON CONTRACTORS.

It will not be fair, however, to compare the 15 cents per pair that it costs the Western Shoe Manufacturing Company to create shoes with the 38 cents it costs manufacturers employing free labor. The Western Shoe Manufacturing Company enjoys even greater advantages. It is under absolutely no expense whatever for factory rent, power, water, or light. The State magnanimously furnishes these little incidentals free of charge. But manufacturers who employ free workingmen have to rent or build their own factories, buy their own machinery, and furnish their own motive power, and these heavy items of expense must be added to 38 cents before anything like a comparison can be made.

From such figures and conditions one can see what inducements the States employing the piece-price system offer to legitimate manufacturers. But let us not imagine that this system affects only the shoe industry or is confined at all to the State of Minnesota. At the Indiana Penitentiary, Michigan City, Ind., for instance, there are 100 convicts employed in the manufacture of overalls and jackets, also on the piece-price plan. The contractor furnishes material only. The State supplies shop-room, power, light, heat, water, and labor, and receives 33½ cents per dozen pairs for making overalls.

WHAT LEGITIMATE MANUFACTURERS PAY.

I have before me fourteen scales of prices paid by as many manufacturers employing free labor in the manufacture of overalls, and the lowest of these is 60 cents per dozen for running up the seams, or sewing the different parts together. The cutting, making of buttonholes, sewing on buttons, pressing and packing being paid under the head of "extras," and amounting to 18 cents per dozen, this being the total labor cost up to 78 cents per dozen pairs. Now, add to this the cost of rent, power, light, heat, and water, which all manufacturers except those with prison contracts have to pay, and you will have the difference between convict and free labor in the manufacture of overalls.

For a third illustration I point to the New Castle County Workhouse, at Wilmington, Del., where there are 180 convicts employed under the piece-price system in the manufacture of men's, youths', and boys' trousers. The contract price is as follows:

	Per dozen pairs.
For men's trousers, regular	$0.65
For youths' trousers, regular	.55
For boys' knee pants, corduroy	.22
For boys' pants, regular	.18

These prices include cutting, making, pressing, and packing ready for shipment. Can anyone imagine a process by which a firm employing free labor can cut, make, press, and pack a dozen pairs of boys' knee pants at 1½ cents per pair? The question is often asked: "What sort of influence is used with prison officials to induce them to make such contracts?"

HOW SHIRTS ARE MADE IN RHODE ISLAND.

As a final example of the piece-price plan I will take up the beneficent State of Rhode Island, where I found 240 convicts at Howard employed in the manufacture of fine shirts—the kind that usually retail from $1 to $1.50 per shirt. The contractor delivers all material necessary to manufacture the shirts at the prison warehouse, which is furnished by the State, and there his expenses end until he receives the finished product packed and ready for the market. For the cutting, making, starching, ironing, folding, and packing of these shirts, including a pair of cuffs for each garment, he pays the State 50 cents per dozen shirts.

Think of how long it would take one person to cut, make, starch, iron, and pack a dozen shirts, including cuffs, yet 50 cents is all this labor is worth in Rhode Island. Can any firm employing free workers who have to support themselves compete in the open market with one having the advantage of such a contract? The Rhode Island State prison is not free, either, from the cruelties existing elsewhere. The favorite punishment is the strait jacket, an instrument which was intended to be used only in case of a raving and unmanagable maniac. In spite of the State laws, this has become the standard method of punishment in Rhode Island, and has even been approved by the State prison board.

STATES USING PIECE-PRICE PLAN.

If the space was at my disposal, I would write a detail account of the workings of the piece-price plan of every State where it is now in use.

This not being the case, I shall simply give the following list of the States employing this system:

Connecticut, Indiana, Michigan, New Jersey, Rhode Island, Delaware, Maine, Minnesota, Ohio, Tennessee, and Wisconsin.

PUBLIC ACCOUNT SYSTEM.

Although in use in more States than is the piece-price plan, the public are opposed to the State account system of employing convicts. Unanimity of sentiment against this method is undoubtedly due to the fact of its being such a financial failure.

Ostensibly, the public account system was adopted for the purpose of giving the prison officials complete control of the convict, and to lessen competition with free labor. It has since developed that the real reason that led most of the States to adopt the system was not as beneficient as the prison authorities would like to have the public believe.

They thought that if the State went into the manufacturing business on its own account and did not depend on a contractor to furnish material, or to dispose of the finished product after the convict had created it, there would be much more money in the business. Results have shown that this was grievous miscalculation, for the system has failed to pay more than 18 per cent of the entire expenses in the institutions where it has been established.

PRISONERS STARVED IN MASSACHUSETTS.

Every way one looks at it this wretched system is a failure. Judged from the humanitarian standpoint it is an even more outrageous and cruel system in many respects than the lease and contract systems. Starvation is one of its most popular tortures used to force convict slaves to keep up the pace set by the overseer. At the Concord Reformatory, Concord, Mass., where I found 175 of the 900 inmates at work making men's heavy shoes, prisoners are regularly deprived of their food if they fail to perform their full daily stint of work laid out for them.

Every day at noontime in this prison an overseer goes through each department. Wherever he finds a prisoner who is short in his work he fines him his dinner. This same overseer makes the rounds at night, and if the prisoner is still short he is fined his supper; and thus, having worked all day with only a scant breakfast, the half-starved man is expected to perform a full day's work the following day. Surely no more inhuman treatment could be accorded poor unfortunates, who, perhaps in many instances, are absolutely unable to perform the task allotted them.

In the State list below, the public account system, either in all or some of the penal institutions, is in operation: Alabama, Arkansas, Colorado, Kansas, Maine, Minnesota, Pennsylvania, Texas, Winconsin, Arizona, California, Illinois, Kentucky, Massachusetts, New Jersey, Tennessee, West Virginia.

CRIMES BEHIND PRISON WALLS.

The general public is and always has been wholly unaware of the crimes that have been and are still being perpetrated in their penal institutions. The grim prison walls and the devious ways of convict administration give wardens with hearts of flint and servile guards under them too easy an advantage to allow their acts to pass unknown and unchecked. And since the testimony of the convict is always discredited, there is no fear that the victim will ever be able to strike back. This is a general condition common to all systems of punishment. The only thing the State can do to ameliorate such conditions is to see that the most equitable and efficient system of convict administration is adopted.

There are a great many different opinions about this and that method of managing convicts. Some phases of the question seem beyond solution at the present time. But judging by the lamp of experience, by the actual conditions that exist in our prisons to-day, this one thing we do know: Wherever money making is a factor in any scheme of convict administration there is cruelty and torture in one or the other of their various forms. This ancient curse of "man's inhumanity to man" is not peculiar to any one section of our country or to any one system of employing convicts, but exists in every penal institution that seeks to derive profit from the labor of its inmates.

From the illustrations I have given of actual conditions I found in twenty-eight different institutions, anyone who has followed me thus far can see that the above conclusion is true. Even the education, culture, and liberal thinking of New England have been unable to abolish this curse which is linked inseparably with all money-getting convict systems. I have described the conditions in Massachusetts and Rhode Island. Let me give one final picture from New Hampshire.

"THE SLIDE."

At the State prison, Concord, N. H., all the convicts are employed in the manufacture of chairs. The officials of this prison treated me with such courtesy and attention, and seemed so far above what I had found the same class of men in many other institutions that I was astonished later to discover a new and ingenious system of torture in everyday use. It was called "the slide," and is an instrument fashioned after a large window frame. It is fixed in grooves against the wall and can be raised and lowered, as the guards desire. At the top of the frame there is a ring, to which the wrists of the convict are handcuffed. The frame is then raised until the victim's feet swing free from the floor. There the convict is allowed to hang until he cries for mercy. Five minutes is the longest time any prisoner has been able to endure the torture.

Somewhat dubious as to whether the instrument was as painful as the guards described, I allowed my wrists to be fastened to the ring and was lifted off my feet. The guard timed me, and after one minute the pain became so terrible that I could not help crying out and was quickly lowered.

The authorities at the Concord prison seem to be estimable men, yet a money-making system of convict administration has blunted their sensibilities and made them men with two sets of feelings—one for the home, the other for the prison in which they work.

THE NEW YORK SYSTEM.

How the Empire State, after years of vain effort trying to reconcile money making with the reformation of character in the management of convicts, finally adopted a civilized prison system—convicts now employed in more than twenty different industries suited to their natural abilities, and no prison-made commodities sold in the open market—Mr. Lovely points out a marked decrease in the entire prison population and many other reforms that have followed the establishment of the new systems, and shows the way to a sane and humanitarian solution of the convict-labor predicament in every State in the Union.

In former articles I have confined myself to a review of the most flagrant abuses and extreme cruelties of the four prevailing systems of convict administration. Volumes might be written in general condemnation of the defects and abuses of these several methods of employing and caring for prisoners. All fail to attain anything like an ideal system for a civilized country, because they are founded and administered according to the money-making fallacy.

Anyone who has studied penology or who has investigated the prevailing conditions among convicts in this country knows that a prison ought not to be run for the purpose of making money. Although the prevailing notion with many prison boards is that the labor of convicts is always a fit subject for the exploitation of the State and private contractors, there is a better idea of the purpose behind all forms of restraint and punishment. Those who hold this high ideal believe that a prison is a place of detention designed for the protection of society through the reformation and proper punishment of the criminal.

LABOR A DUTY, NOT A PUNISHMENT.

Labor as a punishment and labor as a duty are two different things. In a prison labor should not be used as a punishment, but as a duty that every man owes to himself and to society—as a means of reform, regardless of any profit that the state or any private individual may derive from the products of his toil. In the long run it is of vastly more importance to the state that its criminal class should be reformed and trained into self-respecting citizens than that some immediate profit be realized from their labor. The money-making idea was not a part of the original conception of prison, and it should not be allowed to subserve all other purposes of restraint and punishment to-day.

If one takes a broad view of the convict-labor question the only system that commends itself is that method which effectively protects society in its morals and material interests regardless of any pecuniary profits which may accrue from it. Such a system is now in operation in the State of New York, where it has proven an unqualified success. This system, which is destined to revolutionize the entire prison administration of our country, if only it receives the support it deserves, was adopted in New York after long and continuous agitation by the labor unions and a number of prominent and progressive citizens who were interested in the welfare of the State.

WHY CONTRACT SYSTEM FAILED.

In January, 1884, Charles F. Peck, commissioner of labor of New York, in his first annual report to the legislature, submitted the following conclusions in regard to the unfavorable aspect of the contract system:

In submitting to your honorable body the recommendations as to the future policy of prison management which seem best adapted to the moral training of the convicts and attended with least injury to existing interests, it is proper that the evils to be avoided and which attach to existing systems should be briefly stated.

The contract system as at present administered has been found imperfect for the following reasons:

First. The object of the law is reform for the convicts. The object of the contractor is to make money for his labor, without regard to his reform.

Second. It is destructive of prison discipline necessarily from the fact that the prisoners are for ten hours a day under the control of the contractor and his agents, who are in nowise responsible for their reformation.

Third. It renders impossible a diversity of employment suited to the different capacities of the prisoners and the conditions necessary to their moral training.

Fourth. It is the intention of the law and to the best interest of society that the terms of the best-conducted prisoners be shortened. It is to the best interest of the contractor to keep them in prison.

Fifth. It makes impossible any proper classification and separation of the prisoners, but places in daily contact the comparatively innocent with the most hardened and depraved.

Sixth. The profits of the labor of the convict belong to the State, the laws of which he has transgressed. The contract system gives those profits to parties not representing the State or interested or responsible except for monetary considerations, which are a constant menace to the discipline of the prisoner and the reformation of the convict.

Seventh. Manufacturers engaged in similar industries and employing free labor claim to be injuriously affected in their business by the operation of the contract system.

Eighth. The mechanical and labor interests are opposed to the contract system on the ground that it tends to loss of employment and reduction of wages.

AN ENLIGHTENED SYSTEM ADOPTED.

In other reports of State commissioners of labor in New York the policy of the State in contracting or farming out the labor of convicts was condemned and declared to be highly injurious to free labor because the products of convict industry were sold in the open market at a price so low that, though the contractor reaped large profits, those engaged in the manufacture of similar articles by free labor were unable to compete and pay the wages necessary for a decent subsistence. Under the contract system in New York the labor of convicts was farmed out for such small prices that the State, in effect, got nothing, while the contractors were enabled to undersell other manufacturers and thus decrease the wages of free labor. In some instances competition with these prison contractors destroyed industries that were of great value to the State.

By a provision of the State constitution, through laws that went into effect January 1, 1897, the contract system of employing convicts was abolished in New York, and the State commission of prisons, in commenting on the fact in the annual report for 1898, declared:

WHAT STATE COMMISSION OF PRISONS SAID ABOUT THE OLD SYSTEM IN 1898.

The old system of contracting out the labor of convicts to the highest bidder, which was a species of slavery, passed away when the prison-labor provision of the constitution went into effect, January 1, 1897, and is already being looked upon as a relic of barbarism that the State did well in superseding by a more enlightened and practical system. But few manufacturers were situated so as to compete in the bidding. Those with large plants, permanent locations, and many employees could not do so. The contracts, therefore, were taken by those who were less firmly located and more adapted to speculative ventures; and for a mere pittance, which gave the State very little income after paying the additional expense incurred and the repairs of buildings and machinery, the system was tolerated. The presence of contractors and foremen not officers was not helpful to discipline. The contractors were able to make the price of articles manufactured so low as to cripple the business of the manufacturer producing similar goods by free labor or to lessen the wages of their employees. When we consider the fact that under the contract system shoes were being made in the prisons for 6 and 7 cents a pair, laundered shirts for 30 cents a dozen, trousers for 75 cents per dozen pairs, ulster overcoats for 40 cents each, and umbrellas for 4 cents, while large manufactures of brass, iron, and of furniture were also carried on at similar insignificant prices, the result no longer seems strange. It is no wonder that the industries of free labor languished, and that manufacturers and laborers were joining in annual appeals to the legislature to relieve them from a ruinous and unfair competition by forbidding the manufacture of various classes of goods in the prisons. The State was not getting a fair value for the labor of the prisoners it was compelled to support, and the manufacturers and their employees were suffering by the unfair competition with labor sold out to the contractors, who made great profits without fear of strikes or the chance of loss.

PENITENTIARIES BECOME BOARDING HOUSES.

Another abuse which developed under the contract system as it was practiced in New York was the passage of laws permitting penitentiaries to contract with other counties than those in which they were located for the care of those convicted of misdemeanors and permitting the magistrates to sentence to such penitentiaries instead of to the jails of their own counties. The penitentiaries were paid at the rate of $2 or more a week for each prisoner they took to board and got besides a regular wage from the prison contractor for each inmate. The actual cost of the board was about half the amount received, so that a good profit resulted from the enterprise.

This was the first step toward turning the penitentiaries into boarding houses. Later laws were passed in the interests of the penitentiaries, permitting courts of the State to sentence for terms of five years or less to the penitentiaries those convicted of felonies. The State thus transferred to the penitentiaries the labor of the felons sentenced for five years or less, and it had to pay to the penitentiaries $2.10 for the board of each, though there was ample room for all felons in the State prisons which the State was maintaining, and prisoners too, where it could keep prisoners at about half the price paid. But even greater objection was that such a law broke down the separation between misdemeanants and felons, putting those guilty of the greater crimes in association with those who were, perhaps, more unfortunate than criminal.

DUMPING GROUND FOR CONVICTS.

Finally laws were enacted in the interest of the penitentiaries permitting them to contract for the care and custody of convicts of our States without regard to the length of sentence. At the end of their term this class of convicts was discharged at the penitentiary door, and the State of New York, and its penitentiary towns in particular, became a dumping ground for criminals of other States and Territories.

In 1895 the State commission of prisons found about 900 convicts from other States in New York penal institutions. Many of these prisoners, under sentence for life or long terms, of forty years or more, were in association with misdemeanants and other petty offenders.

The constitution of the State of New York, adopted November 6, 1894, went in force January 1, 1895, and contained the following provisions:

OCCUPATION AND EMPLOYMENT OF CONVICTS (ART. III, SEC. 29).

The legislature shall, by law, provide for the occupation and employment of prisoners sentenced to the several State prisons, penitentiaries, jails, and reformatories in the State; and on and after the 1st day of January, in the year 1897, no person in any such prison, penitentiary, jail, or reformatory shall be required or allowed to work while under sentence thereto at any trade, industry, or occupation, wherein or whereby his work, or the product of his work, shall be farmed out, contracted, given, or sold to any person, firm, association, or corporation. This section shall be construed to prevent the legislature from providing that convicts may work for, and that the products of their labor may be disposed of to the State or any political division thereof, or for or to any public institution owned or managed or controlled by the State or any political division thereof.

SUPERINTENDENT OF PRISONS (ART. V, SEC. 4).

Superintendent of State prisons shall be appointed by the governor, by and with the advice and consent of the senate, and hold his office for five years, unless sooner removed; he shall give security in such amount, and with such sureties as shall be required by law for the faithful discharge of his duties; he shall have the superintendence, management, and control of State prisons, subject to such laws as now exist or may hereafter be enacted; he shall appoint the agents, wardens, physicians, and chaplains of the prisons. The agent and warden of each prison shall appoint all other officers of such prison, except the clerk, subject to the approval of same by the superintendent.

The comptroller shall appoint the clerks of the prisons. The superintendent shall have all the powers and perform all the duties not inconsistent herewith, which were formerly had and performed by the inspectors of State prisons. The governor may remove the superintendent at any time, giving to him a copy of the charge against him and an opportunity to be heard in his defense.

STATE COMMISSION OF PRISONS, ARTICLE VII, SECTIONS 11, 12, AND 13.

The legislature shall provide for a State board of charities, which shall visit and inspect all institutions, whether State, county, municipal, incorporated, or not incorporated, which are of a charitable, eleemosynary, correctional, or reformatory character, excepting only such institutions as hereby made subject to the visitation and inspection of the commissions hereinafter mentioned, but including all reformatories except those in which adult males convicted of felony shall be confined; a State commission in lunacy, which shall visit and inspect all institutions, either public or private, used for the care and treatment of the insane (not including institutions of epileptics or idiots); a State commission of prisons, which shall visit and inspect all institutions used for the detention of sane adults charged with or convicted of crime, or detained as witnesses or debtors.

12. The members of the said board and of the said commission shall be appointed by the governor, by and with the advice and consent of the senate; and any member may be removed from office by the governor for cause, an opportunity having been given him to be heard in his defense.

13. Existing laws relating to institutions referred to in the foregoing sections and to their supervision and inspection, in so far as such laws are not inconsistent with the provisions of the constitution, shall remain in force until amended or repealed by the legislature. The visitation and inspection herein provided for shall not be exclusive of other visitation and inspection now authorized by law.

CONVICTS EMPLOYED ON STATE WORK.

The New York State legislature subsequently enacted a law providing for the employment of prisoners in productive industries for the benefit of the State or the political division thereof or for the use of public institutions owned and managed by and controlled by the State or political division thereof, the industries to be established by the State commission of prisons. Other laws were amended so as to provide that no manufactured articles should be purchased from any other source for the State or its public institutions, unless the State commission of prisons certified that the same could not be furnished upon requisition at some one of the State prisons, and no claim can be audited or paid in New York State without such certificate.

This new system, with all its sweeping provisions, went into effect January 1, 1897. That it has been highly successful is shown by the fact that more than twenty industries have been established, with a diversity of employment suited to the different capacities of all kinds of prisoners. The annual report of the State commissioner on prisons for 1904 shows that all inmates able to work were employed and that the sales of manufactured articles for the year amounted to $708,828.17, and that not one dollar's worth of prison-made goods was sold in the open market.

REFORMS THAT HAVE FOLLOWED.

But more gratifying results than even these figures show are the reforms which have been inaugurated under the new system. The old, cruel methods of punishment have been discontinued; the lock step has been superseded by the military step; convicts are now classified and separated, the comparatively innocent no longer coming in contact with the most hardened and depraved; the unsightly stripes have been discarded for the first-term prisoners, and a plain, gray uniform has taken its place. In these various ways the prisoner is made to feel that he is detained only because he has transgressed the laws and that he may regain his freedom by good behavior.

PHENOMENAL RESULTS.

Phenomenal results have followed these changes. Reports from three State prisons, Sing Sing, Auburn, and Clinton, reveal the fact that during the ten years beginning with 1885 and ending with December 31, 1894, while the old system was in vogue, the prison population increased 593. On the contrary, during the ten years following December 31, 1894, the prison population decreased 197, notwithstanding the fact that the population of the State increased more rapidly during the latter period than during the former.

No other State has ever made such a showing. The system may not yet be perfect in all its details. These are, no doubt, some defects yet to be rectified. It must be remembered that the system was entirely new when it was adopted in New York, and that it has taken time, study, and persistent effort to find out and put into practical operation the best lawful methods. But that the money expended and the labor put forth has been directed toward a well-defined purpose there can be no doubt. Two ends have been kept constantly in view, one, the use of the convicts' labor for specific and lawful purposes; the other, the subordination of material benefits in the management of prisoners to reformatory agencies.

SUPERINTENDENT OF PRISONERS TESTIFIES.

The superintendent of prisons, in his report for 1904, expresses himself well satisfied with the substantial results which had been gained in the conduct of the prison during the year. He said:

Perhaps in no period of equal length have such tangible and beneficial results, both material and reformatory, attended the efforts of our prison administration.

Thus we see that the State prison officials in New York are enthusiastic over the results obtained by the adoption of the new system, which prison authorities in more than a dozen States where I have shown up corruption and inefficiency, besides ruinous competition with free industry, declare to be impracticable. The laboring interests in New York are united in their support of this civilized and progressive method of employing and reforming prisoners, and the manufacturers of the State speak loud in the praise of a convict administration which has removed all competition between the products of their shops and factories where free workingmen earn their living, and those manufactured by convict slaves.

A REMEDY FOR THE ABUSES OF CONVICT LABOR IN EVERY STATE.

Why, then, should not every State in the Union follow the lead of the Empire State in the management of their convicts? The New York system has produced positive results that can not be disparaged by anyone. It has abolished all the fiendish systems of cruelty, practiced under the guise of punishment, which are so common in institutions in other States. It has removed the corruption of money from the field of prison administration, and has practically made "graft" an impossibility. And last, but of more immediate importance to the material welfare of society and the free workingman, the New York system has abolished competition in open market between free and convict labor.

This much the New York system has accomplished in the Empire State. It offers a logical solution for the evils and abuses of the convict-labor situation in every other State in the Union. Whatever prison officials in the States where either of the four antiquated methods of employing convicts are in use may think, whatever contractors who profit by superannuated methods of prison administration may declare, the burden of proof is on the shoulders of the man who asserts that the New York system is not the most equitable, the most practicable, and the nearest to the highest ideas of progress and civilization.

After reading Mr. Lovely's startling report and wanting to assure myself as to the accuracy of the statement made therein, I addressed a communication to the editor of the Shoe Workers Journal, Boston, Mass., and received the following reply:

[John F. Tobin, general president; Collis Lovely, general vice-president; C. L. Baine, general secretary-treasurer.]

INTERNATIONAL HEADQUARTERS
BOOT AND SHOE WORKERS' UNION,
(AFFILIATED WITH AMERICAN FEDERATION OF LABOR),
246 Sumner Street, Boston Mass., March 12, 1906.

Hon. JOHN T. HUNT, M. C.,
House of Representatives, Washington, D. C.

MY DEAR SIR: In the absence of Secretary C. L. Baine, editor of the Shoe Workers' Journal, to whom your esteemed favor of the 9th instant was addressed, I take the liberty of saying that the articles on convict labor appearing in our Journal, and written by our general vice-president, Mr. Collis Lovely, of 4926 Botanical avenue, St. Louis, Mo., are true in every detail, as far as they go—by which latter statement I mean to convey to you absolutely and without fear of successful contradiction that the statements made are very, very conservative and in no case overdrawn.

Mr. Lovely had a credential which gave him access to the inner workings of the prisons of the United States, and he was able to secure information which is not generally given out to visitors. The penal institutions were visited by Mr. Lovely for the specific purpose of securing information, and he has it to a much greater extent than indicated by his articles.

The warden of the Concord, Mass., reformatory took issue with Mr. Lovely in a shoe-trade journal upon the accuracy of his report concerning that institution, and Mr. Lovely promptly, through the same journal, expressed his willingness to furnish his information and the source of it to an investigation committee. This challenge and acceptance occurred several months ago, since which time nothing has been heard from the warden.

You can rest absolutely certain of your ground when you make any statement on the floor of the House based upon the articles of Mr. Lovely. If you or your committee desire it, I will have Mr. Lovely report in Washington at any date which will not interfere with a previous engagement at Omaha, Nebr., for March 20, and he will then there produce such documentary evidence as he has, together with his notes taken in connection with his visit to each penal institution.

For the information of your committee I am forwarding under separate cover fourteen copies of Mr. Lovely's article in pamphlet form, and if you desire it will be glad to furnish you with a copy for each Member of Congress, or more if you wish.

You can get in direct correspondence with Mr. Lovely by writing to his home address as above, whence his mail will be forwarded, or you can address him through this office, as we are in at least weekly communication with him.

Respectfully, JOHN F. TOBIN, *General President.*

IT IS UP TO MR. LOVELY.

In the issue of American Shoemaking of October 16 we printed the second article from the pen of Collis Lovely dealing with prison labor. As we inferred from the article, Mr. Lovely had personally investigated the different prisons and was absolutely clear and solid on his ground.

American Shoemaking made some comments upon the last article, and specially touched upon the methods of punishment meted out in the shoe shop at the Massachusetts Reformatory at Concord, as reported by Mr. Lovely. This journal did not look upon the methods as reported as just and fair to the men serving time in that institution and showed why all men were not equals as lasters of heavy shoes, such as are produced, or have been produced, at Concord.

The men on the staff of this journal maintain that they have either some superficial or real knowledge of the capacities of men in shoe shops; and to assume that all men are equal as lasters, for instance, and all capable of doing an equal amount of work in a given time would brand our staff either villains or fools. They will not voluntarily admit that they are either.

So, at the time the editor of this journal passed upon the article of Mr. Lovely, he had fully made up his mind that if the facts were as stated by that gentleman, a better judge of human nature was needed at the head of the Concord Reformatory, unless investigation should prove that the task set before the men was based upon what the least physical of the convicts could do.

It would seem sheer folly—yes, even business suicide—for a prison or reform school to deprive men of food when they failed to meet their task and by this deprivation expect them to accomplish it. A starving army may become subservient, but they can never conquer their well-fed foes on the field of battle.

But Mr. Lovely's statements, as far as Concord is concerned, are challenged. Even more than this, they are emphatically disputed. American Shoemaking is glad this is so, if it is the truth. It is not pleased to find Mr. Lovely branded as a liar, for that is the stubborn way of taking the statement made by Superintendent Hart, of the Massachusetts Reformatory. It is now a matter of veracity between Messrs. Hart and Lovely.

And American Shoemaking opens its doors to give room to the final impeachment.

The next witness to be recalled is Mr. Lovely.

MR. LOVELY'S REPLY TO MR. HART—WILL THE LATTER ENCOURAGE THE IDEA OF A LEGISLATIVE INVESTIGATION?

CHICAGO, ILL., *October 7, 1905.*

EDITOR AMERICAN SHOEMAKING: I am in receipt of a clipping from your issue of September 21, 1905, in which Mr. Charles S. Hart, superintendent of the Concord Reformatory, at Concord, Mass., takes decided exceptions to my statement in a recent article published in the Shoe Workers' Journal, and reproduced in your journal, that prisoners are deprived of their food if they fail to perform the stint of work laid out for them.

Permit me to say that that statement, as well as others in my recent articles, were based upon most reliable information and that they are undoubtedly true, Mr. Hart to the contrary notwithstanding. It was to be expected that those responsible for such inhuman treatment would not be above denying the facts, for they well know that if such shameful conduct became generally known they would soon meet their fate at the hands of public opinion.

I visited the Concord Reformatory on April 26, 1905, and after presenting my credentials from the State of Missouri as special agent for the investigation of penal institutions, an officer was assigned to take me through the institution and give me such information as I might desire. After asking many questions as to methods of operation and manner of disposing of goods manufactured, I asked this question: "What is the most effective method of punishment?" to which the officer replied: "We use solitary confinement; and an officer goes through the shops at noon, and if he finds a man short in his work he is fined his dinner; if he is short at night he gets no supper, and we find that method quite satisfactory."

And here let me say that there is not a statement contained in my recent articles on the abuses of convict labor but can be fully substantiated before a legislative committee. Let the committee be appointed with full power to subpœna witnesses and allow those interested to be represented by counsel to bring out the facts and I venture to say that conditions, even more glaring than those I have revealed, will be brought to light.

Will Mr. Hart lend his influence to bring about such an investigation or will he rest content with a simple denial of the facts disclosed by his subordinates?

COLLIS LOVELY.

PRISON-MADE SHOES.

When, in our issue a month ago, we published an article on the abuses of prison labor, from the pen of Collis Lovely, of the Boot and Shoe Workers' Union, the statement was made from certain sources that the articles were biased from the point of view of a labor agitator. Allowing that there was basis for bias on the part of Mr. Lovely, it is probable that the statements given as facts were facts, for no one has come forward to dispute them. Of course, the article printed dealt more largely with prison work as applied to the making of shoes, although some mention was made regarding the system of punishment practiced in the different prisons. But it was not this phase of the question which American Shoemaking was a seeker after, but rather the phases of the question that particularly applied to our own trade. The facts which Mr. Lovely presented were no doubt actual figures and a statement of conditions as they existed at the time he made his rounds among the various prisons.

This week we deal further with another of Mr. Lovely's articles, which touches upon the piece-price plan as practiced by several of the States. The one particular matter which Mr. Lovely takes under consideration is from the thirteenth biennial report of the Minnesota State prison at Stillwater, from which he makes extracts which will certainly be of interest to those engaged in the shoe manufacturing industry. He dwells more largely upon the prison labor cost of the welt shoe, which figure in this particular prison at 15 cents per pair. He compares this shoe with one which this journal dissected more than a year ago, in which the total labor cost was given at 38 cents. There should be added to the cost, however, the expense of power, rent, light, heat, etc., which the free manufacturer has to pay which does not enter into the cost of the prison-made shoes.

Mr. Lovely notes the method of punishment which is practiced at the Concord reformatory in the State of Massachusetts. Here he found that where the prison inmates failed to keep the pace set by the overseer they were denied their dinner, and if during the afternoon they still fell below the pace set they were deprived of their supper. This is hardly equitable punishment. We find in the factories where free labor is employed that all men can not keep an equal pace, and that some are capable of doing much more work than others. Of course in a shop where free labor is employed it is quite possible for the manufacturer to gather around him men who are fitted to keep up the pace which may be set. He can do this by selecting men fitted for the work. In the prisons hand work is largely resorted to, and in lasting heavy shoes, such as are made at Concord, it would be impossible for all the inmates to perform a like amount of work, providing the pace set was more than the weakest of them was capable of doing. For instance, in lasting or pulling over heavy shoes it depends much on the muscle or strength in the arms of the operator or worker, and it would be utterly impossible for some men to perform the full task which another one might perform in a given time. We find this in the factories of Natick and in other places where heavy goods are made, and it must equally follow that the convicts in the penitentiaries are constituted much the same as men outside regarding their physical abilities.

In visiting the prison at Concord, N. H., Mr. Lovely states that he was received with courtesy and was shown very carefully over the institution. Here he discovered a rather ingenious system of punishment for the disobedient prisoners, which was called a "slide," and was an arrangement fashioned after a large window frame fixed in grooves against the wall, which could be raised or lowered as the guards desired. At the top of the frame a ring was arranged in which the wrists of the convicts are handcuffed. The frame is then raised until the victim's feet swing from the floor. It is said that the longest time any person has been able to endure this torture was five minutes. To test the instrument Mr. Lovely allowed his wrists to be fastened to the ring and was lifted off his feet. The guards timed him and in one minute the pain became so intense that he begged to be lowered.

It is probable that American Shoemaking will present in the course of a few weeks an article from the pen of a man who had several years actual experience with convicts, who will tell how they were employed.

I have heard it stated: "Why don't the banks go out of the Government business?" and might it not also be said with equal candor: "Why does the State go into the open market with its felon-factured products to the detriment of the decent dealer and to harm the honest free labor of the country?" In the CONGRESSIONAL RECORD, in the debate upon a similar bill—in fact, with the addition of two or three words the phraseology of the present bill is exactly the same as was placed by amendment in a similar bill known as "House bill 5450," to protect labor from prison competition, introduced by the Hon. Aaron V. S. Cochrane, of New York, on the 8th day of January of the first session of the Fifty-sixth Congress, 1900, referred to the Committee on Labor and reported by them—that great-hearted statesman, the Hon. Amos Cummings, of New York, said:

Mr. Speaker, there are only ten lines in this bill, and it seems to me that any gentlemen with a minimum modicum of common sense can read the ten lines and understand them. In New York the legislature some years ago passed a bill regarding prison-contract labor. The bill practically abolished the system. The matting and other industries in Brooklyn and in New York City were revived. Adjoining States, however, under prison-contract labor, manufactured hundreds of thousands of dollars worth of mats and other goods every year and sent them into New York, where they were sold at a low price in competition with the work of honest men, destroying the matting industry of both Brooklyn and New York City and throwing hundreds of artisans and mechanics out of employment.

Now, in this bill it is proposed to confine the selling of these mats to the States in which they are made, and not to send them to New York to destroy our industrial interests there.

Senator NEWLANDS, at that time having a seat on this end of the Capitol, also said:

It has been the custom of the various States to legislate regarding goods made by convict labor. Such laws, however, have only been operative as to goods made in the State and have not been operative as to goods made by convict labor outside of the State. The control of the Federal Government over interstate commerce has prevented the States from taking action with reference to the invasion of convict-made goods.

The purpose of the pending act is to enable the States to take the same action with reference to convict-made goods produced in outside States as to goods made within their own limits, and compels each State to take care of its own convicts as well as the goods produced by them, and enables sister States to exclude convict-made goods which are sought to be introduced in competition with domestic products of free labor.

The bill introduced by me is not new. In fact it is a copy of bill as amended and passed by the House May 21, 1900, with the addition of several words deemed necessary to meet legal exceptions that might be taken to bill as originally presented.

Mr. Chairman, in reading the debate upon this bill I find little or no objection to this kind of legislation on either side of the Chamber. It was not made a partisan question. In fact, there is not a particle of politics in it. The bill passed by a vote of 111 ayes to 9 noes.

The committee has considered this measure in its commercial aspect only; that this bill can not be called, strictly speaking, a labor measure in the sense that labor bills are generally understood. True, it helps labor. In fact, all legitimate legislation is or ought to be beneficial to labor. We are, in fact, a government of laborers, and the moment we become insensible to this fact that moment marks the grave of freedom's hope, and popular government will pass into oblivion. Many think that if we do not frown down upon organized labor great dangers will grow therefrom, but people of larger minds see in organized labor an auxiliary to better the principles of popular government, and they are those who know that the national lifeblood can be kept more pure by a voluntary desire to sustain it than can be supplied by any forced submission to legislation of a centralized character, which can at best but feebly imitate despotic power and will eventually destroy the object they seek to serve. I do not stand for the bully or his bludgeon; neither does organized labor. The forces of hate and jealousy are at all times at work, and the hope of man is to conquer himself, and at no period of the world's history has this been done better than during the last thirty years.

An epoch that has marked the passing of the old for the new. Trades that have been furnishing a livelihood for centuries have been set aside by the fruitful brains of the times, and the legitimate actor in the old-line trade had to give way to the specialized artisan of the present day. The cooper and the shoemaker of other days are only a memory, and the maker of the tallow dip sees his little luminary discarded and the world made more bright by reason of the advent of electricity, and the old compositor who a few years ago with his stick and rule thought his trade immune now looks with wonder at the Lanston and Mergenthaler. And, Mr. Chairman, the men of those days that bore the brunt of these changes have stood a test that no men of any other time have ever been called upon to make. And right here in America are the men who manfully meet these swift and sudden changes without losing a particle of their patriotism or yielding for an instant in their love for free institutions; they have simply sought to secure by organization benefits denied them by these so-called "captains of industry," who while pretending to protect the people were in reality promoting their own selfish interests and withholding from labor its proper portion, refusing to yield until the unified efforts of the industrial associations dragged from the pockets of these pseudo philanthropists that which by right belonged to them. At best they would but center their influence that the individual might better attain his share by making an ally of his shopmate rather than to combine for the purposes of pelf regardless of all else.

Do not longer withhold Federal permission from the several States that seek to curb the criminal competition of the convict with the free labor of our country.

Mr. WILLIAMS. Mr. Chairman, I now yield forty minutes to the gentleman from North Carolina [Mr. POU].

Mr. POU. Mr. Chairman, the announcement has been made with authority that the prosperity of the country will at least continue until 1908. There can be no possible doubt about it, for statesmen who control the destinies of the country have said so. The statement has been made on this floor by those who know and who speak with authority. There is to be no change whatever in our present tariff schedules—certainly until the year of our Lord 1908—and therefore the prosperity of the people of this Republic will continue until that year. How thankful we should all be for these additional two years of grace! We have been told again the story of our country's prosperity. For every day the country has prospered the Republican party is entitled to the credit; for every day the country has not prospered the Democratic party is entitled to the blame. Gentlemen have repeated this statement so often that they seem really to believe there is some degree of truth in it.

Gentlemen themselves who know better continue on the eve of every approaching campaign to seriously reiterate this statement. Even if I had the capacity I would not be able in the short time allotted to me to answer and disprove the innumerable misstatements recently made on this floor. I shall, therefore, content myself by pointing out a few statements pregnant with absurdity.

Day after day we have been forced to listen to misstatements of fact, and arguments and conclusions based on such misstatements which are a positive insult to the intelligence of the American people. In 1893 we had in this country a panic. At that very time we were living under the operation of laws enacted by the Republican party, which contributed much to our financial troubles. But Republican orators have told us that those financial troubles were caused solely by the success of the Democratic party in 1892. We had not put a line of legislation on our statute books when the panic came. Laws passed by Republican Congresses and signed by Republican Presidents were in full operation, and had been for years, but we alone were responsible for the panic. Even before the people had intrusted us with power, while our political opponents were still in possession of all the departments of the Government, even before the election, the black cloud appeared. Yet the blame was ours. We did it all. [Laughter.]

In 1873 we had a panic which, taking into consideration the population and wealth of our country, was far greater than the panic of 1893. With a population of 44,000,000 we had failures amounting to two hundred and twenty-eight millions, while in 1893, with a population of 66,000,000 we had failures amounting to three hundred and forty-six millions. Our wealth in 1893 was twice as great as it was in 1873; therefore the panic of 1873 was far greater than that of 1893. But the Democratic party was responsible for the panic of 1893, notwithstanding it came upon us as the inevitable result of the financial policy of the Republican party. While the people of this country in 1893 were in the throes of financial disaster the people of Canada, and of other countries as well, were likewise in the throes of financial disaster; and yet the Democratic party did it all.

In 1893 a Democratic President had the courage to demand the repeal of a law passed by a Republican Congress, signed by a Republican President, which was largely responsible for the troubles which came upon us; and, in response to that demand, a Democratic Congress did repeal that law. As soon as our people recovered from the shock of the panic after the repeal of that law conditions commenced to improve, and, with a few brief interruptions, steadily improved until prosperity in its fullness returned. Not a line of financial legislation tending to improve conditions has been put on the statute books since the repeal of that law in November, 1893, by a Democratic Congress and a Democratic President, and yet the gentleman from Pennsylvania and the gentleman from Indiana would have the people believe that the Democratic party is the author of all our woes and the Republican party the author and finisher of all our prosperity.

During the years of Mr. Harrison's Administration there was a steady decline in our gold reserve under the operation of the Sherman silver-purchase act. On the 7th day of March, 1893, when Mr. John G. Carlisle became Mr. Cleveland's Secretary of the Treasury, the gold reserve amounted to only $100,982,410. It had been steadily declining during Mr. Harrison's Administration. At the end of Mr. Cleveland's first Administration he turned over to his successor an enormous surplus—the gold reserve had reached its highest point. Four years later, when Mr. Harrison returned the reins of government, the surplus was practically gone, and the gold reserve was lower than it had been since 1878. Secretary Foster, Mr. Harrison's Secretary of the Treasury, had directed the preparation of plates for the engraving of bonds so that he might buy gold; and yet when Mr. Cleveland was forced, under the operation of Republican legislation, to issue bonds, we are told that no blame whatever attaches to the Republican party, but that the Democratic party had ruined the public credit and plunged the country to the very depth of financial ruin. I have heard it denied on this floor that Mr. Foster directed the preparation of plates to be used for engraving bonds. When we offer proof of the truth of the statement we are met with all sorts of absurd explanations. On pages 132 and 133 of Presidential Problems, a book written by Mr. Cleveland, I find the following statement:

> The retiring Secretary of the Treasury (Mr. Foster), appreciating the importance of preventing the fall of the reserve below this limit had just before his retirement directed the preparation of plates for the engraving of bonds, so that he might by their sale obtain gold to reenforce the fund. I have heard him say within the last few years that he expected before the close of his term to resort to bond sales for the purpose of such reenforcement unless prevented at the last moment by the President's disapproval.

Mr. Cleveland is a man of truth. He scorns falsehood. He despises deceit. This statement settles the controversy.

He was President in a most trying period. Republican legislation had done much to bring disaster upon us. He had the courage to demand its repeal in the face of popular clamor. A Republican President had witnessed the gathering of the storm, but did nothing to break its force. It remained for this great man, this man whose name and fame grow greater as the years go by, to demand the repeal of this vicious legislation. His request was granted by a Democratic House and a Democratic Senate. Mr. Cleveland and the men who stood by him in that trying hour have all been retired to private life, but the American people will some day, if not now, accord to them their full measure of credit for the service they rendered.

Mr. Chairman, let the truth be told. If legislation brought on the disaster of 1893, it was Republican legislation, and no distorting of facts can change the truth of that statement; and that legislation was repealed by a Democratic Congress and a Democratic President. [Applause on the Democratic side.]

The gentleman from Pennsylvania painted this dark picture. I quote from his speech:

> It was a time when the wage-earner instead of hoarding was spending, and the capitalist instead of spending was hoarding. During those disastrous four years the national revenues failed to meet the national expenses by $156,000,000. The National Treasury was empty. The gold reserve was depleted to pay the ordinary current expenses of the Government.

That is a dark picture, indeed; but the everlasting truth is that there was not a line of Democratic legislation then on the statute books, for the Wilson bill did not become a law until August 27, 1894, and the panic, we all know, was in the latter part of 1892 and in 1893. There was a vast improvement in 1894, for the failures in the United States during that year were only half as great as they were the year before.

That condition was the result of Republican legislation, for the Democratic party had not written a line of legislation at that time. The Republican party had provided for the issuing of $450,000,000 of Treasury notes and United States notes, with only $70,000,000 of gold for their redemption, and the man never lived who, when the end comes, can redeem $6 with $1 without loss to somebody.

"The National Treasury was empty." Yes; the Republican party had utterly wasted the surplus which Mr. Cleveland turned over to Mr. Harrison in 1888. It is said that the Republican party abhors a surplus. We have had but little surplus since shortly after Mr. Cleveland went out of office the first time. He left a surplus, but the Republican party spent it; and during Mr. Harrison's Administration they passed laws which made another surplus practically impossible, and there has never been a real surplus since. Even in this hour of boasted prosperity, when the Republican party is in complete control, and when it has been in absolute control for nearly ten years, there is no surplus.

On the 13th of this month we all heard the chairman of the Appropriations Committee admit that there would be a deficit—not a surplus, but a deficit—at the end of the next fiscal year. The National Treasury empty during Cleveland's second Administration, under the operation of Republican legislation! Yes, indeed, it was empty then, because of your extravagance, and it is empty to-day because of your extravagance, even in this hour of national prosperity. Where is your surplus to-day? What has become of the enormous revenues gathered every year? Gone, spent, much of it wasted, some of it stolen! Yes, indeed, gone is your surplus, gone never to return again as long as you are in power. [Applause on the Democratic side.]

But the gentleman from Pennsylvania tells us that the Wilson-Gorman bill was sufficient to impair in a large degree the business interests of the country. Under its operation he tells us that "iron and steel products fell off one-third. And there is no such accurate barometer of prosperity as the production of iron and steel." Then he tells us that these calamitous conditions came to an end in 1896 by the election to the Presidency of the man who was known to the people as the champion of protection, William McKinley. And then he gives us the result of the Dingley law. He tells us how the fires in the furnaces were lighted again, the fires which the Wilson-Gorman bill had extinguished, the fires which the Dingley bill had lighted again, the fires which the free-trade Wilson-Gorman bill had put out, the same fires which the highly protected iron and steel schedules in the Dingley bill had lighted again; and then, in the burst of eloquence worthy of the gentleman from New York, he cries, "God help the man or the party that would put out those fires, still the music of that noise, and send the workman to a foodless and hungry household." Let us apply to this fine rhetoric a little of the cold logic of statistics.

The iron and steel schedules of the Wilson bill were written with a slight reduction—not increase—in the Dingley bill. Under the Wilson bill the ad valorem tariff on the metal schedules was 38.80 per cent, while the tariff on the same schedules in the Dingley bill was 38.20 per cent. My authority for this statement is Mr. E. W. Newman, who uses the nom de plume "Savoyard," a prince among writers and one of the deepest thinkers in America. If the fires in those furnaces were extinguished by the steel and iron schedules in the Wilson bill, Mr. McKinley himself was responsible for it, because he was the author of the bill bearing his name. He approved the metal schedules in that bill, and they were not reduced in the Wilson bill. When Mr. Dingley commenced the preparation of the bill which was to take the place of the Wilson bill, he found the metal schedules high enough to satisfy even his high-protection ideas, for in his report he used these words:

The metal and cotton schedules are in large part the same as in present tariff, the increase above those rates being in the most advanced articles.

Therefore if the fires in those furnaces were put out by the Wilson bill they must have remained extinguished after the Dingley bill became a law, for the ad valorem rate under that bill is less than in the Wilson bill. If anyone by legislation poured water on those fires, it must have been Mr. McKinley himself; and when the gentleman from Pennsylvania voted for the Dingley bill he poured still more water on those fires. "God help the man who would put out those fires," cried this gentleman to whom demagogy is so abhorrent. When he sent up that cry we did not just at the moment realize that he was praying for help for himself! "God help the man who would put out those fires," which simply means, God help Hon. JOHN DALZELL, of the State of Pennsylvania, for he was the guilty man. [Applause on the Democratic side.]

But, Mr. Chairman, the fires in those furnaces were not extinguished, for we manufactured more pig iron in 1895 by far than in 1894, more in 1896 than we did in 1894. In 1894 we produced 6,657,388 long tons of pig iron, while in 1895 we produced 9,446,308 long tons—an increase of nearly 50 per cent—while the Wilson bill was in full operation. So the truth is more fires were lighted by far in 1895 than in 1894. [Applause on the Democratic side.]

Again, how could the Wilson bill be responsible for putting out those fires when importations of the manufacturers of iron and steel under it were less than they were for the years immediately before, while the McKinley bill was in operation? Yet such was the case. How did the Wilson bill put out those fires when under its operation exportations of iron and steel manufactures steadily increased? And yet such was the case.

Yet, in the face of these statistics, the gentleman from Pennsylvania tells us that the Wilson bill put out the fires, threw men out of employment, sent them hungry to foodless homes. Oh, Mr. Chairman, deliver us from demagogy! [Laughter.] This is a sample of the arguments used by the gentleman in his great speech, the greatest, it is said, ever delivered by him in this Chamber.

The Wilson bill was only in force two years ten months and twenty-seven days, but all the woes we have endured are directly attributable to that measure. It at least had one good feature, which was declared unconstitutional by the Supreme Court. [Applause.] It did provide for taxing the incomes of the men who have made the greatest fortunes the world has ever seen, because under your protective tariffs you have made the American people their prey. You allow them to charge American people far more than they charge foreigners, thereby building up great fortunes. And then you point with pride to the country's prosperity.

Now, Mr. Chairman, I come to a question which has given and is giving our Republican high-tariff friends a vast deal of trouble. Rest assured your sins will find you out. The wrong of high protection, which enables one man to prosper at the expense of another, is at last made so plain that a blind man can see it and an imbecile understand it. Our tariff laws, passed to protect infant American industries, are being used to-day to punish every consumer in the land. These laws have always made goods higher to the consumer, but when our infant manufacturers were demanding this protection nobody supposed that the day would ever come when they would actually discriminate in the prices of their manufactures against the very people who made them powerful and rich. I know our friends on the other side of the Chamber feign to treat this matter lightly, but it has given and is giving you great concern. Well may it. Five years ago I made the charge on this floor that millions of dollars worth of goods were being shipped every year to foreign countries and sold cheaper to the people of those countries than to Americans. During my service in this House I have heard the charge answered in three different ways: First, denied outright; second, denied with qualifications; and third, admitted. The gentleman from Indiana not only admits it to be true, but glories in its truth. We were told at first there was no truth in the charge. Then we were told that only the surplus is sold cheaper to foreigners than to our own people. Then we were told that only that portion of the surplus which was inferior was sold cheaper.

But to the American consumer the question arises, Mr. Chairman, why should any American-made goods be sold cheaper? You sell farming implements cheaper to the Austrian than you sell the same goods of the same grade to the American. You send those farming implements a third of the way around the globe, and the price which the foreigner pays is less than the price which the American pays. Think you that the people of this country will always submit to that discrimination? If you do, just keep on thinking so until the next election. [Applause on the Democratic side.]

A railroad is built partly in the United States and partly in Canada. The rails used were all bought from the same manufacturer—the steel trust, I believe. The rails delivered on the Canadian side cost $8 per ton less than the rails delivered on the American side. Why? Because on the American side rails could only be bought from the trust, and the trust is protected from all outside competition; but on the Canadian side the man who was building that road could buy either English or American rails; and, inasmuch as the Englishman was offering rails at $8 per ton less than the American trust, why of course the trust was forced to meet that reduction or not sell its product.

Another railroad is built partly in Texas and partly in Mexico, but rails on the Mexican side cost the builder about $8 per ton less than the same rails bought from the same concern on the American side. Why? Because on the American side there can be no competition, and on the Mexican side there may be.

I mentioned these facts to the vice-president of a large railroad system the other day. I asked him if the discrimination did not seriously retard the building of roads in this country. He said it did. I said I wondered that the people who build railroads do not rise up and protest against it. What do you suppose his reply was? Said he, "What difference does it make to us what price we have to pay for rails? In the end the people who ride on our trains and ship freight over our roads pay the difference themselves." [Applause.] And that is the everlasting truth, Mr. Chairman. The people who travel and the people who ship freight pay the difference. The gentleman from Pennsylvania says it is business to do this, and he says we on this side of the Chamber don't know anything about business, if we did know anything about business we would not be finding fault with the practice. If this be business, Mr. Chairman, God help us in the interest of those who foot the bill to get rid of the business. [Applause.] It is business, says the gentleman from Pennsylvania. They all do it, says he. And then our manufacturers do very little of it, says he. If it is a practice to be gloried in, according to the gentleman from Indiana, why defend it? Why try to minimize its extent and importance? If it be a commendable practice why not come out boldly and say "yes, it is right, we are doing it now, we will do more of it in the future?" But the gentleman from Pennsylvania, with the skill of a great lawyer—the skill of a Pittsburg lawyer, which is even greater than that of the proverbial Philadelphia lawyer—defends the practice of selling cheaper to foreigners by showing that the value of the goods thus sold is very small.

Let us examine his argument a little. That no injustice may be done the gentleman, let me quote from the RECORD his exact language:

Mr. UNDERWOOD. Do we need protection to protect us against the market that we can meet cheaper than anybody else?

Mr. DALZELL. I will answer the gentleman's question in due course if he will have the patience.

Do we sell goods cheaper abroad than we do at home? Undoubtedly, sometimes—certain kinds of goods—the kind of goods the sale of which promises us a foothold in a foreign market, and to a limited extent, to wit, to the extent of our surplus. Why? Well, for a number of reasons—all of them patent to business men. The first and foremost, because our home production exceeds our home consumption; and the excess of production must be sold in a foreign market or our factories and our workmen remain idle during a portion of each year.

Having admitted this much, he offers the following defense:

It is a plain business proposition whether or not we shall run the year around and sell all of our goods in any market, or whether we shall run nine months and close up our factories the other three.

And then on the very next page we find the following remarkable statement:

Statistics gathered by a nonpartisan commission show that of the total of our stupendous manufactures 97 per cent are sold in our magnificent home market, leaving only 3 per cent to be sold abroad. These statistics further show that of the 3 per cent sold abroad as much as 90 per cent are sold at as high and sometimes at higher prices than those that are sold at home. So that after all you have

the insignificant sum of 10 per cent of 3 per cent of goods sold abroad at lower prices than they are sold at home. Three tenths of 1 per cent is the sum and substance of the whole of what all this controversy is about.

How far short of an absurdity is this defense? We manufactured in 1900 $13,000,149,159 (Stat. Abs. p. 484), more than $13,000,000,000 worth, and of these goods three-tenths of 1 per cent were sold cheaper abroad than at home. Therefore the sale of three-tenths of 1 per cent of our goods sold cheaper abroad than at home enables our manufacturers to operate their plants three months in the year! [Laughter and applause on the Democratic side.]

And again, a little further on in his speech, the gentleman accepts $4,000,000 as the true value of the goods sold cheaper abroad than at home. I quote from his speech:

Mr. DALZELL. I was going on to say that Senator GALLINGER made a thorough examination of this subject, and in a speech made on the floor of the Senate on the 23d day of April last he placed the value of exports sold at a lower price abroad than at home at $4,000,000, and said:

"I can not find that the substantial corectness of this estimate has ever been questioned by the opposition."

And I want to say that I have never heard the substantial correctness of this statement questioned except by the gentleman from Mississippi [Mr. WILLIAMS], who said that *he did not believe it.*

Therefore the sale of this trifling amount of goods—trifling compared with the vast volume of our manufactured products—enables our manufacturers to run three months in the year. Oh, Mr. Chairman, deliver us from demagogy! [Laughter.]

But let us consider another admission extracted from the gentleman during the debate. The gentleman from Alabama [Mr. UNDERWOOD] propounded to the gentleman these questions:

Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made in Pittsburg? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than at Birmingham?

The answer of the gentleman was in these words:

I think not. I am coming to that question, if the gentleman will have patience, in a few moments.

Note the questions and answer, if you please. Can the gentleman name any steel mill *in the world?* Can the gentleman name any iron furnace *in the world?* And the gentleman who knows about the prices of iron and steel, if anybody does, replied in the negative. He was compelled to admit that we can manufacture both steel and pig iron here in the United States cheaper than it can be manufactured anywhere else in the world. The gentleman said he would come to a discussion of that question in a few moments if the gentleman from Alabama would wait. But we all waited, Mr. Chairman, listening for him to "come to" that question. We waited for one hour, then an hour and a half, and then the gentleman was given unlimited time to complete his remarks, but he never did "come to" that question. But the people of this country will force his party to "come to" that very question in the very near future. [Applause on the Democratic side.] What is the full meaning of that answer?

We have the admission of the representative of the greatest steel-producing district in the world that the manufacturers of this country can make steel and iron cheaper than any manufacturers on earth. And yet, Mr. Chairman, they are charging their own people more than they charge any people on earth, and gentlemen are so thoroughly partisan they dare to assert that such a practice is right. And their party says it is right. God help a party with such a conscience. If the manufacturers of this country, nearly all of whom are formed into trusts, can make steel and iron cheaper than any other manufacturers, then they can sell it cheaper anywhere, and they do not need protection. [Applause.] But the trusts, protected as they are against competition from abroad, actually have two price lists—one foreign, the other domestic—and the foreign price list is considerably less than the domestic price list. The political party which stands for such injustice and discrimination against our own people ought not to be continued in power one hour.

There is another statement made by the gentleman from Pennsylvania to which I will call attention. He had not reached the point in his speech where he waived aside this whole matter by quoting a statement made in the Senate by the Senator from New Hampshire that $4,000,000 would cover all the goods sold cheaper abroad than at home. It was before he had reached the point in his speech where he proved that the selling of three-tenths of 1 per cent of our goods cheaper abroad than at home enables our manufacturers to run their factories twelve months instead of nine. [Laughter.] Just at this point the gentleman was urging that we only sold our surplus abroad—that we sent our surplus abroad because our manufacturers failed to find a market at home—and during a colloquy with the gentleman from Kentucky our distinguished colleague from Pennsylvania made one of the most remarkable statements ever uttered on this floor. In order that I might not do the gentleman an injustice, I will quote the colloquy from the RECORD:

Mr. GILBERT of Kentucky. Would the gentleman be willing to sell to the home consumer at the same price at which he sells that surplus abroad?

Mr. DALZELL. I understand the gentleman's question. It resolves itself into simply what I said a moment ago. After you have got the market fully supplied, supply it over again with the surplus.

Mr. STANLEY. Will the gentleman permit a question?

Mr. DALZELL. Yes.

Mr. STANLEY. Does the gentleman from Pennsylvania mean to contend that you not only supply the wants, but the desires of the people? That they have got all they need, and all they buy, and also all they want?

Mr. DALZELL. I think so. I think that condition of things exists in this country to-day absolutely.

That is to say, every farmer in this country has all the farming implements he can possibly use; every carpenter in the country has every tool he can possibly need; every man, woman, and child, has all the clothing they can possibly need; every mile of railroad using steel rails is already supplied and no additional rails are needed for any purpose. Every housewife in the land has all the household supplies she needs. There is not a lawyer or business man who is not supplied with a typewriter. There is not a hard-worked seamstress who needs a new sewing machine. There is no man in the whole land who has not already supplied his home with a sewing machine. In the cities the people need nothing. There are no poor people anywhere. The gentleman has seriously declared that our manufacturers have not only supplied the wants, but the desires of our people as well, that they have all they need, all they buy, and all they want. If the gentleman from Pennsylvania really meant what he said, then he is more ignorant of the true condition of our people than any educated man in America. [Laughter and applause on the Democratic side.]

Why, Mr. Chairman, we all know hundreds and hundreds of people who can not afford even the necessaries of life. You will find people not five blocks from this Capitol who are so poor that they have not the necessary furniture in their homes, the necessary utilities of humble living. There are to-day thousands of American women who are wearing away their very fingers because they are too poor to buy a machine to do their sewing. And yet the Republican party permits a law to remain in force which allows the manufacturers to sell to foreigners their sewing machines at a lower price than the same machines are sold here.

I would to God that the gentleman from Pennsylvania spoke the truth when he declared that "our people have all they need and all they want." But, Mr. Chairman, unfortunately it is far from true. I dare say the gentleman can find a few people even in the city of Pittsburg who need a few things, if he will take the trouble to inquire.

Now, Mr. Chairman, as a matter of fact, to what extent are goods of American manufacture sold cheaper to foreigners than to Americans? Mr. Charles Schwab was the president of the United States Steel Corporation, which manufactures more than half of the iron and steel products of the United States. He is perhaps as well informed as to the prices of American manufactures as any living man. In May, 1901, Mr. Schwab was examined by the Industrial Commission. I quote the following from his testimony:

It is quite true that export prices are made at a very much lower rate than those at home. I think you can safely say this, that where large export business is done, for example, in the line of iron and steel, nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export. Railroads will in most instances carry them a little cheaper for you, and so on all down the line. Is it a fact generally true of all exporters of this country that they do sell at lower prices in foreign markets than they do in the home markets? That is true; perfectly true.

If the value of goods sold cheaper abroad than at home was only three-tenths of 1 per cent of our manufactured products, do you not suppose Mr. Schwab would have taken the pains to say so? If the value of goods sold cheaper abroad than at home had been only $4,000,000, do you not suppose Mr. Schwab would have said so? He must have known it if it was true; and if the goods sold cheaper abroad had been of an inferior quality would not Mr. Schwab have called attention to that fact also? An examination of his testimony is quite interesting. He answered clearly and emphatically that it is the practice of our manufacturers to discriminate in favor of foreigners. He declared that all exporters of this country sell cheaper abroad than at home. He made no limitation whatever. He did not qualify his statement. But the gentleman from Pennsylvania evidently differs from Mr. Schwab. The latter was examined under oath; the former was speaking for campaign consumption. Therefore, whose statement should be accepted; that of Mr. Schwab, testifying under oath, or that of Mr. DALZELL, delivering a speech for campaign distribution? I think it may be accepted as a fact that as a rule the manufacturers of this

country discriminate against our own people. They are enabled to do it, why? Because they are protected against outside competition. We must buy from them or else not buy at all; and having us in their power they charge us whatever price they decide we must pay.

Mr. Chairman, we hear a great deal about the oppression of the trusts in this country. The President is having them prosecuted in the courts. Laws are being enacted intended to protect the people against their iniquities. Honest men all over the land are trying to provide some intelligent scheme by which these great organizations may be forced to treat the people fairly. Yet, while all this is taking place, and while the whole country, from the President down, is crying out against them, we allow a scheme of legislation to remain in force which openly and notoriously allows them to treat us worse than they treat foreigners; and gentlemen upon this floor, in their partisan zeal, defend this practice. Yet two facts remained undisputed: First, iron and steel products can be manufactured in America cheaper than anywhere in the world. Second, the manufacturers of these very products are forcing the American people to pay more for their manufactures than they require foreigners to pay. Why? Because there is a tariff duty of about 40 per cent ad valorem on all iron and steel manufactures brought into this country.

Up to this hour absolutely nothing practical has been accomplished in forcing the trusts to deal fairly with the people. Instead of instituting a prosecution here and there in the courts, which merely subjects these violators of the law to a trifling fine, had we not better say to them, "if you can afford to sell your products to a foreigner at a certain price, you can afford to sell the same product to your own people at that price, and we will pass a law reducing the import duty on similar goods manufactured abroad, so that you will be forced to sell to Americans at least as cheaply as you sell to foreigners?" Whenever such a law as this is passed the people will experience instant relief, to a certain extent at least; and if your party will pass such a law, Mr. Chairman, the people will then believe that you are honest and sincere when you declare that something must be done to protect them against the oppression of monopoly. I do not believe there is another country under the sun where such monstrous conditions exist.

Again, the distinguished gentleman from Pennsylvania declared that there is no demand for general tariff revision outside the Democratic party. Where did the gentleman get that information? Probably from the highly protected manufacturer of his own district. Probably from the men who, by reason of the protection they enjoy, are enabled to charge the American people more than they charge foreigners. These men regard the lowering of any tariff schedule as treason. They believe that the man who proposes such a change on this floor is an enemy to society.

Mr. Chairman, where would you go if you wished to ascertain the true sentiment of the American people, of any people, respecting any great question? Where would you expect to get the truth? What class of men make a business of studying and interpreting public sentiment? Are they not the editors of the great newspapers of the countries where there is freedom of speech? This is a day of independence of political thought and action. The newspaper which is the constant and willing slave of any political party has but little influence. Does the gentleman read the independent newspapers of this country? If he does, will he say there is no demand outside the Democratic party for a revision of those schedules in the Dingley tariff law which enable our manufacturers to form themselves into trusts and monopolies and to charge our own people far more for their output than they charge the balance of the world?

Will he say there is no demand from the independent press of this nation for a revision of those schedules which enable our tariff-made trust and monopoly to single out the American people for oppression and extortion? Will he read the independent press of his own State and say that there is no demand for such a revision of tariff schedules as will force the trust which manufactures agricultural implements to sell those implements as cheaply to the resident of Pennsylvania as to the resident of Canada? It is not denied that the manufacture of agricultural implements is largely controlled by a monopoly. It is not denied that this monopoly does charge our own people more for its manufactures than it charges the balance of mankind who buy. It is not denied that it is enabled to perpetrate this injustice by reason of the protective schedules of the Dingley tariff. It is not denied that a slight lowering of those schedules would force the protected trust to sell cheaper to our own people. Nobody can with any show of reason contend that the trusts and monopolies of this country need the protection of the Dingley schedules. At this very moment the President is ordering the institution of prosecutions because our trusts are violating our laws. The Republican party for forty years has been the patron, the promoter of monopoly. What good will a prosecution here and there accomplish so far as the great mass of consumers are concerned? Our Republican friends boast of the prosecutions which the President has ordered to be instituted. Will any gentleman rise here and now in his seat and point out a single one of the necessaries of life which the people are enabled to purchase cheaper because of any prosecution ordered by the President? Certainly the President is to be commended for enforcing the law. Let the prosecutions continue, but would it not be better, far better, more practical, to cut out the root of the evil and remove the protection which tempts these corporations to violate the law?

I beg to submit clippings from more than a dozen great newspapers demanding a revision of the tariff along the lines I have indicated. I trust the gentleman from Pennsylvania [Mr. DALZELL] and the gentleman from Indiana [Mr. LANDIS] will read these clippings, for they represent the cause of the American people most strongly, and they may serve to open the eyes of these gentlemen as to the sentiment of their own people. These gentlemen insist that there is nothing wrong in the practices of these protected trusts, but the independent press of their own States declare that these practices are wrong, that it is wrong to force the American people to pay tribute to monopoly, that it is wrong to allow a system of protective schedules to continue which permits monopoly not only to flourish, but to discriminate against our own people. President Roosevelt says it is wrong, for on the 3d day of June, 1900, he declared, in a message to the legislature of the State of New York, referring to the growth of monopoly—

> That the man who by swindling or wrongdoing acquires great wealth for himself at the expense of his fellow stands as low morally as any predatory mediæval nobleman, and is a more dangerous member of society. Any law and any method of construing the law which will enable the community to punish him, either by taking away his wealth or by imprisonment, should be welcomed.

Under the revision of the tariff demanded by the Democratic party and the great independent press of the country we may not be able to return to the people the ill-gotten gain extorted from them, but we will at least put an end to such practice in the future. No demand for revision outside the Democratic party! Have the gentlemen forgotten the last public utterance of President McKinley, the kind, the gentle, the good McKinley, who lit up no fires of hate, who made no schisms; McKinley, who was great enough to demand a revision of the very system which he himself had fabricated?

President McKinley, in that memorable speech, used these words:

> By sensible trade arrangements, which will not interrupt our home production, we shall extend the outlets for our increasing surplus. A system which provides a mutual exchange of commodities, a mutual exchange is manifestly essential to the continued and healthful growth of our export trade. We must not repose in fancied security that we can forever sell everything and buy little or nothing. If such a thing were possible, it would not be best for us or for those with whom we deal. We should take from our customers such of their products as we can use without harm to our industries and labor. Reciprocity is the natural outgrowth of our wonderful industrial development under the domestic policy now firmly established.
>
> The period of exclusiveness is past. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times, measures of retaliation are not. If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend and promote our markets abroad?

I beg, Mr. Chairman, to submit now editorial clippings showing to some extent the sentiment of the independent press of the country:

[Washington Times (Independent), Saturday, June 2, 1906.]

AN ARMY AND A MOB.

> The stand-pat Republicans in Congress seem determined to rub it in. They are out looking for trouble. They have ridden down opposition in Congress, from beginning to end of this session, with such ease that they have become intoxicated with confidence. They apparently imagine that they can bullyrag and bluff the millions who want revision as easily as they have intimidated the meek little body of Republican Congressmen who want it, but for the life of them haven't the courage to say so on the floor.
>
> The stand-patters have certainly had things their own way this session. They got the President pledged not to open the question of tariff. Then they proceeded systematically to supress it elsewhere. PAYNE and CANNON issued pronouncements against revision. These called forth no protest. The revision Republicans were hopelessly without leadership. They have not shown the courage of kittens. They have never piped a note in response to the flood of stand-pat oratory. The record of the session would indicate that the Republican party in the House is as solid as Gibraltar on the Dingley schedules.
>
> DAVIDSON, of Wisconsin, introduced a resolution to have the Ways and Means Committee hold tariff hearings this summer. It was only a little sop to the revision sentiment, but it has been denied.
>
> When the country was thrilled with the San Francisco horror the Madden resolution came along, providing for free admission of building materials for that city's rebuilding. Everybody was for it, but it has been suppressed. It was another sop, a sop to the sentiment of com-

mon humanity as well as to the conviction that schedules may possibly perpetuate injustice. But the stand-patters smothered it.

And now they are getting ready to pass the Aldrich resolution, if they can, commanding that all supplies for the canal be bought in the United States. The stand-patters are in the saddle; they propose to ride over everything. They are taking chances of a fall, but taking them with fine audacity.

As has been said the revision sentiment among Republicans is utterly without leadership. Turn loose in the House one man with the convictions and the fighting qualities of LA FOLLETTE or Cummins and this would be changed. The stand-patters are the most perfectly organized political force in the country. They have the leaders and the munitions. The force opposed to them is a mob of volunteers.

[Washington Post, May 1, 1906.]

And it looks as though that other paramount had already arrived, as follows: Shall the tariff be used to shelter trusts in order that they may supply goods to foreigners cheaper than the same articles are sold to our own people? From Hamilton to Clay, from Clay to McKinley we were all assured that protection was to make such competition at home as would flood our markets with cheap goods; but it seems that it is now employed to flood foreign markets with cheap goods and extort enormous profits in the home market.

[Leslie's Weekly, New York, September, 1905.]

Either through the work of a tariff commission or by other means some important modifications must be made in tariff rates, and that soon, or the Republican party will suffer the worst reverse it has had since the civil war.

[Washington Post, May 5, 1906.]

THE REAL PARAMOUNT.

Mr. HAMILTON, of Michigan, is a distinguished Member of Congress, a stand-patter, and an epigram monger. He is also an authority on the tariff and things like that. Some time ago the House Committee on the Merchant Marine and Fisheries gave "hearing" and proved all sorts of things against the steel trust, and the point was that our shipyards could not make as cheap a ship as is made at Glasgow or Belfast because the steel trust sold material for ships cheaper to the foreigner than to the domestic customer.

Of course that satisfied some people that the subsidy was the thing, but impertinent characters asked if it would not serve the purpose as well to revise the tariff, so as to make it impossible for the steel trust to perpetrate such injustice. Well, the committee, having established that the steel monopoly had made the ship subsidy necessary, now went to work and demonstrated that the steel trust had done no such thing, and proved it by the steel trust itself; and so this argument for revision of the steel schedule of the tariff fell to the ground.

The Post made bold to comment on the extraordinary and conflicting things in this economic kettle of fish, and did it from an absolutely nonpartisan standpoint and with fearless independence. The matter afterwards came up in a colloquy in Congress between Mr. JOHN SHARP WILLIAMS and Mr. HAMILTON, and the latter gentleman expressed the belief that Judge Gary's testimony is better than the statement of the Washington Post.

Judge Gary is at present the head man of the steel trust. That his knowledge of the matters in question is greater than ours we readily admit; that he is as anxious for the public to get the true facts as the Post is we much doubt. He is an interested party. The Post is a disinterested party. He says himself that his company can make the cheapest steel rails in the world, and yet he demands a continuance of the prohibitive duties on steel rails.

Why? There is but one answer, but one possible answer—to extort greater profit from the domestic customer. If Judge Gary was perfectly frank, then dozens of other witnesses prevaricated. Either the steel trust sells its goods abroad cheaper than at home, or it does not. If it does sell abroad cheaper than at home, then the stand-patters must revise the tariff or defend the practice. There has been backing and filling enough. Everybody must come to the scratch.

This thing is become the "paramount."

[Washington Post, April 17, 1906.]

"THE SHABBIEST FRAUD."

The Hartford Courant, which was a venerable newspaper long before the Republican party was born and has been a strong and consistent advocate of Republican principles and policies ever since the birth of the party, finds it hard, under present conditions, to put up the defense of protection that the system deserves. "When open and avowed enemies of this beneficent policy show up the trickery and hoggishness of certain protected interests and then denounce protection itself" our contemporary's trouble begins. When, for example, the free traders or "tariff-for-revenue-only" advocates show that some of our principal manufacturers habitually sell their products in foreign countries at prices far below those which their home patrons are compelled to pay, they put a plausible argument into the mouths of antiprotectionists. And the plausibility of that argument is so difficult to expose that it is often accepted as sound logic. Of course, it is a fallacy, for there is not a more thoroughly and overwhelmingly vindicated policy in the arena of American politics than the protection of home industries. It stands so firmly that its enemies can not overthrow it, even with the aid of those false friends of protection who persist in abusing it for their own advantage. Some of the Courant's comments on this subject, recently presented in an editorial entitled "Protection imperiled by hoggishness," are extremely pertinent. We quote a few samples:

"The shabbiest fraud that is played on the United States by managers of protected industries is this trick of misusing the protection that we provide—of making it benefit foreigners to our disadvantage.

"If it were necessary to maintain a certain price in order to maintain protection, then everyone would accept the situation unless he were a free trader of the pronounced stamp who advocates shutting up every factory that can not run without protection. But it is a different proposition when a protected factory makes Americans pay for the protection and then gives foreign countries the benefits of successive cheapening processes. It is all nonsense to talk of the policy as necessary. If the goods can be sold in Paris at 30 per cent less than the price asked for them in New York, then they can also be sold in New York at the lower price; and the difference represents the excess of profit which is extorted from the American people."

"Protection, like every other institution or policy, must justify itself. Protection in America for the benefit of European consumers can not be justified."

There are not many protection newspapers that emulate the candor of the Courant, but a great and growing number show their sympathy with the views of our venerable Hartford contemporary. The American people are too fair to complain of any man or association of men for making money by fair business methods, but they do not believe it is fair for their Congress to legislate millions of money out of the pockets of the consuming masses into the hands of a comparatively few persons. The demand for reform is becoming extremely insistent. A sense of injury too long endured lends a strong coloring of anger to the call for relief.

[The South Bend, Ind., Tribune, May 26, 1906. Republican.]

CHARLES B. LANDIS has boldly and arrogantly committed himself to the stand-pat theory. He made a speech in the House, in which he openly and strongly declared himself against tariff revision.

Mr. LANDIS may understand his subject well, he may be satisfied in his own mind regarding the tariff, but when he declares there is no sentiment in this State favoring revision he makes a mistake. He thus takes a stand directly opposed to that of other Indiana Congressmen. It is certain that several of these Representatives have not only studied the question thoroughly, but they have familiarized themselves with the conditions. The prevailing opinion, after going into the subject, after a review of the situation in Indiana, has been, and generally is, that sentiment favors revision. Regardless of what others have said and what others have found out, Mr. LANDIS boldly announces that he is against any revision of the tariff and that the State is also opposed. Mr. LANDIS is to be congratulated for his boldness, but something seems to be wrong with his system of investigation.

[Chicago Record-Herald, May 16, 1906. Independent.]

Congressman LANDIS, of Indiana, made a tariff speech in the House the other day and received an old-fashioned ovation when he concluded. It was a defiant, aggressive, stand-patter speech.

Now, Mr. LANDIS has every right to his Bourbon opinion, but if he undertakes to quote authorities he should quote to the end of the chapter or to the end of the paragraph. It was somewhat rash to appeal to the authority of McKinley and stop with the signing in the Dingley law. Certain things happened after that, things which a good many Americans remember.

Mr. McKinley went to Buffalo in 1901 and made a speech. That speech is called the "Buffalo platform," and it is calculated to make stand-patters and pile-of-brick theorists squirm.

[Chicago Journal, May 26, 1906. Republican.]

Republicans in Congress are making a terrible mistake in shutting their eyes to the facts. The tariff is going to be revised; if not by its friends, then by its enemies—the Democrats. It would be much better for the country to have the tariff revised by its friends; but, so intolerable is the oppression of the tariff-protected trusts, the people will intrust the duty to the tariff's enemies rather than allow these abuses to continue.

[Indianapolis Star, May 17, 1906. Republican.]

The prosperity of Canada and the United States both would be promoted by reciprocal commercial agreements which would permit freer trade in products which each country largely consumes, but does not largely manufacture, something on the lines of President McKinley's suggestions in his celebrated Buffalo speech.

[Springfield (Mass.) Republican, May, 1906. Independent.]

We say to all men of Massachusetts who wish for tariff reform that the best lesson they can give the party in power is for the next three elections to vote the wicked Democratic ticket.

[Detroit Free Press, May 25. Independent.]

Mr. LANDIS, in his studied reply to Mr. RAINEY'S speech, making a virtue of necessity, admitted the truth of the assertions that goods were sold abroad more cheaply than at home, and undertook to justify the practice. Hereafter we must assume that it is an essential part of the stand-pat creed that it is right and proper that the people of the United States—the beneficiaries of the system of protection—should pay for their prosperity with their watches, their typewriters, their sewing machines, their steel rails, and the thousand commodities whose prices have been raised by the tariff. When an American buys a watch for $100 he can satisfy himself that it is $90 for the watch and $10 for the prosperity he enjoys. The price of rails is $22 a ton for them and $6 for the prosperity. Typewriters will be quoted at $85, and $15 for prosperity. If the tariff is the cause of our prosperity, which is the stand-patter's fundamental premise, then we should suffer the consequence of it without complaining. * * * Dumping may be justified as a commercial habit; it may keep the mills running night as well as day, but it presents an unanswerable argument for a revision of the tariff, and the more the stand-patters try to explain it the stronger the tide will set in against them. If they will cling to the policy of justifying dumping they will have the whole country converted to tariff revision before the next national election.

[Grand Rapids Press, May 26. Independent.]

The stand-patters in Congress are getting ready to go before the people this fall on a stand-pat platform. The New Englanders desire more than anything else free hides, and Representative BANNON, of Ohio, has made a speech against free hides. * * * The shoe manufacturers are willing to surrender the tariff on shoes if Congress will give them free hides. The beneficiary of the tariff is the beef trust, and all the rest of the country is taxed for its benefit. Mr. BANNON will have some difficulty in gaining the support of well-posted and thinking farmers for a continuance of such a condition.

[Washington Post, May 22, 1906.]

THE NEW PLAN OF CAMPAIGN.

As the Post stated a few days ago, the stand-patters have at last been compelled to abandon their chronic habit of indignant denial as to the practice of selling American manufactures abroad at prices far below the rates which domestic consumers are compelled to pay. In lieu

of their old and no longer practicable plan of campaign, they are preparing to go into this year's canvass confessing that their bold discrimination against the people of the United States and in favor of foreign consumers has been going on for a good many years. Despite the old saw that "a lie well stuck to is as good as the truth," the standpatters, the dominating faction of the Republican party, have discovered that the "stick to" may be carried too far; that while the light of truth may be obscured for a time and even for a long time, it will eventually shine forth, to the confusion of its enemies.

A number of the free-trade or "tariff-for-revenue-only" organs and politicians had a similar experience not many years ago with their reckless denial of the rise and progress of the tin-plate industry that was built up by a schedule of the McKinley tariff. They held out with a courage that was worthy of a much better cause, but the facts finally overcame them and they climbed down, just as the standpatters are doing to-day. And it is worth recalling that the Democratic tariff of 1894 did not attempt to murder the new industry, but gave it a chance to continue growing.

It may be somewhat awkward for the organs and spellbinders who, in past campaigns have branded reports of these discriminations against domestic consumers as "Democratic campaign lies" to face about and tell the truth. We can imagine that the limber-tongued statesman from the West who, in 1904, told a Boston audience that the American rails that had been sold in Canada at $10 a ton less than the home price were old, shop-worn goods will be slightly embarrassed by the compulsory change in programme. But even he and the most obdurate of his brethern will soon get their second wind and be cheerfully piping, as one of them is already doing, the delectable chunk of flapdoodle that "if the home protection afforded the manufacturer, which enables him to fight for a place in the world's markets, is taken from him, it can only be done by changing the economic policy of the nation from protection to free trade, as that is the only way the American manufacturer can be stopped from selling his surplus products cheaper abroad than at home for the benefit of home labor.

Either free trade or the Dingley schedules as they stand? Has it come to that? No intermediate degrees between schedules that no Republican in Congress has dared to defend and the wiping out of protection? As well say that there are no penalties for crime between hanging and thirty days in jail.

That alleged argument will not win. It will not hold the Republican factions together. The free-trade bugaboo, like the free-coinage hoodoo, has lost its potency. * * *

Is there any successful defense for such abuse of protection as taxing the consuming masses to pay, in addition to good wages and good dividends on all capital actually invested, equally large dividends on hundreds of millions of fictitious capitalization? Must the thoroughly vindicated policy of protection be made to carry the odium not only of promoting monopolistic combinations in the interest of watered stocks, but of bringing in a million of immigrants annually—many of whom are not fit for conversion into American citizens by any process—by depriving them of labor at home and offering them wages at the American standard? How long will the country continue to prosper on a basis so contemptuous of the rights of the many, so anxiously thoughtful of the interests of the few?

[New York Journal of Commerce and Commercial Bulletin, July 30, 1904. Independent.]

MANUFACTURERS FAVOR FREE HIDES AND FREE SHOES.

But in the case of the boot and shoe workers, even the manufacturers do not claim that protection makes more work at higher wages. On the contrary, they argue that free trade, in their industry at least, would reduce the cost and increase the output of goods. This would give more work to employees and probably lead to higher wages. Only last February, in response to the Boston Commercial Bulletin, 211 out of 375 boot and shoe manufacturers of New England declared in favor of giving up the tariff on shoes if hides were free. Of the New England tanners, 29 likewise declared in favor of relinquishing the duty on leather if hides were free, while only 11 opposed such action.

[Washington Post. Independent.]

A BOLD CHAMPION.

Since the death of Nelson Dingley Mr. JOHN DALZELL has been the ablest champion of the dogma of protection in the House of Representatives, and his speech of last week is one of the strongest even he has ever made on the subject. Mr. DALZELL believes in protection for protection's sake. He would demand a high tariff if the Government needed not one cent of revenues, and he would lay ten thousand taxes that he never intended to collect.

Mr. DALZELL has no doubts. He defends the custom of selling American manufactures abroad cheaper than they are sold to domestic consumers, but in his discussion of that proposition he somewhat lurches and hedges, as Sir John Falstaff called it—he confesses, avoids, and denies, all in the same speech.

But the great protectionist, on whose shoulders is the mantle of "Pig Iron" Kelley, does not adequately meet the question. Why is not the surplus of our manufactories offered to American customers at as low prices as it is sold abroad? Mr. DALZELL says it is because the American market is already fully supplied. That is true—fully supplied at the bigger price; but everybody, unless it is Mr. DALZELL, knows very well that cheapness encourages and causes consumption. He says that the surplus is shipped abroad and dumped in order to keep our mills running. Grant it. Why not dump the surplus here? It would be snatched up. Besides, there would be no surplus to dump anywhere if the trusts would practice a little moderation. "Why, oh, why, will they not put up with a reasonable profit!" used to exclaim Nelson Dingley, as he wrung his hands in despair.

It is quite plain why they will not. Theirs is the opportunity to extort. Given the opportunity to extort, and man that is born of woman will extort. That is why protectionists are separated into stand patters and revisionists. The fight between them is on, and it is a fight to a finish.

We can not but think that Mr. DALZELL was too severe on the Wilson bill, the metal schedule of which was pretty stiff. For instance, under the Wilson bill imported iron and steel, and manufactures thereof, paid a duty of 38.80 per cent. Under the Dingley law they pay a duty of 38.20 per cent. So that it was not Democratic free trade in the Wilson tariff of August, 1894, that made the financial panic of June, 1893, after all.

[Pittsburg Gazette, September, 1905, a red-hot stand-pat paper.]

There are many schedules that may be reduced without exposing American industries to foreign competition. And since there must be a tariff revision there is no reason why the revision should not be made now.

[Brooklyn Citizen, May 28, 1906.]

STAND-PAT MISTAKES.

Mr. LANDIS's speech was evidently appreciated by his audience as a specimen of rhetoric vivified by sentiment; but fine words butter no parsnips, as common-sense folks remarked long ago. And the facts presented by Secretary Taft, in asking to be permitted to buy goods for the Panama Canal abroad, show clearly that the tariff to which LANDIS attributed all the prosperity of the country has not been the protection of the consumers—and they are the people—but of the trusts, which are victimizing the people day after day.

[Evening Post, New York (Independent), May 25.]

Chasing the devil around a stump is profitable exercise compared with running down a stand-patter.

In May, 1901, Mr. Charles M. Schwab, in his testimony before the Industrial Commission, said:

"It is quite true that export prices are made at a very much lower rate than those here. * * * I think you can safely say this, that where large export business is done—for example, in the line of iron and steel—nearly all the people from whom supplies are bought for that purpose give you a good price for the materials that go into export; railroads will, in most instances, carry them a little cheaper for you, and so on all down the line."

Q. "Is it a fact generally true of all exporters in this country that they do sell at lower prices in foreign markets than they do in the home market?"—A. "That is true; perfectly true."

PROTECTION TO AMERICAN LABOR.

Now, Mr. Chairman, just a few words in conclusion. For long years the Republican party has deceived the American workingman with many fair promises. The men who have had in charge the destiny of that party have solemnly sworn to protect forever the men who toil. Protection to American labor. That was your motto. Do you even pretend that you have been true to it?

If opening wide the portals of this fair land to the most dangerous immigration on earth—so wide that more than a million, to be exact, 1,095,395, landed on our shores during one year prior to the 31st of last May—if that be protection to American labor, then to you he is indebted for such protection as it is. If forcing our toilers to buy from the protected trust while forced to work for that trust for a daily wage fixed by competition with pauper labor from abroad, if that be protection to the American laborer, then he is indebted to you for such protection as it is.

The price of what he buys is not fixed by the law of supply and demand, but by the inexorable, pitiless, conscienceless decree of this protected trust; but the dollars the workingman pays for what he buys must be worked out in competition with the very man against whom you have promised to protect him—the pauper from abroad. This American laborer whom you have deceived must buy from your tariff-protected trust at prices made higher by your revenue system; but he must work for the selfsame trust at a wage made lower by the competition to which you expose him. That is the kind of protection you are giving to the workingmen of America. [Applause on the Democratic side.]

Sir, the discrimination, injustice, and wrong of the Republican system of protection has lasted long, but it will not last forever. That party, drunk with power, looks with disdain upon all protest, but at last your own people are being forced to eat of the bitter fruits of your vicious system. The return to a policy of justice and fair treatment may be slow, but return surely the people of this fair land will, sooner, perhaps, than some of you basking in the sunshine of repeated victory, dream. [Loud applause on the Democratic side.]

Mr. WILLIAMS. I now yield the remainder of my time to the gentleman from Illinois [Mr. RAINEY].

Mr. RAINEY. Mr. Chairman, a short time ago, when the post-office appropriation bill was under consideration in this House, I discussed the tariff question, insisting that upon this side of the tariff wall one price was made to American consumers, and that on the other side, where competition was free, another and a lower price was made to foreign consumers for American-made goods.

In my argument I had occasion to refer to the question of American-made watches, not because American-made watches furnish any exception to the general rule, but because at that time, on account of the business being conducted by a New York retail dealer in watches, it was possible to make an object lesson of watches. My speech upon that occasion has been formally answered by at least two gentlemen on the floor of this House, each of them carefully avoiding the facts upon which I built my argument. In my speech I called attention to the fact that recently Michael & Keene brought suit in an English court against the Keystone Watch Case Company co

account of failure to deliver to them 2,000 American-made watches, and I produced here a certified copy of the plea filed in that suit in England by the Keystone Watch Case Company, in which the defense was made that Michael & Keene purchased these watches upon the promise that they proposed to export them to France, whereas in truth and in fact they intended to export them to the United States of America, and I charged that the records in that case showed that the Keystone Watch Case Company, in settlement of that suit, paid £500 rather than keep this contract, and that statement has been denied by no gentleman upon this floor.

In my speech I said that about 2,400 American-made watches were then held up in the custom-house at New York City by the agents of the Waltham company upon the theory that they had been improved upon while abroad by the addition of a Swiss dial worth 3 or 4 cents; that so anxious were the American watch trust to keep their goods from coming back to the United States that they stood there at the gateway of our greatest port and upon this miserable subterfuge stopped the shipment of 2,000 watches into the United States; and no gentleman has denied that statement upon this floor.

In my speech I gave a list of wholesale jewelers all over the world—in Asia, in Africa, in Europe, in South America—and I charged that to those wholesale dealers the American watch trust were selling watches at a mere fraction of the price at which they were selling in this country to wholesale dealers; and no gentleman has denied that statement upon this floor. I called attention to the fact that in the export catalogue issued by the companies composing the watch trust—and I am still using that term advisedly—they sometimes use different names from the names used in the catalogues in this country; that they did not quote discounts in their foreign catalogues, and for this reason it was more satisfactory to produce here the watches themselves than to produce the export catalogues, in order to show price differences; and so I produced upon this floor six watches, three Elgins and three Walthams, and I charged that each one of these six watches was shipped abroad and was purchased abroad and brought back to this country by an American dealer and sold here at a less price than American wholesalers were able to buy them; and that statement remains undenied and unanswered upon this floor.

There was really nothing else in my speech. Upon these facts I based my argument, and these facts remain unanswered, undenied, and they can not be denied. Notwithstanding a month elapsed before my distinguished colleague made his speech in reply to mine, and during that time he had opportunities, according to his own statement, to interview these watch trust presidents here in Washington, they came here and saw him and brought here their employees—he said so upon this floor—notwithstanding he had a month to prepare, he did not deny any of these facts upon which my argument was based, and he could not deny any of them.

I made the statement that all the watches embraced in Mr. Keene's so-called "protection sale" were reimported American watches, and this statement was absolutely true. Along toward the close of the argument I inadvertently made the statement that all the watches in Mr. Keene's store were reimported watches, and that is the statement my colleague from Illinois answered so extensively upon the floor of this House.

Mr. BOUTELL. Will my colleague yield?

Mr. RAINEY. For a question.

Mr. BOUTELL. The statement that I alluded to was not in the latter part of the gentleman's speech; it was in the early part of his speech.

Mr. RAINEY. I do not care where it was; I will admit it if the gentleman will allow me to proceed. I can not deny what is in the RECORD and I do not want to deny it. I said that all the watches in Mr. Keene's store had been reimported. Does that satisfy the gentleman?

Mr. BOUTELL. That was the statement.

Mr. RAINEY. That is the statement I made, and I inadvertently made it. I didn't know I had made it until my colleague called my attention to it so strenously in his argument. My speech appeared unrevised the next day in the RECORD. If I had held it out for a week, as my colleague did with his speech, I would have stricken out that statement. I knew then, and I know now, that Keene has been in the retail watch business for twenty-five years in Boston and New York, and the gentlemen who furnished my colleague with information upon this question knew it. No trust president ever has called upon me during my short term in Congress and asked me to speak for him on this floor. They knew it. They knew that for twenty-five years Keene had been buying their watches, and they knew that for the last two years he had not been able to buy from them any of their watches. They knew that he had watches in his store bought years and years ago from them, and that is the statement my colleague denied most elaborately on the floor.

This statement I inadvertently made, and my remarks went to the printer without revision. I did not hold them back for a week, as my colleague did his, or I would have stricken out that statement. Mr. Keene never made any such statement to me. I did not intend to make such a statement upon this floor, and I did not know that I had done so until my attention was so emphatically called to it by my colleague. The fact is, Mr. Keene has been in the watch business for twenty-five years, handling during all that time both Elgin and Waltham watches, until, perhaps, two years ago, when the watch trust refused to supply him, or permit jobbers to supply him, with any more goods. He has in his store, as I now know from personal observation, a complete line of watches, including watches made by all the independent watch companies of the United States, and including, also, watches made in Switzerland; in fact, a purchaser can get in his store on Broadway a watch of almost any make. His principal stock, however, at the present time is composed of American-made watches purchased abroad. He satisfied me prior to the time I made my first speech that he had reimported an enormous number of American-made watches. It was known to the companies that he had many watches that were not reimported. It was an easy matter for the watch trust to purchase in Mr. Keene's store three or four American-made watches which has never been sent abroad. On account of this fact, the agents of these companies were easily able to pick out watches that had never been abroad for the use of my colleague in this discussion.

The long list of watches published in the appendix to my colleague's speech cuts not the slightest figure in this case. It was evidently a list submitted by Mr. Keene to the Waltham company for rebates. Occasionally it happens that the watch companies reduce the price on some grades which have become a sort of a drug upon the market. When they do this, they give the dealers having in their possession these watches a rebate of the amount of the reduction on each movement. This was a list sent in by Mr. Keene for rebates; an examination of the list will disclose that there are embraced in it only three or four grades of watches. The showing made in the affidavit furnished upon this question is that only 20 per cent of these watches upon which a rebate was asked had been exported. This perhaps was true. It is also true that upon this 20 per cent the Waltham company refused to pay a rebate to Mr. Keene. The grades of watches shipped abroad are better sellers than the grades retained in this country for sale; upon these latter grades the rebate is given in order to get rid of them. When they offered this rebate, only a few of the watches to which the rebate applied were in that portion of Mr. Keene's stock, which had been reimported by him from abroad. In the discussion of this question, this fact is absolutely unimportant.

Now, it doesn't make any difference whether all the watches in the store were reimported watches or not. The question in this case, and the only question, is, Do they make such a price difference, standing back of the tariff wall, that it becomes possible for American dealers to reimport American watches into this country and sell them cheaper than American wholesalers can buy them? That is the question in this case, and that is the question upon which I presented these facts, and that is the question which the gentleman did not answer, and he could not answer it without answering it in the affirmative.

The gentleman spent nearly all his time here defining the word "sucker," and alluded to the various methods of spelling the word, and referred to the fact that both of us came from the "Sucker State."

Mr. BOUTELL. The best State in the Union.

Mr. RAINEY. Well, we agree upon that point exactly if we do not agree upon others [laughter]—the idea, I presume, being to indicate that "the gentleman from Illinois," meaning myself, had paid a visit to New York City and had been taken in and worked for a "sucker." I am willing when I have put my speech in the RECORD for the people of the State of Illinois to determine who is the "sucker" in this case, the man who went to New York and investigated for himself this great question or the gentleman who remained here in Washington and received the visits of these watch-trust presidents and their hirelings and took them at their word. [Applause on the Democratic side.] I have the highest respect for my colleague from Illinois. I have the friendliest feeling for him. He is a cultured, educated gentleman. He is a truthful gentleman, when he is able to find out what the truth is. But I am afraid his days have been spent among the delights of the lighter literature. His speech upon this occasion shows that he knows nothing about the drudgery connected with the examination of a

question like this. The gentleman refers at considerable length to Keene, of Broadway, who furnished me, he thinks, with the information upon which I base my argument, and he refers to that gentleman as "Keene, of lower Broadway," as if his place of business affected in some way his credibility.

Well, there are only a few of us who live upon the upper Broadways of life. All the rest of us live on the lower Broadways. If you visit the city of New York now and go to the upper Broadway section of that city, to the street which faces Central Park, where the millionaires of that city live, you will find them boarding up their houses and preparing to cross the seas—in this, the pleasantest time of all the year—preparing to go 3,000 miles away to spend the summer among the mountains of Scotland, in the lake regions of England, in the valleys of Switzerland, and in castles along the Rhine. These are some of the men who live on the upper Broadways of life. There are a few of them scattered all through the country. They are able to go to Europe; they are able to go there and buy American-made watches—all they want—and to buy them in the cheapest market. They are not very much interested in tariff schedules, these fellows who contribute so largely to Republican campaign funds; they are able to go over there and buy American-made goods as cheaply as anybody living in any foreign country can buy them, and for that reason they are not much interested. Mr. Keene locates his place of business in that section of the city of New York where the people live and where the people go who are compelled to buy American-made goods in the United States.

On a recent visit I made to New York I found that just half a block above the place of Mr. Keene is located the distributing depot for Elgin watches, not only for the city of New York, but for all that district. Half a block below his place of business, and lower down, on lower Broadway, is located the distributing bureau of the Waltham Watch Company for all the district of New York. Within 50 feet of his place of business commences Maiden Lane, where nearly all the jewelers of that great city have their places of business. Four blocks away is Trinity Church and Wall street. So, according to the position taken by my colleague [Mr. BOUTELL], Mr. Keene's place of business, "he of Broadway, of lower Broadway," is located in an entirely respectable portion of the city of New York.

Whenever you attack a trust, you will always find a lot of gentlemen on the other side rushing to its rescue, and the more atrocious the trust the more there are who come to its rescue. Why, I did not get through with my argument before the gentleman from Massachusetts [Mr. GARDNER] interrupted me, and proclaimed to this House that there was no such thing as an American watch trust. He said he knew all about it, because he owned stock in the Waltham company. I supposed that these watch-trust presidents, when they came here to find some Republican Member of Congress to defend them upon this floor, would select my friend from Massachusetts. I supposed on account of his familiarity with the subject he would be prepared to present their defense upon the floor. Nearly two months have passed since then and we have heard nothing from the gentleman from Massachusetts. He probably came to the conclusion that in his case discretion would be the better part of valor. To use the language of a distinguished Democratic editor out in my district, upon this question the gentleman from Massachusetts has "fit, fired, and fell back." [Applause and laughter on the Democratic side.]

Then there came into the arena another gentleman from Massachusetts, Mr. TIRRELL, and this young Lochinvar came in here riding upon the statement of the president of the Waltham Watch Company, and he proudly proclaimed his steed was the best, and insisted that there was no watch trust because the president of the Waltham Watch Company said there was not. [Laughter on the Democratic side.]

Mr. TIRRELL rose.

Mr. RAINEY. I can not yield now.

Mr. TIRRELL. I would like to ask the gentleman a question.

Mr. RAINEY. Oh, certainly.

Mr. TIRRELL. Now, the gentleman has repeated many times that there was a watch trust with which the Waltham Watch Company was connected.

Mr. RAINEY. Yes; I have.

Mr. TIRRELL. Will the gentleman state where it is, when it was formed, and all the particulars?

Mr. RAINEY. I will. I am going to do that, if the gentleman will keep still. I am going to give him more particulars than he wants, and more particulars than the president of the Waltham Watch Company wants. I have started in this fight for business, and I have got the evidence against that gentleman, and against the rest of them, and I want to call the attention of the gentleman from Massachusetts [Mr. TIRRELL], and I want also to call the attention of the president of the Waltham Watch Company, to the fact that the temper of the American people is changing, and that when a conviction is secured against the next combination, which has violated the antitrust laws, the doors of the penitentiary are opening for the officers of that combination; and I propose to keep up this fight until these watch-trust presidents, every one of them, land there, or until at least I give a court and a jury the opportunity to send them there. [Applause on the Democratic side.] I understood the gentleman from Massachusetts [Mr. TIRRELL] to say that he was connected in some way with the American wood-pulp combination, and I understood him to say that that combination was responsible for the fact that some of its products were sold cheaper abroad than at home, and for that reason he argued that the American watch trust ought to have the same privilege. That sort of logic may satisfy him, and it may satisfy his friend, the president of this watch company, but it is not going to satisfy the people of the United States.

Mr. TIRRELL. Mr. Chairman——

Mr. RAINEY. I can not yield any more.

Mr. TIRRELL. But I would like to call the gentleman's attention to a misstatement of facts. Surely he does not desire a misstatement to stand in the RECORD.

Mr. RAINEY. I have not the time to yield to listen to the gentleman. The gentleman can get time and make a speech, if he wants to speak. Then they brought into the discussion the gentleman from Iowa [Mr. HEPBURN], he who is always produced when the storm clouds are gathering, for the purpose of defying the lightning. To his demand for proof the lightning came with such frequency from this side of the House that he was compelled to climb a tree [laughter on the Democratic side], and from that undignified position this Ajax of the other side completed his speech. I had made the statement in my speech that to an American railroad the price of $27 per ton for steel rails had been made, while to a competing Canadian railroad the price of $22 per ton had been made and made by the same American company.

My authority for that statement was the testimony of James J. Hill before the special Merchant Marine Commission, and it can be found on page 180 of volume 1 of the report of that Commission. I made a misstatement in that respect, however, and I am perfectly willing to confess all of these things. I said that the price difference was $5 per ton. James J. Hill in his testimony says that the price difference was $10 per ton in favor of the foreign competing railroad company. But the principal reply to my speech was made by my genial colleague from Illinois [Mr. BOUTELL], and this was about what he said, leaving out everything about "suckers" and all that stuff that does not answer anything. This was his argument. I quote from page 6108 of the CONGRESSIONAL RECORD:

> Mr. BOUTELL. I have no full information on this subject, but my impression in reference to this whole business of exporting watches is simply this, that the watch manufacturers of this country are endeavoring to build up, and succeeding to a certain extent in building up, an export business in a class of very low-grade watches for which there is no market in this country.

And, again, on the same page:

> At any rate, they tell me that the cheap watches, for which they are opening up a trade, are what they call "gilt plate watches," and these "gilt watches," so called, if there was any market for them in this country, would be sold just as cheap or cheaper in this country than abroad.

And again, on page 6109 of the CONGRESSIONAL RECORD:

> No one wishes to deny the fact that these companies are attempting to build up an export trade in cheaper watches, and if anybody wishes to reimport those cheaper watches for their own advertising purposes, or for any other purpose, it does not affect the issue we have before us here to-day.

And again, on page 6108:

> I understand that American watches of the better class have little market abroad, and if the gentleman from Mississippi will allow me to finish this paragraph, it may throw some light on the question. In one of these advertisements we find these words—

And then he quotes an advertisement which I never saw, but I am willing to assume it is one of Keene's advertisements and appeared in some New York paper—

> And then Keene enumerates "Elgin Veritas, twenty-three jewels; Elgin B. W. Raymond, nineteen jewels."

And then he goes ahead and enumerates these various kinds of watches, and then my colleague says:

> Now, the Elgin people say from their records that since 1901, five years ago, not one Elgin Veritas, twenty-three jewels, and not one B. W. Raymond, nineteen jewels, has been exported to Europe by or for the Elgin Company, and only thirty-seven Elgin Veritas and Elgin Father Time movements, collectively.

Now, this is a rather broad statement, and this absolutely demolishes, apparently, my argument upon this question, and I believe that my colleague thought these statements were true when

he made them. My colleague has only one fault, which perhaps is not a fault considered from his view point. He will stand in respectful attention while in the presence of any man who is worth a million dollars; and if he made his money as a result of this system of tariff spoliation and outrage, he will stand in his presence with open mouth and uncovered head and believe every word he says. [Applause on the Democratic side.]

Now, I am prepared to prove from their own evidence that these statements are absolutely and unqualifiedly false. I believe they made these statements to my colleague. I know that these watch-trust presidents are not only violating the law of this country, but I propose now to prove that they are personally dishonest. Now, bearing in mind that practically none of these Veritas movements have been, directly or indirectly, shipped abroad, according to the statement of my colleague, not according to his statement, but according to the statement of this president of the Elgin Company that he puts here in the RECORD, let me read from the Watchmaker, Jeweler, Silversmith, and Optician of July 1, 1903, a part of the advertisement of the Keystone Watch Case Company, which maintains an office at 45 Holborn viaduct, London, E. C., and which exports in Keystone cases the Elgin movements. I am reading now from the advertisement:

We are informed that the retail trade occasionally finds difficulty in obtaining the higher grades of Keystone-Elgin watches from factors, and are sent substitutes instead. In such case return the substitute and write direct to our office for the wanted watches. We will furnish them to you promptly. There is no reason why any factor should ever disappoint you when you order Keystone-Elgin watches, for we carry a complete stock in every grade from the highest to the lowest at our London office at all times. We will see to it that you get what you want if you will tell us your troubles.

Now, here, on page 986 of the same English trade journal, in the issue for August 1, 1903, occurs another advertisement, and there appears here at the top of the page—and I will not ask to insert this picture in the RECORD for fear it may offend some of my friends on the other side—is an enlarged picture of the parts of an Elgin Veritas watch, with this statement under it:

This is an enlarged drawing of the movement, Veritas model, of the Keystone Elgin watch.

I will not now call attention to the other references I have to that matter, but I have here many of their advertisements, and also advertisements of the Waltham company in English and in German newspapers. I have here the export price list of both these companies, and I propose now to insert in the RECORD references to the book and the pages of their advertisements, which show conclusively that they do not export any grade of gilded movement except the seven-jewel grade, and which also shows conclusively that the kind of watch movements they advertise in foreign countries are the nickel movements, and are the higher grades, in spite of the statement they have put here into this RECORD.

I am disposed to personally resent the fact that a gentleman representing upon the floor of this House a great Congressional district, located in my own State, and in the heart of the metropolis of the West, has been pursuaded to make upon this floor statements so utterly devoid of truth as these statements. If my colleague were not so credulous, and did not have such childlike faith in the protestations of millionaire trust magnates he could never have been induced to occupy the unenviable position he will soon occupy in this connection. I do not reflect in any way upon the veracity of my colleague. I know he believed everything he said; the authority upon which he made these statements, however, was absolutely insufficient.

No millionaire trust magnate has ever done me the honor to visit me during my short career in Congress, or to ask me to speak for him upon this floor. Since my colleague has been duped in this outrageous way by these men, I have no hesitancy in openly, here upon this floor, making the statement that no millionaire trust magnate, whose fortune has come to him as a result of this system of protection spoliation can induce me to believe anything he says unless what he says is corroborated by credible evidence. This is not a new position for me to occupy, and if my colleague had adopted in the earlier part of his Congressional career a similar rule he could not have been induced to make these declarations upon this floor. I am prepared to prove that this statement can not be true, and is not true. I have examined the foreign trade journals on file in the Congressional Library, and I have here the bound volume of the Watchmaker, Jeweler, Silversmith, and Optician, the leading English trade journal upon this subject, to which I have just called attention.

On September 1, 1903 (p. 1118, bound vol. 29, Cong. Library), of the same journal there appears an enlarged picture of the Veritas watch movement with the statement under it that it is made from the Veritas model; and there is marked on the picture the words "23 jewels." Both these advertisements appeared in the year 1903, and my colleague, in his speech, says:

Now, the Elgin people say, from their records, that since 1901, five years ago, not one Elgin Veritas has been exported to Europe by the Elgin company, and that only thirty-seven Elgin Veritas and Elgin Father Time, collectively, have ever been exported.

Again, on May 2, 1904, there is advertised on page 554 (bound vol. 30, Cong. Library) another list of Keystone-Elgin watches, with the picture of a watch movement, and under the picture is a statement to this effect:

This is the list of Keystone-Elgin watches, which embraces every sort of movement from 23-jeweled, with finest adjustment, to the 7-jeweled, etc.

On August 1, 1903, in this same trade journal, on page 986, is another advertisement (bound vol. 29, Cong. Library), and at the top is displayed a picture of an Elgin Veritas, with the principal parts enlarged, and under it is this statement:

This is an enlarged drawing of the parts of the Veritas model of the Keystone-Elgin watch, etc.

On October 1, 1904, there appears in this same trade journal this advertisement on page 59 (bound vol. 30, Cong. Library). On top of the page appears a picture made from photographs of the several Elgin movements, and under the picture is this statement:

Made in five sizes and in many grades, each the best in its grade.

In view of these advertisements, which I have produced—and I have found hundreds of advertisements in foreign trade journals to the same effect—can anyone believe the statement put in the RECORD on the authority of the president of the Elgin Watch Company and his subordinates "that not one Elgin Veritas, 23 jewel, movement has ever been exported, and that only thirty-seven Elgin Veritas and Father Time movements collectively have ever been exported?" In view of these numerous advertisements this statement is absolutely unworthy of belief.

As to the statement generally of my colleague that the higher grades of the Waltham watches are not exported, I have here the Horological Journal for January, 1906. This is an English trade journal of recognized standing, and in the advertising pages at the back of this issue there is an advertisement of Waltham watches, in which G. R. Baldock & Co., of 31 Holburn Viaduct, London, E. C., advertise "every grade of movement of the Waltham watches." I have here the "Jeweler and Metalworker," another paper published in London, of the issue of February 15, 1906, and on page 239 of this issue there appears the advertisement of Henry Harris & Co., 45 Hallen Garden, London. The advertisement here contains pictures of the best grades—of the Riverside Maximus and other grades, and the advertisement states that his stock includes all grades of Waltham watches.

I have here a very recent issue of the Jeweler and Metalworker, a trade paper published in London. This is the issue for April 1, 1906, and on page 484 appears an advertisement of Grimshaw & Baxter, 29 to 37 Goswell road, London, advertising Waltham watches, and the advertisement contains these words: "We will supply from stock all grades of Waltham movements." At the bottom of the page appears a picture of a Riverside Maximus watch. I have here the Jeweler and Metalworker for June 1, 1905. On page 787 appears the advertisement of G. B. Baldock & Co., of London, England, advertising for sale Waltham watches in solid gold American-made cases. Does anyone believe the cheaper grades of Waltham movements are being placed in solid gold American-made cases?

Therefore I say that this statement, seriously made in this Chamber by my colleague, upon the authority of the men he mentions, is absolutely and without qualification untrue. May I quote from the speech of my distinguished colleague on page 6103 of the CONGRESSIONAL RECORD? In this connection he says:

I must say, in the first place, that my principal interest is simply that of pure truth. No matter what the artist of the comic papers may say, no matter what humorous paragraphers may hint, the word of a Member of this House, seriously stated, is taken for truth throughout the country, and I think in our discussions here, when we come down to the actual argument which influences men in and out of this House, we should be governed solely by a regard for truth. As there is no proper way of cross-examination here except such as may be embarrassing to the Speaker, who otherwise would make a valuable contribution to our sum of intelligence, we ought, so far as we can, voluntarily to observe the laws of evidence.

In view of this evidence which I have just presented, and which I have obtained without the assistance of the watch-trust presidents and without the assistance of any person familiar with the watch business, can anyone now believe the statements made by these watch-trust presidents, and which I have so overwhelmingly refuted? And I desire to say that I have presented only a few of the trade papers advertising ex-

tensively in England the goods they claim they have not exported either directly or indirectly. There are other advertisements that extend over a series of years, and in Germany, and perhaps in Switzerland, the trade papers will show the same advertisements. In fact, I believe they can be found in trade journals all over the world. The Congressional Library does not pay much attention to the collection of this kind of literature. The attendants over there told me that there is only one library in the United States which makes a specialty of foreign trade papers; that library is the John Crerar Library, and is located in the great city of Chicago, where my colleague lives. If, in the preparation of his speech delivered upon the floor of this House, he had paid more attention to this class of literature and less attention to the lighter and more frivolous kind he would not have so readily believed the statements made to him by the watch-trust presidents.

We are now entering upon another Congressional campaign, and we go from this House, all of us, to answer to our constituents for our conduct here. On account of the evidence I have produced, it devolves upon my colleague here in this House to repudiate here and now this infamous trust, which has so grossly misrepresented things to him, or go from this House to his constituents a party to the untruthful statements they have caused him to place in the RECORD, and explain if he can to the men of Illinois the unenviable position in which he has placed himself by his adherence to and his championship of this trust, built up under the present protective tariff system.

And it is insisted that the only movements exported are the gilt or gilded movements; that they are cheaper than the nickel movements; that nickel movements are made for home consumption, and that the gilt or gilded movements are made for foreign consumption. After having discredited so thoroughly the other material statements of the watch-trust presidents, I hesitate to proceed further in my denials. In order, however, to give the facts with reference to the cost of gilded movements and nickel movements, I wrote to the W. J. Johnston Company, of Pittsburg, Pa., and received a reply from Mr. Johnston. Mr. Johnston is the largest wholesale jeweler in this country who is not connected with the watch trust. He repudiated them and their methods; they had no opportunity to drop him. I have here his letter, in which he says:

> The Waltham Company has never discontinued the making of the 18-size, seven-jewel, gilded movement for the American market, but they did discontinue advertising them in this country for a number of years prior to January, 1905. The Elgin Company also discontinued for a time the making of the gilded movements for the American trade, but resumed their manufacture again in January, 1905. Mr. Johnston says: "There is absolutely no difference whatever between the seven-jewel, 18-size, gilded movement made by the Elgin and Waltham companies and the nickel movements of the same grade made by these two companies. * * * As to there being any superiority in the nickel movements, we should say that, in our estimation, the brass plates gilded make the best and most desirable plates for these cheap watches, and we can see no reason why they should cost any less than nickel plates, but, on the contrary, we believe that they cost slightly more. * * * It is an indisputable fact that the foreign trade prefers the gilded movements to the nickel movements, and that is the reason why the cheap movements they are exporting are largely gilt finish."

Bearing in mind the contention that only the cheap gilt movements are sent abroad, I desire to call attention to an export price list of Keystone-Elgin watches which I have here on my desk and which is open to the inspection of any gentleman in this House on either side. They advertise in here a complete line of Elgin movements, illustrated by over fourteen photographs of Elgin movements, and every movement advertised in this export price list is made of nickel, every one except the seven-jewel grade. They are all nickel in this list except this one grade to which I have called attention, and in their advertisements and in their export price list it is the higher-grade movements and the nickel movements that are advertised. Scarcely any mention is made of the gilt or gilded seven-jewel movement.

I have here the export price list of the Waltham watches, and every movement advertised in this catalogue is a nickel movement except the seven-jewel grade, which alone appears to be gilt or gilded. It is the higher grades of the Waltham watches and the nickel movements to which especial attention is called in this catalogue and in all the trade journals to which I have access.

But the John Crerar Library, in Chicago, where my colleague lives, will furnish a bountiful field for him in this connection. He can find there, I am informed, trade journals from all over the world in which he will find, I think, in every one of them, special cuts of those Waltham and Elgin movements which these watch-trust presidents say they do not export, and he will find the nickel movements that they say are never exported.

In view of the evidence I have produced here, which completely refutes and brands as false the statements made by these men, is there any man in this House who believes that upon this question a jury of twelve men anywhere in this country, under the rules of evidence or common sense, would believe anything these watch-trust presidents have said about watches?

The gentleman from Minnesota [Mr. MCCLEARY] just now referred to the watch question, and used the argument which is appearing in the papers throughout the country—the papers that are friendly to the watch trust—that Mr. Keene's scheme is only a scheme adopted by him to sell watch cases, and that he makes his profit on the watch cases because he refuses to sell a watch movement without a case.

Now, I want to show why he refuses to sell a movement without a case. He imports both American-made movements and American-made cases from abroad. Here is an extract from a letter written by the London agent of Robbins & Appleton to a London wholesale dealer, and I have the extract verified here by an affidavit, and I propose to put it in the RECORD. This is the way it reads:

> The writer found in New York the whole lot of sixteen size, nineteen-jeweled Vanguard movements that were sold to you were for sale in Keene's stock, and we had to buy them back, as the nineteen-jeweled Vanguard movement was not listed; and then, again, we had to go to work issuing a special circular, listing that movement, in order to show that we were not making Vanguards for this market different from those for the States. Your action in this matter has certainly put us to more trouble than anything else we have had for a long time.

The above is verified by the following affidavit:

> COUNTY OF NEW YORK, ss.
>
> William P. Talbot, being duly sworn, states he resides at No. 101 Sixth avenue, in the borough of Brooklyn, State of New York; that he is now, and for the past fifteen years has been, in the employ of Charles A. Keene, jeweler, of No. 180 Broadway, New York.
>
> The deponent further states that the attached paper headed "Harmon's letter to Roberts" yesterday, is a correct copy of a letter addressed to and received by *Mr. Evan Roberts*, 30 St. Georges square, Regents Park, London, from *Mr. Harmon, manager of Robbins & Appleton*, general selling agents (wholesale only) for the American Waltham Watch Company, Waltham, Mass., United States of America, 125 High Holborn, London, W. C., England.
>
> He further states that this copy was made on or about February 2, 1906, from the original letter handed him by the said Evan Roberts in London.
>
> W. P. TALBOT.
>
> Sworn to before me May 14, 1906.
> [SEAL.] ARTHUR KNOX,
> *Notary Public, New York County, N. Y.*

Why, if Mr. Keene sold these movements without cases, these watch-trust presidents would come into his place of business and buy them up. In order to keep them from doing that he sells the movements and the cases together.

Tell me that the cheaper kind of watches go abroad! Did any of you ever see a demihunting-case watch? You never did, unless you saw it abroad, or one that came from abroad, and yet there are more demihunting-case watches made in this country than in all of England. A demihunting-case watch is the most beautiful and the most expensive watch made. It is made with a small opening here in the center. It is half an open case and half a hunting case. They do not advertise them here, but the Keystone Watch Case Company makes more of them every year than all the factories in England make in the same length of time, and they send them all abroad, and they sell them cheaper there than any American wholesale dealer can buy them.

Did you ever see a watch case with the garter stamp on the back? It is the most beautiful stamp that appears upon any watch case. They make more of them in this country than they make in all of England, and they ship every one of them abroad. It costs a little more money to make them, and for that reason they sell them all abroad.

Tell me that the gilt watches are a cheaper kind of watch than the nickel watch! I have the proof here, and I am going to put it into the RECORD, that about eight or ten years ago the cheapest watch ever made by any one of these trust companies was made by the Elgin company—a seven-jewel, eighteen size watch. They made over 100,000 of them, and they sold every one of them to Louis Manheimer, of Chicago, for a dollar and a quarter apiece. And every one of them was made of nickel.

And now, in passing, as my time is limited, I desire to ask permission to extend my remarks in the RECORD, and to include in my remarks references to these trade papers, certain letters I have collected upon this subject, and to publish as an appendix to my remarks some data and letters I have collected upon the subject of the American watch trust.

The CHAIRMAN. Is there objection to the request of the gentleman?

Mr. TIRRELL. Mr. Chairman, I would like to inquire of the gentleman whether that will be done before the close of the present session?

Mr. RAINEY. Yes, sir; I am going to do it the day after to-morrow. It is too late now to do it to-morrow, it is now nearly 11 o'clock; I can not sit up to read proof all night. Then you

can have a chance to communicate with your friend, the watch-trust president, before he goes to the penitentiary.

Mr. BOUTELL. Will my colleague yield?

Mr. RAINEY. Yes; for a question.

Mr. BOUTELL. With the permission of the House I expect to present a few observations before I see anybody connected with any watch industry, and I would like to ask, as a part of your remarks, what these letters are which you are going to print, which will be after my reply?

Mr. RAINEY. I will furnish you copies of them.

Mr. BOUTELL. Can you tell me now what they refer to?

Mr. RAINEY. They refer to the question of the American watch trust.

Mr. BOUTELL. From whom?

Mr. RAINEY. They are from retail dealers.

Mr. BOUTELL. How many?

Mr. RAINEY. I do not know how many. Some of them are from jobbers who have been dropped off the list for the reason that they sell independent goods.

Mr. BOUTELL. My colleague will understand that there will be no time to say anything to-night, but if there is an opportunity to-morrow I shall have something to say.

Mr. RAINEY. I will take care of you, and give you the copies in plenty of time; you can not answer the case they make.

Mr. BOUTELL. I have no objection to the documents being inserted in the RECORD; but I want to have an opportunity to look at them.

Mr. RAINEY. I have letters from W. J. Johnston, of Pittsburg. I have merely met Mr. Johnston; he is not an agent of the watch trust; not a member; and therefore I intend to put in the RECORD what he says about the question of gilded movements and about other things.

Mr. BOUTELL. Will my colleague yield to me? What did you say was his name?

Mr. RAINEY. Mr. W. J. Johnston.

Mr. BOUTELL. Does he spell it with or without a "t?"

Mr. RAINEY. He spells it with a "t."

Now, I have here the evidence, and I am going to put it into the RECORD, which will prove conclusively and to the satisfaction of any jury in the land that the American watch trust compels foreign wholesalers purchasing their goods to enter into a contract in the nature of a bond, agreeing that they will not permit reimportation of these watches to the United States; and I will give you a chance at that, too.

Mr. BOUTELL. Will my colleague yield to another question?

Mr. RAINEY. No; I can not now. You can not ask me any more questions to-night.

Mr. BOUTELL. I will meet my colleague before we convene to-morrow.

Mr. RAINEY. I am at your service all to-morrow morning and all day to-morrow, if you want me.

Now, upon the question of the watch trust, I regret that I will be compelled to extend my remarks upon that question in the RECORD, and I believe I will not refer to it now.

Mr. BOUTELL. Right on that point——

Mr. RAINEY. I will attend to you to-morrow.

Mr. BOUTELL. It will not take thirty seconds.

Mr. RAINEY. It does not make any difference whether it takes thirty seconds or not, I have not thirty seconds to give you now.

IS THERE A WATCH TRUST?

I may not be able to get the watch trust investigated at this time. There are trusts the investigation of which does not challenge directly the present tariff schedules. An investigation of the watch trust made now would show that this combination which robs the American people in such an outrageous and high-handed manner exists on account of the fact that the Dingley tariff schedules have made possible its formation and its successful career. I intend, however, to present the large mass of evidence I have accumulated to the Department of Justice and to insist that these watch-trust presidents be prosecuted now under the Sherman law.

My colleague states that in an interview he had with the president of the Elgin company that gentleman expressed himself as being shocked at the newspaper statements made wtih reference to my recent speech. I dislike very much to cause any of these gentlemen any uneasiness. I do not want to shock them too much at the present time. I simply, however, in passing, desire to call attention to the fact that the temper of the American people in the last few years has changed materially, and if a court and jury should now consider the case against these gentlemen, and should be in full possession of all the facts, they might impose the severest penalty possible under the law. These watch-trust presidents may console themselves with the reflection that at the present time they may be starting on their road to the penitentiary.

I intend to keep up this fight until these gentlemen land there, or at least until an opportunity is given to impose that penalty, if the evidence warrants it. I am in possession, I think, of sufficient evidence to convict them all of a violation of the Sherman antitrust law. If the Department of Justice, as at present organized, declines to prosecute them, there will be a department of justice in the near future differently organized that will prosecute them. The statement I am making now should be worth something to the Republican campaign fund this fall. In order to get liberal contributions from these watch-movement companies and these watch-case companies it will only be necessary for Republican campaign managers to sumbit this statement, together with the evidence I propose to put in the appendix to my speech, and which I assure this House is only a part of the evidence I will be able to produce against these companies.

EVIDENCE OF THE EXISTENCE OF A WATCH TRUST.

Until February, 1905, the A. N. Senior price list contained lists of prices of all movements and cases. There are over 22,000 jewelers in the country who handle watches. They had for many years learned to depend upon the Senior list. Suddenly and without warning, in February, 1905, all watch cases and all watch movements made by companies who were formidable competitors, or competitors to any degree, of the Keystone Watch Case Company; the Crescent Watch Case Company and their allied companies, owned and controlled by them; the Waltham Watch Company, and the Elgin Watch Company and the allied watch companies owned and controlled by them were dropped from the Senior list, and dealers throughout the country were at once deprived of information as to other watch movements and watch cases, how to buy them, where to buy them, and prices. The publishers of this list were persuaded to do this by the companies alleged by me to be in this trust.

The Keystone is the leading watch-trade journal of the United States. It is the largest publication that goes through our mails except the Iron Age. It weighs 18 ounces. This publication several years ago instructed its agents to solicit no advertising for any watch-case company or any watch-movement company except the companies comprising this combination, which I charge to be a trust. Efforts are now being made to prevent its admission to the mail as second-class mail matter. It goes now through the mail to the majority of the 22,000 jewelers in the United States at an expense to the Keystone Company of 1⅞ cents for each copy. If it were compelled to pay the postage it ought to pay, it would cost 14 cents per copy. In other words, the watch trust is receiving on this publication alone a subsidy from the Government of the United States of $20,000 per month. The publication clearly should be excluded from the mails for the reason I have given. It amounts simply to an advertising sheet for the watch trust alone. The case was presented a month ago by ex-Governor Stone, of Pennsylvania, to the Department, and argued by him and defended by attorneys for the watch trust. The matter is now before the Department and is under consideration. It is to be hoped that this publication will be excluded from the mails as second-class matter. I do not desire to comment upon the construction that ought to be given to a refusal of the Department to exclude it. It is to be hoped the decision of the Department will be upon the merits and that this publication will be excluded.

When the watch trust was formed it was their policy to place on their lists all the jobbers in the country, about 200 in all. Jobbers are being gradually dropped from the list for the reason that they handle the independent lines of watches and watch cases. I propose to put in the RECORD as an appendix to my speech letters from a number of jobbers who have been dropped for this reason alone.

When the watch trust was formed, John C. Dueber, of Canton, Ohio, was its first victim. He was one of the largest manufacturers of watch cases in the country. Without warning to him, all watch jobbers were notified to sell no Elgin or Waltham movements in Dueber cases. Mr. Dueber found himself at once with a plant on his hands that cost a million dollars, employing 600 men, without a market for his products, and with an immense number of cases in stock, from filled cases to solid gold cases, which were absolutely worthless. He, however, purchased a small watch-movement factory in Springfield, Mass., moved it to Canton, Ohio, and commenced also to manufacture watch movements, and to-day the Dueber-Hampden Company is the strongest opponent of the watch trust.

Jobbers who refuse to discontinue the handling of independent movements are threatened with a refusal to furnish them

with further repair material. Each jobber has among his customers from 300 to 600 retailers who have learned to depend upon him for repairs. Each of these retailers has been selling Waltham and Elgin movements for many years. The Waltham and Elgin companies sell now, and have sold for many years, 90 per cent of all the watch movements sold in this country. A purchaser of a watch from a local jeweler expects him to keep it in repair. If a wheel or a pinion is broken, he brings it to him for repairs. A local jeweler can make a wheel to take the place of the broken one, but he would be compelled to charge five or six dollars, or perhaps as much as the movement is worth, for his services. He can, however, purchase, through his jobber, the broken part for 10 or 15 cents and insert it quickly and cheaply in the watch so brought to him for repairs.

If, however, he is unable to purchase repairs from his jobber, he must transfer his business to some other jobber from whom he can purchase repairs. These two makes of watches constitute perhaps 70 per cent of all the watch sales any retail dealer has made since he has been in the retail business. Therefore it becomes absolutely necessary for the jobber to be able to furnish his customers with repairs. If he can not do so, he loses his customers and his business is destroyed. Therefore, on account of the item of repairs alone, if there were nothing else in the restrictions placed by the watch trust, it becomes possible for the watch trust to control the watch trade of the country.

In my former speech I gave the names of the companies comprising the watch trust. T. Zurbrugg is president of the New York Standard Watch Company, of Jersey City. He is also president of the Philadelphia Watch Case Company and of the Keystone Watch Case Company. He is president of the E. Howard Watch Company and vice-president of the Crescent Watch Case Company. He owns large blocks of stock in the Elgin company. C. M. Fogg is secretary and treasurer of all the above companies. The Keystone Watch Case Company owns the stock of the E. Howard Watch Company, and the officers and directors are the same. The Keystone and Elgin companies have an exporting agreement, but the E. Howard watches were until recently made in the Waltham factory, and certain parts are still made there. The Keystone company two years ago borght up the stock of the Crescent company. All the above companies belong to the watch trust.

On the 28th day of May of this year T. Zurbrugg, testifying in New York City in a case in which one of his companies was interested, admitted that he was the president of the Philadelphia and the Keystone companies. He refused, under the advice of counsel, to say whether or not he was president of the E. Howard Company, and he also refused to state whether he owned stock in the Crescent Company. He declined to answer any questions relating to the watch trust, under advice of counsel. If the charges I am making against his companies were not true, he would not have hesitated to give all the facts in his possession with reference to these companies.

It is not only true that the companies in the watch trust attempt to control jobbers and to dictate to them what goods they can handle, but it is also true that they attempt to control prices and the methods of doing business of retailers. I have in my possession a letter written by the Elgin Watch Company, directing Sigler Brothers Company, of Cleveland, Ohio, to refuse to sell goods to a retailer in Grand Rapids, Mich. I propose to put this original letter in the appendix to my speech.

I have already put in the RECORD the minimum price contracts retailers are required to sign. Jobbers are required to execute similar contracts. I have in my possession copies of the contract jobbers are required to enter into by which they agree to charge not less than a certain definite minimum price for certain movements.

There is a suit now pending in New York against the companies which I allege to be a trust by William Rosenfeld, of New York City, who was dropped as a jobber for the reason that he sold goods to Charles A. Keene, of New York City. I propose to insert in the appendix to my speech extracts from an article appearing in the Jewelers' Weekly, which gives the facts in this case.

Under the above evidence, and I will be able to produce much more at the proper time, if the companies in question are not a trust, what are they?

There is a section of the antitrust law (section 3) which has not been construed. It makes it unlawful for any American citizen, company, or corporation to enter into a contract in restraint of trade between any of the States or Territories or the District of Columbia and any foreign nation. The penalty fixed for the violation of this section is a fine not to exceed $5,000 or imprisonment not to exceed one year, or both, in the discretion of the court. I am in possession of the proof which shows that the companies comprising the trust require foreign dealers to whom they sell to enter into a contract, in the nature of a bond, by which they agree not to permit the reimportation of the watches to the United States and by which they agree not to sell them, under certain penalties, for such a purpose. If this is true, I submit that it is a violation of section 3 of the antitrust law. If a consignment of American watches is sold to an English dealer, they become his property.

An Englishman can buy one or all of them, but an American citizen is not permitted to purchase any of them for reimportation to the United States. An American citizen is not permitted to exchange 1,000 American dollars for 100 watch movements so purchased by an English dealer. Neither is he permitted to exchange 1,000 bushels of wheat grown on an American farm for the same movements. Any citizen of England or any foreign nation can purchase the goods in question. Under these circumstances can any court hold that these companies are not entering into contracts in restraint of trade between the United States and a foreign country? In this connection I expect to print a letter from the London manager of the Keystone Watch Case Company to Long & Co., English wholesale watch dealers, in which the statement is made that in order to get any Keystone or Elgin watch there must be a written contract entered into by the English wholesaler not to permit their reshipment to places outside of England. Other evidence on these lines is accessible.

In the Northern Securities case the Supreme Court held that "combinations, even among private manufacturers or dealers, whereby interstate or international commerce is restrained are equally embraced by this act."

The gentleman from Minnesota [Mr. MCCLEARY] was able to obtain information from the Secretary of the Treasury. I have not been able to obtain anything from him. I recommend him as the proper candidate for the Presidency of the nonprogressive, stand-pat element of the Republican party. [Laughter on the Democratic side.] It would be easier to beat him than anybody I know of. I had reason to believe that the American watch trust was standing guard at every one of our 125 ports of entry to prevent the reimportation of these watches that they say nobody wants to reimport. I wrote to him and asked him if it was not true that the Waltham company had written to him asking him to become a party to this subterfuge—this Swiss-dial business—and he declined to give me that information. But I wrote to every one of the 125 collectors of our ports, and I finally obtained from one of them in far-off California a copy of this letter, which I propose to put into the RECORD, and which shows that the American watch trust stands guard at the gate of every one of our ports to prevent the reimportation of American-made watches.

DIFFICULTIES IN OBTAINING INFORMATION FROM THE TREASURY DEPARTMENT.

I have been investigating the watch trust for some time now, and have been greatly hindered by the unwillingness of one Department of this Government to furnish me with the information to which I consider I am entitled as a Member of Congress. A statement was made in my presence in the office of Assistant Secretary of the Treasury Reynolds, by one of his subordinates, that the Waltham Watch Company had filed a protest, supported by affidavits, against the admission of a large consignment of American-made watches through the port of New York. I wrote to the collector of the port asking for copies of the protest so filed and for copies of the affidavits in support thereof, offering to pay the usual fees in advance for the service, if fees were required. It was important, in connection with this investigation, on account of the position taken by the watch trust, to find out whether it was profitable for American dealers to reimport American watches, and whether they were actually doing it. The speech of my colleague amounted to a denial of this.

Mr. Stranahan, the collector of the port of New York, advised me that he had written to the Secretary of the Treasury for instructions. I waited a week and received no reply to my letter. I wrote to him again on April 30, calling attention to the matter and I waited another week before receiving a reply from New York. After waiting for two weeks for this information I was advised by the collector of the port of New York that they were unable to give me the information, for the reason that the Department did not feel that they could with propriety authorize the officials at New York to supply the same. I expect to put this correspondence in the appendix to my speech. I have been studying the methods of the watch trust so long that I felt sure they had advised in some way the collectors to be on the lookout for American-made watches "improved upon while abroad." If, as stated by my colleague, Mr. BOUTELL, the watches sent abroad are of a kind for which

there is no demand in the United States on account of their cheapness, and if the Waltham Watch Company were using extraordinary measures to prevent the reimportation of the watches purchased at the cheap prices they make abroad for these goods, this fact appeared to me to be most important in connection with this case.

On the second day of May, of this year, I wrote the Secretary of the Treasury, asking him to advise me upon this point. I waited a week for a reply, and finally on the 8th day of May I received from Secretary Shaw a letter signed by himself in person, which reads as follows:

In reply to your letter of the 2d in which you request to be furnished with copies of letters received from certain American watch companies relative to the importation of watches made by them and sold abroad, I have the honor to state that information of the character referred to is considered as confidential by the Department and can not therefore be disclosed.

I attribute the long delay in answering to the fact that this Department of our Government was unwilling to give me this important information in connection with this investigation, for the reason that if such letters had been received from the watch companies it would seriously reflect upon our present tariff schedules and make immediately apparent the necessity for revision. On the other hand, the refusal to give me the information required might subject the Department to some criticism. It was, however, decided finally to adopt the latter course. I had anticipated a refusal. I was confident such information had been lodged with the Department by the watch companies. I preferred, however, to get a copy of their letters direct from the Secretary of the Treasury. I was determined to get this most important information in some way, and on the 24th of April I addressed a letter to about twenty of the collectors of our ports and received answers from nearly all of them. I propose to put some of the answers I have received from these collectors in the appendix to my speech.

The collector of customs at Los Angeles sent me the information I desired, and sent me a copy of the letter of Robbins & Appleton, who are the agents for the American Waltham Watch Company, and who also, together with Mr. Fitch, president of the company, own a majority of the stock in that company. This is the letter received from the collector at Los Angeles, together with the copy of the letter of Robbins & Appleton, which they sent to me:

UNITED STATES CUSTOMS SERVICE,
PORT OF LOS ANGELES, CAL.,
April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter dated April 24, 1906, requesting me to advise you whether or not it is true that the Waltham Watch Company, or any other American watch company, has notified this office to be on the lookout for Waltham watches exported and again imported by Keene, of New York, advanced in value.

In reply, I have to state that such notice has been received from Messrs. Robbins & Appleton, agents of the American Waltham Watch Company, Waltham, Mass., and I herewith inclose a copy of the said notice.

Very respectfully,
CHAS. W. SPOBERG,
Special Deputy Collector.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH COMPANY,
WALTHAM, MASS.,
New York, April 2, 1906.

SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: On or about March 15, 1906, about 1,300 Waltham watch movements, made by the American Waltham Watch Company, of Waltham, Mass., and consigned to Charles A. Keene, arrived at the port of New York. Upon examination by the appraisers it was found that some 1,218 of these movements bore foreign-made dials, which were attached to the watches so as to form an integral part thereof. Also, that 88 of the said watch movements bore American-made dials. Reference to the books of the American Waltham Watch Company showed that 1,210 of those bearing foreign-made dials, and 6 of those bearing American-made dials, had been shipped from the factory of the said company to London, England, without any dials, and that while said watch movements were in a foreign country they had been provided with dials and had been timed and regulated and subjected to final inspection, after which they were imported into this country as first above stated. The said two lots of watch movements, namely, 1,210 bearing foreign-made dials and 6 bearing American-made dials, attached in a foreign country, were classified as dutiable at the usual rates applicable to imported watches.

We have received information, which is believed to be reliable, that other shipments of Waltham watches or watch movements may arrive in the future at one or more of the ports of entry on the Canadian border, and not impossibly at some other port of entry along the Atlantic or Pacific seaboard, which watches or watch movements will be dutiable, because of a similar state of facts to that above referred to. In order that the Government may be able to collect the proper duties in the event of any such future shipment, we suggest that the proper officers at each port of entry of the United States, and particularly at each port of entry on the Canadian border, be notified to hold all consignments of Waltham watches or watch movements upon their arrival until an opportunity be given to show whether such watches or watch movements went abroad without dials and were furnished with dials or other parts and had work done upon them in foreign countries, and that for that purpose, and immediately upon such arrival, the American Waltham Watch Company be notified at its office at Waltham, Mass., in which event the proper evidence will be immediately furnished by such company.

Respectfully,
ROBBINS & APPLETON.

I call particular attention to the latter part of this letter. The Waltham Watch Company agrees, if they are "immediately" notified of the arrival of Waltham watches, they will "immediately" furnish evidence showing the watches have been improved upon while abroad. The question arises, How can the Waltham Company "immediately" furnish such information? It can only be answered in one way: The Swiss dials are put upon the watches, or the other alleged improvements are put upon the watches while abroad, by the Waltham Watch Company themselves, or the alleged improvements are made here in the factory of the Waltham Company in Massachusetts and a careful record of the same kept, so as to prevent their reimportation.

How this miserable subterfuge enables the company to further impose upon the American people while protected by a tariff wall does not require any additional comment from me. One of the great Departments of this Government is being made a party to this miserable scheme, and the collectors of all the ports of the United States have been requested by the Secretary of the Treasury to assist in effectually carrying it out. I regret that it has become necessary for me to produce the letters written to me by the collectors of our ports. I wrote to them before they could be notified not to furnish me with proof. I waited until I was sure the proof was on its way to me and then requested the Secretary of the Treasury to furnish me the evidence to which, as a Member of Congress, I am clearly entitled.

I again recommend the Secretary of the Treasury as a proper candidate for the Presidency, if the stand-pat element is to control in the Republican party. His conduct in this particular demonstrates that he represents, as no other man does whose name has been mentioned in connection with this high office, the nonprogressive, stand-pat element in the Republican party. As a Democrat, anxious for the success, nationally and locally, of the Democratic party, I sincerely hope the Secretary of the Treasury will receive the Republican nomination for the Presidency. It ought to be particularly easy to defeat him.

Now, as to the question of the inflation of stock. Now, the Waltham Company are engaged in inflating their stock $7,000,000.

Mr. TIRRELL. Prove it.

Mr. RAINEY. I will if the House will give me two minutes more. I will prove it absolutely; and they are doing it dishonestly, and by the same methods that all trusts practice back of this tariff wall.

Mr. TIRRELL. I deny it.

Mr. RAINEY. I know you do; but I will prove it for you.

Mr. TIRRELL. You can not do it.

Mr. RAINEY. I will show you whether I can or not.

I have here certified copies—I come into court always with my case well prepared. [Laughter.] I have here certified copies of the statement required to be filed in Massachusetts by a corporation doing business in Massachusetts thirty days after the day fixed for their annual meeting. I have here their statements for the last two years, in which these trust presidents—Fitch, Appleton, Robbins, and the rest of them—in 1905 swear that their patent rights were worth $180,000; and they swore, on the 15th day of May of this year, that their patent rights were worth one hundred and sixty-seven and some odd thousand dollars. I will put the evidence of it in the RECORD; and on the 15th day of May of this year they swore, every one of them, to the statement which I have here, and which I will be glad to show my friend, on that very day they met to reorganize their company on a basis of $12,000,000 worth of stock, and they put in their patent rights at $4,500,000. [Loud applause on the Democratic side.] I have here the statement they sent out to the stockholders——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAINEY. Therefore I say that these men either committed perjury on these two occasions, or they are engaged in watering their stock.

I said nothing in my speech with reference to either of these watch companies being a $10,000,000 corporation. I inserted in the RECORD, however, some extracts from the Chicago Tribune in which that statement was made. I inserted the extracts for another purpose, however. It makes no difference, so far as this argument is concerned, what the capital stock of either of these corporations is. The Chicago Tribune is one of the leading Republican papers of the country. My colleague takes most vigorous issue with this publication on this question, and devotes a considerable portion of his time toward an attempt to show that the Elgin Company is a $5,000,000 corporation and the Waltham Company is only a $4,000,000 corporation.

It makes no difference to me what either of these corpora-

tions is rated at or what is the amount of their capital stock. Inasmuch, however, as my colleague has gone into the subject, I might with perfect propriety call attention to the fact that the American Waltham Watch Company is now engaged in the business of watering its stock, and that on the 15th day of last month the directors of the company met at its home office in Waltham, Mass., for the purpose of reorganizing the company, giving it a new name, and issuing $12,000,000 worth of stock, an inflation of $7,000,000 with no perceptible increase in their visible holdings. Under the laws of the State of Massachusetts a corporation is required to file every year a statement of its assets and the actual value thereof. On the 31st day of March, 1905, the officials of the Waltham Watch Company, under oath, filed a statement of all the assets of that company with the secretary of the Commonwealth of Massachusetts. In this statement they showed the value of all the patents owned by the company to be $180,125, a decrease in value of $5,141 from the statement made by the company in 1904. I have had the records examined here and find that the American Waltham Watch Company since that time have acquired no additional patent rights of any importance. They, however, in their notice to stockholders in the matter of the formation of this new company put the value of their patent rights at $4,500,000.

In order to obtain the exact truth about this matter I obtained from the secretary of the Commonwealth of Massachusetts a certified copy of the certificate filed in his office on the 29th day of May, 1905, by the Waltham Watch Company, wherein they fix the value of the patent rights at $180,125.56. This statement was subscribed and sworn to by Ezra C. Fitch, Royal Robbins, Benjamin F. Brown, Francis R. Appleton, and Reginald C. Robbins before John F. Park, a notary public. On May 29 is attached the certificate of the auditor of the State of Massachusetts certifying that he has examined the books of the company, and that the statement executed by the officers of the company represents the true condition of the affairs of said corporation. I also obtained a certified copy of the statement filed by the Waltham Watch Company on the 15th day of May of this year, and in that statement they fix the value of their patent rights at $167,832.13.

This certificate was sworn to by E. C. Fitch, Royal Robbins, Francis R. Appleton, Benjamin F. Brown, and Harry T. Robbins before E. A. Marsh, a justice of the peace. To this statement is also attached the certificate of the auditor. It is interesting to note that on this same day, to wit, the 15th day of May, they reorganized the Waltham company upon the theory that their patent rights were worth $4,500,000. They seek to evade the penalties provided for perjury by adding to the statement of condition filed last month the following clause: "The above statement includes a portion only of the value of the company's patents and patent rights, and does not include the value of the company's trade-mark, good will, and business." This clause was never contained in any of their former statements. In fact, in last year's statement opposite the words "Trade-mark" and "Good will" they wrote in three ciphers to indicate they placed no value upon these items. In the statement last filed they leave the columns blank after "Trade-mark" and "Good will." Their own method of computation, however, fixes the value of their trade-marks and good will at $12,292.43.

The conclusion, therefore, is irresistible. Either the officers of the Waltham Watch Company perjured themselves on the 31st day of March, 1905, and in other years when in their statements they placed the value of their patent rights at these figures, or they are now deliberately deceiving the public when they say their patent rights are now worth $4,500,000. I am inclined to think that these officials did not take any chances in the matter, and did not incur the penalties of perjury. I believe the statements they made for these last two years as to the value of these patent rights is about correct, and I believe they are now deliberately deceiving the public in an effort to water their stock and place it on the market, holding themselves the controlling interest. Robbins & Appleton and Fitch have always held the controlling interest, and eventually the effort will be, and it may be successful, to squeeze out the persons who are now foolish enough to buy any of this stock, thus compelling in this manner the public to contribute perhaps $5,000,000 to their ill-gotten gains.

The statement sent out to the stockholders of the Waltham company has been printed in full in several papers, including the Boston Herald, and I have clippings from several of these papers. I also saw the original statement. It was sent to me by one of the smaller stockholders, and I have compared it with the statements published in the papers. The certificate of incorporation, filed in the statehouse in Boston on Tuesday, May 1, of this year, shows the value placed on these patent rights as I have stated above. In the same place can also be found the sworn statements, under oath, of the officers of the company, to which I have called attention, in which the value of these same patent rights is placed at the figures I have given. The statement I have made in this connection can be verified by any person who cares to do so. I presume the Elgin company will follow suit in a short time and will also incorporate for $12,000,000. These companies move along always together and do the same things at about the same time.

RAILROAD INSPECTION.

My colleague has inserted in the RECORD the protest of the labor union composed of employees in the Elgin Company's works. I have nothing to say in reply to this, except that, in my opinion, it would be better for the railroad employees of the country to raise a fund and pension every watch-trust employee, paying them as much for doing nothing as they now receive from the watch trust, than submit longer to the outrageous system of watch inspection made possible by the watch trust in this country. Any railroad employee knows what the term "watch inspection" means. It is unnecessary for me to dwell on this point. I might, however, call attention to the infamous scheme of the watch trust a short time ago to compel the purchase of 5,000 watches by the employees of the Erie system, which fell through on account of the violent protest of the several brotherhoods of railroad employees.

In most cases where watch inspection is ordered there is some graft in it somewhere. The watch inspector—really selected by the watch trust, nominally selected by the general superintendent—is always on hand when the order for inspection is made, and dictates the conditions of the order. If this order is made, no matter how good a watch may run, it is sure to be condemned if it does not comply with the order. Train men are familiar with the scheme by which a low-grade watch is purchased, nearly always from the Waltham and Elgin companies, and by changing the bridges or the dials the marking of the watch is also changed, so that it reads, "Locomotive firemen's standard," "Locomotive engineers' standard," "Locomotive trainmen's standard," or something of that kind; and the price of this watch, which has been improved in no way, except by the addition of the above name or a similar name, is increased from $10 to $15, and the train man is compelled to submit and purchase one of the low-grade watches so fictitiously increased in value or lose his job. This is only one of the many schemes resorted to by the watch trust in their successful efforts to compel train men throughout the country to pay an additional tribute to this most nefarious of all the trusts. In this connection I expect to put in the RECORD, as an appendix to my speech, a certain letter written to the Brotherhood of Locomotive Firemen, and a letter from P. M. Arthur, of the Brotherhood of Locomotive Engineers, and certain other data upon this subject.

EVIDENCE OF IMPORTATION BY KEENE.

When I made my former speech on this subject I called attention to a number of express receipts in my possession showing that large amounts of money had been sent abroad by Mr. Keene for the purchase of American-made watches; I also tendered other evidence upon this important subject and stated I would keep the same in my desk for a reasonable length of time, subject to the examination of any stand-pat Republican in this House or anyone else who cared to examine the evidence. Since that, this part of the Chamber has been practically deserted by Republicans. I am unable to get any of them near my desk. In all these speeches that have gone into the RECORD the effort has been made to convince the country that American-made goods, and particularly American-made watches, are not reimported. I now have here in my possession extracts from the records of the port of New York, certified to by the collector of that port, showing that in a comparatively short time, through that port alone, $80,000 or $90,000 worth of American-made watches were reimported by Mr. Keene.

I am not going to ask any of you gentlemen to examine this evidence. I know you will decline to do so. If you desire, however, to see these certified copies I have they are here at your service. I propose to put some of them in the RECORD here. If you decline to examine them your constituents will then have an opportunity of knowing that this most important evidence exists. The certified copies I have here show the value of these goods at the price Mr. Keene was able to get them in England. The American selling price for the same goods would be 40 or 50 per cent more than this amount. The evidence I have here comprises only a part of the shipments through this one port. According to the letter of the president of the Waltham Watch Company to the Secretary of the Treasury, which I have inserted in the RECORD, it is evident that shipments have been made through other ports; and it is evident, at any rate, that

shipments of American-made watches are expected by the Waltham Watch Company at any of our Atlantic or Pacific ports or through the custom-houses along the Canadian border at any time.

These certified statements and this letter of the American Waltham Watch Company show how profitable it is to reimport American-made goods, and also show the tremendous number of American-made watches reimported into this country in a comparatively short time by this one dealer. I understand that there are other dealers who propose to go into the same business. I sincerely hope energetic Americans may be found, now that the road has been pointed out by this New York jeweler, who will be willing to engage in the reimportation of American-made tools, American-made typewriters, American-made sewing machines, in fact, American-made goods of all kinds, so that the absurdities of the present tariff schedules may be completely exposed, and so that Americans may be able to get American-made goods at something near the prices foreigners are required to pay for the same articles. The fact that the disposition of the majority on the Republican side is to stand pat and permit no changes in these tariff schedules ought to indicate now to any person desiring to go into business of this kind that his business will not be seriously interfered with during the life of the present Congress at least. After that time, if the Democrats get control, these schedules will be revised, as they ought to be, and the business of reimporting American-made goods will not be profitable.

The following are some of the certified copies referred to:

C. A. KEENE,
Importer, Port of New York:
S. S. *Philadelphia*, March 12th 1906. 2 cases American watches, £2,000.
This paper has been carefully compared with the original and found to be a true extract and copy thereof.
JOHN E. DOWSING,
Chief Clerk Board U. S. Genl. Apprs.
Compared by E. S.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Baltic*, Jan. 30th, 1905. 1 case American watches and watch cases, £800.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Feb. 15th, 1905. 1 case American watches, £150.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Teutonic*, March 31, 1905. 1 case American watches and watch cases, £1,200.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Mar. 14, 1905. 7 cases American watches and watch cases, £2,700.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHARLES A. KEENE,
Importer, Port of New York:
S. S. *Oceanic*, Oct. 12th, 1904. 1 case American watches, £1,375.
Free.
CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Nov. 14th, 1904. 1 case American watches, £1,500.
Free.
CUSTOM HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

CHAS. A. KEENE,
Importer, Port of New York:
S. S. *Philadelphia*, Nov. 28, 1904. 1 case American watches and movements, £1,500.
Free.
CUSTOM HOUSE, COLLECTOR'S OFFICE,
New York, May 7, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE,
Importer, Port of New York:
S. S. *New York*, Aug. 24th, 1903. 1 package American watches, £305 11s. 5d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 8, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE, *Importer, Port of New York:*
S. S. *Majestic*, Oct. 8, 1903. 1 case American watches, £718 4s. 10d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 8, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

C. A. KEENE, *Importer, Port of New York:*
S. S. *Germanic*, Oct. 2d, 1903. 1 case American watches, £723 17s. 2d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 11, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

COUNTY OF NEW YORK, *ss:*

William P. Talbot, being duly sworn, states he resides at No. 101 Sixth avenue, in the Borough of Brooklyn, State of New York; that he is now and for the past fifteen years has been in the employ of Charles A. Keene, jeweler, of 180 Broadway, New York.

The deponent further says that the watch movements and watch cases set forth in the four schedule invoices hereto annexed, in the name of W. P. Talbot, importer, and invoiced under the name of A. Judson Hyatt, importer, represents watch movements and cases purchased in London and going through the port of New York, are now the property of Charles A. Keene, and were purchased for him and on his account by the deponent in London, England.

This deponent has no interest in any of the said movements or cases or complete watches represented in said schedules.

WM. P. TALBOT.

Sworn to before me on this 11th day of May, 1906.
[SEAL.] DAVID HAHN,
Notary Public No. 8, New York County.

W. P. TALBOT,
Importer, Port of New York:
S. S. *Campania*, Aug. 22, 1905. 1 case American watches, £901 18s. 5d.
Free.
CUSTOM-HOUSE, COLLECTOR'S OFFICE,
New York, May 11, 1906.
I certify this to be a true extract from the original invoice presented to me on entry and now on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

W. P. TALBOT,
Importer, Port of New York:
S. S. *Philadelphia*, Aug. 8th, 1903. 2 boxes American watches, £842 16s. 2d.
Free.
COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 11, 1906.
I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.] D. O. PALMER,
Acting Deputy Collector.
May certify.

W. P. TALBOT,
Importer, Port of New York:

	£.	s.	d.
S. S. *Oceanic*, July 21, 1904:			
1 package American watches	960	17	0
1 package American watches	753	11	0
1 package American watches	149	16	10
	1,964	4	10

Free.

COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.

I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.]
D. O. PALMER,
Acting Deputy Collector.

May certify.

A. JUDSON HYATT,
Importer, Port of New York:

S. S. *Minneapolis*, March 19, 1904. 1 package American watches, £95.

Free.

COLLECTOR'S OFFICE, PORT OF NEW YORK,
May 7, 1906.

I hereby certify the above to be a true extract from the original on file in this office.
[SEAL.]
D. O. PALMER,
Acting Deputy Collector.

May certify.

For the purpose of showing that the companies comprising the watch trust now require foreign wholesalers who purchase from them to agree that said watches shall not be reimported, and for the purpose of showing the strenuous efforts on the part of the watch trust to prevent the watches they sell abroad from being reimported to the United States, I print here copies of original letters in my possession.

The letters are as follows:

THE KEYSTONE WATCH CASE COMPANY,
London, E. C., March 24, 1906.

Messrs. LONG & Co.,
Bradninch, Devon.

DEAR SIRS: We have your letter of the 23d instant, and fail to see in our correspondence with you that we have brought up anything new regarding the sale of Keystone-Elgin watches, inasmuch that you were told here we did not allow them to be sold at a greater discount than 2½ per cent for cash, and that the sale must be limited to legitimate retailers, also that they were not to be sold by you for reshipment places outside of England. On this you verbally agreed, and in order to places outside of England. On this you verbally agreed, and in order the lines as explained, we desired to have on file your written assurance with regard to this.

It may be that you have disposed of some of the watches which we have sent you to channels about which you are not sure of, and we would suggest, no less in our interest than in your own, that you look very carefully into the firms which may desire to procure our watches from you, in order to satisfy yourself beyond all reasonable doubt that the goods do not get into channels other than those indicated to you in our conversation here and in this letter.

We shall be very pleased, indeed, to see you when you next come to this city and talk the matter over with you.

Very truly, yours,

THE KEYSTONE WATCH CASE CO.,
C. S. SUMNER, *Manager London Office.*

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., October 7, 1903.

Mr. CHARLES A. KEENE, *New York.*

DEAR SIR: We thank you for your letter just to hand. Re the Waltham, we only sent you what you did order.

We are having some difficulty just now, as the companies suspect where they are going to.

However, next month we hope to have £400 or £500 of Walthams to send you.

Yours, faithfully, MICHAEL BROTHERS.

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., October 25, 1903.

Mr. CHARLES A. KEENE, *New York.*

DEAR SIR: In reply to your favor, we regret to state that both companies, Elgin and Waltham, have by some means found out where the watches are going.

There is nothing to do, therefore, but try and get as many watches as possible through other wholesale firms. This we are trying to do, but, of course, deliveries will be smaller.

You may rest assured we are doing our utmost for you in the matter.

Yours, truly,

MICHAEL & BROS.

ABEL & KATZ, 79 PICCADILLY,
Manchester, June 15, 1904.

Messrs. BERNARD FRERES, *London, E. C.*

DEAR MR. CHATELAJN: We are in receipt of yours of yesterday, and thank you just the same for introducing us to Mr. Adams, your friend, who wants the Elgin watches, but at present the Elgin Watch Company know all about this game, and we would not like to get ourselves into trouble with them, as Mr. Williams, from the Elgin company, makes it a distinct understanding that the goods must not be sold below the stipulated prices, and that they must not be sold to any person or persons who intend, direct or indirect, to ship these goods to the United States.

Yours, faithfully, ABEL & KATZ.

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
95 Hatton Garden, London, E. C., October 19, 1905.

Mr. C. A. KEENE.

DEAR SIR: In reply to your favor of 9th instant, we beg to confirm our cable in which we inform you that the contract is off with the Elgin Watch Company. This owing to their wanting to insert a clause that these goods must not go to America.

We are very much afraid that we can only rely on the Walthams, who are quite willing to supply us with the quantity of watches you ask for, only will not be bound by any contract.

We hold at the present moment the first 100 of your contract with the Elgin, and expect about 500 Walthams. As soon as we receive, shall forward.

Re the Swiss movement we sent you at a cost of an extra shilling, you can have these fully jeweled, i. e., 15 jewels, and as the duty is 10 per cent, surely you could sell.

We think we now know the kinds of goods you like, and up to the end of November will try and get you as many as we possibly can.

We hear that one of the largest wholesale houses of New York in your trade was in London lately, and feel that he must have whispered something to the Elgin company, for they are quite off, and doing their best to wriggle out of the contract.

The 100 watches we now have in mind have been delivered in dribs and drabs, and we feel sure that we shall have to hold these goods quite a month before the consignment will be important enough to send you.

According to agreement, we have to pay cost on delivery, consequently we may be obliged to pay out for £500 before we can send you a shipment.

We should esteem it a favor if you would instruct your American shipping company to hand us over £500, wanted for this month, and next month the £1,000 required, and so on, because under no circumstances should we like them to have the slightest chance of wriggling out of the contract.

Yours, faithfully, MICHAEL BROS.

NIXON & SHAW, WHOLESALE JEWELERS
AND HARDWARE MERCHANTS,
50 to 56 Paradise street,
Liverpool, July 29, 1905.

Mr. KEENE.

DEAR SIR: In reply to your letter, we beg to say that we sent an order for some watches on the off chance of getting them, but they refused to execute them. They evidently know all about your movements and are determined you shall not get these watches. We could not get them for you, we are quite sure, unless by methods that we don't care to adopt; therefore it will be useless troubling further in the matter.

NIXON & SHAW.

[Memorandum.]

MICHAEL BROTHERS, WATCH MANUFACTURERS,
London, E. C., November 14, 1903.

DEAR MR. KEENE, *New York:*

We beg to confirm our cable, in which we tried to make you understand that we could not obtain consular invoices. However, by bringing pressure to bear we have succeeded, and parcel will leave on the 15th instant by the *Cedric*, addressed to T. Talbot, of your address. You will find that we have got you all the Waltham company have in stock, and are very much afraid this will be the last shipment this year, so if you find one or two lines not ordered you will know the reason.

To get these goods we had to employ other firms, and the cost to us has been very high.

The Elgin company have broken contract after delivering 100 Beehives, 0 size, which we thought better not to send to you owing to impending action.

We have tried hard to get these goods, but all firms are asked to sign a letter stating that this merchandise is not going to America, etc., and if they make a false declaration would render themselves liable. However, we have a Swiss firm at work and probably will get some through them. We inclose statement of your account, in which the 100 Beehives, 0 size, are charged to you, also cables and 2½ per cent extra commission. Now, if you should think this excessive, will have to give way over the matter, but, as you know, we have had to pay this to get the goods, and when our Mr. Chatlain arranged prices, alterations, etc., it was stipulated that we should get over 5 per cent clear.

Please forward all instructions concerning the broken contract, etc.

We remain, yours, faithfully,

MICHAEL BROS.

J. SATCHWELL & CO. (LIMITED), IMPORTERS,
Birmingham, August 19, 1904.

DEAR SIR: We have waited before replying to your letter until we heard from Illinois. We inclose a copy of letter we have this day received from them, which speaks for itself. I have by same mail written to Illinois saying we will take delivery in England of this 1,000 watches, so please send us what instructions you wish made under this fresh difficulty. Will your representative be here then, or shall we send them to London office or ship direct to you?

Waiting your esteemed reply, yours, very truly,

JOHN SATCHWELL & CO. (LIMITED).
T. BURNETT.

CHAS. A. KEENE,
Broadway, New York.

[Copy of letter from Illinois Watch Case Company, August 6, 1904.]

GENTLEMEN: We carefully note the contents of your letter dated July 25.

In reply we desire to emphasize that it is absolutely impossible to deliver export Waltham Watches to any person or company within the limits of the United States. Prices quoted you were simply for export, based upon the fact that the goods were to be shipped out of the United States and not returned. You are, of course, aware that American quotations for these same watches are considerably in excess of the prices we are permitted to quote for the English market. We are under agreement with the Waltham Watch Company that all their movements intended for export shall, under no consideration, be sold or delivered in this country. You realize we are in honor bound to respect

this agreement, and in consequence your order can only be shipped direct to England. Otherwise it must be considered canceled.

Awaiting your immediate reply, accompanied with foreign shipping instructions, we remain,

Yours, very truly, ILLINOIS WATCH CASE COMPANY,
From John Satchwell & Co. (Limited).

LANCASHIRE WATCH COMPANY, LIMITED,
Prescot, May 12, 1906.

DEAR SIR: I have received your letter dated the 27th ultimo, asking me for information re the purchases by Mr. Keene of American watches from firms in this country.

I can assure you that all the specific instances you mention in your letter are true, but as the firms named that sold these watches to Mr. Keene are regularly doing business with the Waltham and Elgin people, I could not, on my own authority, allow you to use their names, as requested by you.

For that reason I must ask you to treat that portion of this letter in the strictest confidence.

Assuring you of my desire to assist you whenever I can be of use,

I am, sir, yours, faithfully,

THOMAS P. HARRITY.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, U. S. A.

MANUFACTURE D'HORLOGERIE SOIGNÉE,
London Office, May 22, 1906.

Mr. HENRY T. RAINEY,
Hotel Driscoll, Washington, U. S. A.

DEAR SIR: I have just received a letter from Mr. Keene, who wishes me to give you a few particulars of the different transactions we have had with the Keystone-Elgin Watch Company and the Waltham Watch Company. This affords me great pleasure as your very able speech in Congress proved to me without doubt the iniquitous proceedings of these trusts.

A few years back, while I was the manager of Messrs. Michael Brothers, in Hatton Garden, I made the acquaintance of Mr. Keene, and with whom I purchased from the Elgin and Waltham Watch companies up to the present day at least twenty-five to thirty thousand pounds' worth of goods. At the beginning of my purchases I had no difficulty whatever in obtaining everything I wanted, but immediately the company received information as what these goods were returning to America our supplies were at once cut off, and both the companies refused to supply us with any more goods. Ever since this we have had to employ different wholesale factors to whom we have always given a commission of 5 per cent to obtain these goods for us, and sometimes, in fact very often, the company soon discovered that these people were purchasing on our behalf and cut off their supplies. I could give you a long list of good English wholesale houses who now are unable to obtain any of these goods.

The Waltham and the Elgin companies' two managers have acted hand in hand throughout the whole of this campaign, and have helped one another in every possible way. I was on the verge of signing a contract with the Waltham Watch Company for 1,000 watches. Everything was ready, contracts prepared to sign, etc., and when I arrived at the appointed hour I found the manager of the Waltham company in serious confab with the manager of the Elgin. It is needless to add that they had been putting their heads together and then refused to sign the contract, although the matter had gone so far.

Trusting that the little information contained in this letter may be of some use to you,

Believe me, dear sir, yours, faithfully,

C. G. CHATELAIN.

I am glad to know that there is at least one Republican Member in this House who does not sympathize with the watch trust. The following dispatch appeared in the Washington Times within the last few days:

An interesting section of the tariff debate that has been going spasmodically in the House all session was transferred out to Salem, Ohio, yesterday, and used to enliven a centennial celebration in that thriving little city. Thereby appends an interesting story.

When Congressman RAINEY, of Illinois, attacked the watch trust some weeks ago, Mr. BOUTELL and other Republicans replied, taking the general ground that, in fact, there was no watch trust. Mr. KENNEDY is a Republican, and, representing a district in which there is a big industry of this kind, he has special opportunities for knowing something about the matter. He insists that there is a watch trust.

ATTACKS TRUST IN SALEM SPEECH.

But Mr. KENNEDY didn't get a chance to tell the House what he thought and what he knew about it. There was small disposition on the part of the House managers to give rein and floor privileges to a Republican with such heretical ideas. So he didn't get opportunity to speak in the House. Being full of speech, Mr. KENNEDY went out to Salem and told his constituents about it. He used the Dueber Watch Case Company, of Canton, in his district, as an example. The Dueber Company has been fighting the trust, and has made a telling fight at that.

"A few years ago, in the neighboring city of Canton," said Mr. KENNEDY, "was started an industrial enterprise with glowing prospects, the Dueber Watch Case Company. It sailed out upon the sea of industries, to carry honest commerce to every market. Prosperity attended, and its goods were gladly received, until it was ruthlessly attacked by the American Watch Company.

"Every market was suddenly closed to it. It was scuttled and dismantled and left helplessly adrift, while master and crew were compelled to walk the plank, and in thousands of homes of labor in Canton dwelt terror and dismay. As master and crew went down, apparently never to rise again, with a despairing cry and a drowning gurgle, in the sight of this civilization, some lawyers would say of the piratical attack, "Oh, it is only business competition." But the lawyer with red blood in his veins, whose heart and soul ring true, would deny this. It was not competition. It was an unlawful assault, planned in dark conspiracy by cunning and duplicity, to murder competition.

CONSUMMATE AVARICE AND GREED.

"The methods of that attack were the most consummate achievement of avarice and greed to conquer a monopoly of domestic commerce and exploit both the market that purchases and the labor that produces.

"Every true man who loves an open fight and a fair field rejoices to-day that John C. Dueber and his heroic crew did not surrender. They climbed back and repaired the vessel, sought new markets, and struggled on, and when the story of this episode is written the escape of that industrial craft will be as thrilling as the adventures of any surviving merchantman upon the Spanish Main."

Is the country prosperous? Is there honest work at honest wages for every honest man? In a burst of oratory the other day the gentleman from Indiana [Mr. LANDIS] proved there was, to the entire satisfaction of the Republican side of this House—by holding up here the original red, green, and blue signs which were displayed in front of the places of business of employment agencies in the city of Cincinnati—and which the proprietors kindly loaned to him for that purpose. The exhibition was vigorously applauded by every Republican in this Chamber. Is that the evidence upon which you rely? Follow a laboring man into one of these places—attracted by one of these "Spider-to-the-fly" advertisements; and then follow him to the filthy, unhealthy camp in which he is compelled to work. The sanitary laws of our cities and villages stop always at the boundaries of one of these camps. Watch him when he applies for his wages, at the end of a long, dreary week's labor, and is told that nearly all of it goes to the employment agency that got him the job. At the end of two or three weeks his work is done and he goes reluctantly, sullenly back to the slums of our great cities conscious only of the fact that he has given up half of his wages in payment for the opportunity to labor with his hands.

The Republican party is responsible for that kind of an opportunity to labor, is it? I am glad you are willing to assume it. Is that the evidence that laboring men are permitted to work eight hours, to sleep eight hours, and to have eight hours for recreation and mental improvement! The signs in front of these scab-labor agencies in all our great cities evidence of prosperity! They are evidence only of the graft which permeates the entire country under Republican rule. The scab employment agency, which filches the wages of the man who is attracted by these signs, divides up with the contractor who furnishes the work—and the labor organizations of the country know this if you don't.

Perhaps if you follow the laborer as he leaves one of these places, you will find him disappearing behind great stockades to work under the protection of armed men—perhaps under the protection of the citizen soldiery of our States. You may find him on a street car escorted through the streets of our cities by platoons of special policemen. This may all be evidence to you that there is "all kinds of work for all kinds of men," as your advertisements state, and it may satisfy you that the country is prosperous; but there are some men who do not believe it.

Follow, if you have the courage, the man whose place is taken at a lower wage and at longer hours as he goes sadly back to his home to meet the wife and little children who depend upon him for bread; gaze, if you can, at the look of agony on the face of his wife as she learns the truth, and then proclaim that these scab-labor advertisements are evidences of prosperous times for the men who work. You applaud a display of these signs in this Chamber! For shame! The applause with which every Republican here greeted this kind of display ought to be and will be ringing in the ears of every labor-union man in this land when he goes to the polls this fall. You strike down the eight-hour day on the Isthmus; you appropriate $300,000 to pay the expenses of negro laborers from the islands of the seas to Panama, and not a cent to pay the expenses of a laboring man who may want to go from here, and now, as a crowning insult, you flaunt in the face of the labor organizations of the country and greet with tremendous applause these atrocious advertisements, and then proclaim that you are responsible for present opportunities for work and ask the support of the great body of intelligent organized laborers of the country. We accept the challenge. Circulate these kind of speeches if you dare. We are ready to meet you upon this issue, and we say to you that if you don't circulate this speech of the gentleman from Indiana, we will.

What has become of the eight-hour law? It happened during the course of the long, tedious hearings with which you attempted to smother it that on the 29th day of May of this year there were present in the room of the Committee on Labor four Democrats and three Republicans, and the bill was ordered reported out with the recommendation "that it do pass." What has become of the bill? The committee made the order nearly four weeks ago. The chairman of the committee is not a Democrat—the Democrats are in the minority on the committee and the bill has been smothered. You could expect nothing else from the party whose representatives here greet with applause the lurid advertisements of these scab-labor agencies.

The country has been prosperous for ten years. You say the Republican party has been in control of national affairs for ten

years, therefore the Republican party, you argue, is responsible for the prosperity we have enjoyed during that time. Every argument you make begins and ends with this proposition. The people are beginning to understand that you have nothing to do with the kind of prosperity we have enjoyed.

Do you also assume the responsibility for the graft which so thoroughly saturates all the special interests you have stood for so consistently during the last ten years? The people are disposed to hold you responsible for that.

Do you assume responsibility for the graft which prevails in our insurance companies? The people are beginning to understand that Republican managers have been in corrupt partnership with the managers of these insurance companies for the last ten years. Every Republican national campaign during that period has been controlled by these insurance managers; the Republican party managers have accepted their enormous contributions and have been parties to the robbing of policy holders throughout the country; and the people know it.

Do you assume the responsibility for the stench which arises from our great slaughterhouses? The people are beginning to understand that back of it all is the graft which permeates the country under Republican rule. There was law enough, but it was not honestly enforced. Honest inspectors, who could not be corrupted, were continually being moved from the larger to the smaller packing houses. Who wanted them changed around in this manner? Why was it done? Who ordered the changes? The people are beginning to understand that the packing-house scandals are due in large degree to the graft and corruption for which the Republican party is responsible.

I have enumerated some of the things which have prevailed in the last ten years for which the Republican party is directly responsible.

You are not responsible for the changing seasons, for the fact that for ten years the sun has been shining through the long summer months, and that the rains have come at the proper time. The Republican party is not responsible for the fact that this broad land has been blessed with abundant harvests. Gentlemen on the other side of this Chamber most loudly argue that you must not change the tariff schedules—you must not talk about changing them or make it possible to change them. If you do so much as make it possible to relieve the country in the slightest degree from the present system of tariff spoliation, they insist that all manner of dire calamities will follow in the immediate future.

When the merchant begins to look about him to see whether the country will be prosperous for the next twelve months or not, what does he look at; protective tariff changes? That does not have anything to do with it, and he knows it—and you know it. Future prosperous times are indicated by the fact that on 50,000,000 fertile acres the ripening wheat is waving in the breezes of summer; that across parallels of latitude the northward march of the self-binder has commenced; that on 100,000,000 acres in the Middle West the golden corn is rustling in the breezes of autumn; that in the pleasant southland 30,000,000 acres are white with cotton. These are some of the conditions that foretell future prosperous times. And for these things we are not indebted to the Republican party—nor to a protective tariff—but to the God above, Who doeth all things well.

I understood the gentleman from Pennsylvania [Mr. DALZELL], in his address a few days ago, to intimate that there was not honesty enough in the Democratic party to revise the tariff. This is the cry to which the country has been listening for the last ten years. You commenced it when you charged that silver was dishonest money in 1896. You proved your honesty in the campaign of 1896 by collecting a $16,000,000 corruption fund from corporations and individuals, who were even then breaking and defying the laws of the country, and with that enormous fund you bought the Presidency. We have heard the charge before; it is not new.

It came from Andrews, the Detroit banker, who in 1896 charged that the Democratic candidate was a dishonest leader of dishonest men. We know now that at that very time this Detroit banker was an embezzler for $1,600,000.

In 1900 Bigelow, the Milwaukee banker, pleaded for the election of the Republican national ticket in the interest of honesty and to save the business interests of the country from the dishonest methods of the Democratic party. We know now that at that very time he was a defaulter for $3,000,000.

In 1896 Henry Wulf was the State treasurer of the State of Illinois, elected as a Republican. For twenty years he has been a Republican leader in that great State. During the last three national campaigns he widely proclaimed that Republicans were honest and that business interests must be protected against the dishonest methods proposed to be adopted by the Democratic party. He is charging no one with dishonesty now. He is serving at the present time a term in the bridewell of Chicago, a self-convicted swindler.

The whole protective theory is founded upon graft. The men who are benefited by it are receiving money they did not earn. It appears to have had a baneful influence upon men who have observed its operations and who have advocated its theories. It may be profitable to continue for a while this very interesting call of the roll.

Over in the State of Indiana David E. Sherrick for a number of years has been putting in his time denouncing Democrats and charging dishonesty against Democratic leaders and Democratic theories. He was the State treasurer of Indiana, elected upon a Republican ticket. He, too, fell a victim to the corrupting influences of protective graft. He was taken from the office of secretary of state to the Indiana penitentiary. He is serving a term there now, a self-confessed thief. His usefulness to the Republican party, for a time at least, is at an end.

Newton C. Dougherty, of Peoria, Ill., was another distinguished Republican, active in Republican politics in his State; a man of national reputation and standing; president of two banks. He commenced in 1896 to denounce the dishonesty of the Democratic platform and the dishonesty of Democratic candidates. He was always ready to be interviewed upon this subject. He was the treasurer of the National Educational Association and numerous other educational organizations. His career of usefulness has been very recently brought to a sudden termination. Upon his own confession of guilt he is serving now a sentence in the great prison at Joliet, Ill., an embezzler for more than a million dollars. We know now that long before the campaign of 1896 he was stealing the funds committed to his charge.

John A. Cook, of Chicago, Ill., was another distinguished Republican leader who spent his time during the campaign of 1896 talking for widows and orphans, denouncing dishonest money and the dishonesty of Democrats generally. On account of his zeal in the matter the Republicans of Cook County elected him circuit clerk of that county, one of the most important offices in the State of Illinois. He also fell a victim to the contaminating influences of protection graft.

John Linn, of Cook County, was elected by the Republicans of that county as circuit clerk to succeed Mr. Cook. For many years he has been a prominent Republican leader in the State of Illinois, denouncing the dishonesty of Democrats. We know now that he is a defaulter for more than $100,000. One of the last two gentlemen is now in the penitentiary at Joliet, Ill., and the other will be there in a few days to keep him company.

In the State of Illinois an interesting contest for the United States Senate is being waged by two distinguished Republicans. One of them in order to give standing to his campaign selected as his campaign manager in that great State a distinguished Republican leader—Simmons, of Peoria, a preacher and a banker who had spent his time for years preaching from the pulpit the doctrines of the Republican party. He missed no opportunity in 1896 to talk about the dishonesty of the Democratic platform. This gentleman was the president also of two banks and was prominently active in the interest of widows and orphans. He is not serving a term in the penitentiary, but he only escaped it by committing suicide when confronted with the evidence of his embezzlement and other crimes.

The failure of the Enterprise National Bank, of Allegheny, Pa., is fresh in the minds of all of us; the men who embezzled its funds were leaders of the Republican party in that State. T. Lee Clarke, its cashier, was an elder in the church. He is not serving a term in the Pennsylvania State prison; he escaped it by committing suicide. The men who were responsible for the failure of this bank and assisted in stealing its funds were all of them men who have spent ten years of their life in denouncing the Democratic platform of 1896 as advocating dishonest doctrines; they were all of them champions, and ardent champions, of the system of protective graft, and all of them fell victims to its contaminating influences.

I might mention, in passing, the fact that John R. Walsh, of Chicago, while masquerading as a Democrat and denouncing at the same time the platform of 1896, and all other Democratic platforms since then, was engaged in the business of violating the law and misappropriating the funds of his bank. He finally threw off the mask and proclaimed that he was, and always had been, a Republican, and soon afterwards the evidence of his violation of the law became apparent, and the Republican party are now arranging to protect him from the penalties prescribed by the laws he has violated.

This call of the roll might be prolonged indefinitely. I call attention to the fact that all the great criminals who have em-

bezzled trust funds, and whose crimes have found them out, have been Republicans high in the councils of the party—vigorous in their denunciation of Democratic dishonesty. I challenge any man to produce in all the decades of Democratic rule in this country a list of prominent Democrats who have become defaulters half as long as the list I have just given.

I might also call attention to the fact that the recent Cuban postal frauds can not be charged to the Democratic party. The frauds and thefts and embezzlements of the last year in the Post-Office, and in the other Departments of this Government, can not be laid at the doors of the Democratic party. The star-route frauds of twenty years ago and the whisky-ring scandals of three decades ago can not be charged to the Democratic party.

The two Cleveland terms were honest. Mr. Cleveland finds his most severe critics in the Democratic party, but his eight years of Administration were unclouded by frauds and unstained by scandals.

I can not refer to recent events affecting members of the Senate without violating the rules of this House, but, without violating any rule, I can say that the finger of scorn points at no Democratic Senator; that the doors of our penitentiaries are swinging open to receive no man who sits on the Democratic side of that Chamber.

I do not charge that the rank and file of the Republican party are dishonest; the safety of the Republic rests in the fact that the people are honest, no matter to what party they belong. But I do charge, and the evidence sustains me, that the prevailing system of protection spoliation and graft has had this blighting effect upon many men who are leaders in the Republican party and who have been honored with high positions in that party. It is on account of this fact that a spirit of discontent prevails in the Republican party from ocean to ocean. An inclination is manifesting itself to break away from the system and the leaders who have made these things possible.

The edifice you have built will soon be tumbling about your ears, and you are running away from the insurance companies whose support has made your campaigns possible, away from the Standard Oil and all its corruption, away from the McCurdys and the McCalls and the Hamiltons, with whom association is now dangerous because they have committed the unpardonable sin of being discovered. You have built your house upon the sands, and the tide of public condemnation and disapproval—the high tide of an awakened public conscience—is coming; it has already reached the foundations, and they are beginning to crumble. Make the most of your opportunities during the remaining sessions of this Congress. [Loud applause.]

Mr. GRAHAM. Mr. Chairman, while I do not agree with the gentleman from Illinois [Mr. RAINEY] in his contention that the tariff is the "mother of trusts," or that the tariff is responsible for the formation of trusts, and I regret that he has based his argument so much along those lines, yet I firmly believe that he is right in his statement that there exists to-day a powerful and iniquitous watch trust, and I hope that the lime light of publicity will be turned on and it will be shown up in its true light.

The firm to which the gentleman from Illinois refers, the W. J. Johnston Company, having headquarters in my section of the country, is not only the largest wholesale jewelry firm in Pennsylvania, but, I believe, is the largest in the United States, doing business in almost every State in the Union. Their annual business runs into many millions and their financial and commercial standing is the very highest. The personnel of this corporation includes some of the foremost men in Pennsylvania.

They were agents for the Elgin and Waltham watch companies for many years, and voluntarily resigned those agencies when the actions and dictations of those companies became such that the self-respect of the firm could not be retained if it acceded to the demands of the said companies.

I have no hesitation in declaring that every statement made by the W. J. Johnston Company and the retail jewelers of Pittsburg can be implicitly relied upon, and if an investigation be had, the proof of their allegations can be triumphantly sustained.

APPENDIX.

IS THERE A WATCH TRUST?—THE OPINION OF RETAIL DEALERS ON THE SUBJECT.

In my investigation of this subject I sent the following letter to about 200 retail watch dealers throughout the United States. In sending out this letter no attention was paid to the financial standing of the dealer, and there was no reason at all why this letter should have been sent to these particular dealers. Any other 200 names would have answered my purpose as well. I received replies from only 16 dealers who said they knew nothing about any watch trust. Up to the present time I have received replies from 105 dealers who answered that according to the best of their information there was a watch trust or combination to control the price of watches and watch cases. I herewith publish a part of the replies received. The originals are all in my possession, and I hold them subject to order of the Department of Justice, or of any official who may be selected to investigate this question with a view to obtaining evidence upon which to base a prosecution against the companies and persons responsible for this illegal combination:

Copy of letter sent to retail watch dealers.

HOUSE OF REPRESENTATIVES,
Washington, D. C., April 30, 1906.

DEAR SIR: I am examining the watch question and am writing to a number of retail dealers for information. Please advise me whether there is any trust or combination in the watch trade, and what manufacturers are regarded by retailers as belonging to said trust or combination. Is there an organization known to the trade as the "Big 4?" What companies make up this organization, according to the information of the retailers in the watch trade generally throughout the country? This is a matter in which you are vitally interested; it affects your business, and I hope it will be possible for you to reply to me briefly by return mail.

Yours, truly, HENRY T. RAINEY.

The following letters are a part of the replies in my possession received from 105 dealers who answered that, in their judgment, there was a watch combination, and who all gave correctly the companies composing it:

THE BARTON-PARKER MANUFACTURING COMPANY,
WHOLESALE AND MANUFACTURING JEWELERS,
Cedar Rapids, Iowa, May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 is at hand. In reply will say that there is such a situation as renders it unadvisable for anyone requiring Elgin and Waltham movements in his business to make any comments, and we therefore neither affirm nor deny that there is any trust or combination in the watch trade, and must decline to use any names in connection with our answer to your letter.

Sincerely, yours,

J. M. PARKER,
Secretary and Treasurer.

J. A. BUCKMASTER,
DIAMONDS, WATCHES, JEWELRY, CUT GLASS,
BRIC-A-BRAC, CARD ENGRAVING,
Madison, Wis., May 15, 1906.

H. T. RAINEY.

DEAR SIR: Responding to your inquiry of recent date in regard to the watch trust, will say: This trust, known to the jewelry firms as the "Big Four," are the Elgin, Waltham, and Boss, and Crescent Case companies, and have been in combine against the other companies for years, and at the present time control the watch market, even dictating as to the cash discount and time dating.

Their goods, as you know, can be bought in foreign countries cheaper than in this country, and still they want high duty on foreign makes.

I am in touch now with a firm of wholesale jobbers, whose representative stated: "If you do not handle these goods exclusively we will not let you carry any of them."

Hoping this will be of some interest to you, I remain,

Yours, respectfully,

J. A. BUCKMASTER.

Z. K. STRAIGHT,
DIAMONDS, WATCHES, AND FINE JEWELRY,
119 Main Street, Walla Walla, Wash., May 10 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 came to hand some days ago, and I will say in reply that the proof you are looking for will be hard to find, for the proof that lawyers and lawmakers want is proof that is good in law; but we, as business men, have a business proof that is good with us. We are very certain that there is a combination or understanding between the Waltham and Elgin watch companies, by which there is no competition between the two companies, and all of the watch companies are setting their price and the price that the dealer shall sell the higher grades of their movements for, and if anyone is found doing different he is put in a position where he can not get any more of their movements.

I do not know any combination that is known as the "Big 4."

Yours, very respectfully,

Z. K. STRAIGHT.

"THE WATCH HOUSE."
RETTIG, HESS & MADSEN,
72 Madison Street, corner State, Chicago, May 12, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to yours of recent date, beg to say that we started in business just one year ago. The fact that there is a combination of movement and case manufacturers to destroy smaller competition made it possible for us to start in business at that time.

This combination, or whatever you wish to term it, is composed of the Elgin and Waltham companies, movement manufacturers, and the Keystone Watch Case Company, Crescent Watch Case Company, and the Philadelphia Watch Company, case manufacturers. While we don't believe there is any financial interest between either of the movement companies, the case companies are all under one head.

We have never made any effort to purchase lines manufactured by what is known as the "Big 4," so we could not truthfully state whether they would discriminate against us in that event. Still we know the independent manufacturers' lines have been forced out of all jobbers' stocks, with one or two exceptions, in our city.

Trusting this information will be of some value, we remain,

Yours, truly,

RETTIG, HESS & MADSEN.

I. S. KAHN, JEWELER,
Hagerstown, Md., May 5, 1906.

Mr. H. T. RAINEY.

DEAR SIR: Your letter to hand, and in reply to same I wish to state that it is known to the jewelry trade that a trust does exist, and is composed of the Elgin and Waltham movement manufacturers and the Keystone and Crescent case manufacturers. Of course these, like all

other trusts, are acting so that it is hard to get proof against them; however, it is sufficient that the prices for the two different cases are alike, and the grades and prices of the two movements are also the same. A few months ago the Illinois Watch Company announced that they will soon put on a new 12-size movement, a size they have not made before; and right after this announcement I received notice from the two movement concerns that they have reduced 12-size movements $2 apiece, and have given me credit on all the movements in stock. Of course the jobbers, who come closer in contact with the manufacturers, can furnish you better information. The way so many jobbers are cut off the list on account of handling antitrust goods will best illustrate the workings of the trust, and, if you should desire, I can furnish a few of the wholesale dealers that have been cut off the list for no other reason than above stated. I want to thank you for your undertaking. We are living in an age when a man must be thanked for doing his duty, because there are so few who are doing it; and it is a pleasure to know that there are still a few men with courage to tackle the trusts. Again thanking you.

I remain yours, respectfully,

I. S. KAHN.

T. J. DALE, JEWELER AND OPTICIAN,
Kenosha, Wis., May 5, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In answer to yours of recent date, beg to state that I understand from information given me by agents of watch jobbers that there is a trust, comprising Elgin, Waltham, E. Howard & Co., Keystone Watch Case Company, Crescent Watch Company, Philadelphia Watch Case Company.

Some years ago, when I was visiting my brother in Canada, I was surprised to learn that he was buying Elgin and Waltham watches at a lower figure than I could procure same in this country.

I also understand if certain jobbers sell "trust goods," they dare not handle Dueber-Hampden goods. Any jobber selling Dueber-Hampden goods can not buy trust goods.

Yours, truly,

T. J. DALE.

G. W. LOAR & CO., JEWELERS,
Grafton, W. Va., May 7, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your favor of April 30, and in reply beg to advise that it is commonly known among the jewelry trade that there exists a combination known as the "Big 4." This, as we understand, consists of the Elgin and Waltham watch companies and the Keystone and Crescent watch case companies.

We are glad the matter is being investigated, and if we can be of any further service to you, kindly let us know.

Very respectfully,

G. W. LOAR & CO.

ASHFORK, ARIZ., *May 5, 1906.*

Mr. HENRY T. RAINEY, *M. C.*

DEAR SIR: Referring to your letter of April 30, in regard to a trust or combination among watch manufacturers, would say that it is generally understood that there is a combination. Both the Elgin and Waltham watch companies will not allow a wholesaler to handle any but trust goods under pain of being refused movements made by these companies. It is also understood that the Crescent and Keystone case companies are also in the combination. There is also a combination among the watch-glass manufacturers, they having advanced their prices from 20 to 35 cents a dozen during the past year. There may be more manufacturers in combination in watch cases. I believe Fahy is, and perhaps others. There may be other watch-movement manufacturers in also. It is hard to get at the true inwardness in this part of the country.

Respectfully,

W. E. PEIRCE.

HENRY L. LANG, JEWELER AND OPTICIAN,
Staunton, Va., May 7, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: The watch manufacturers who are regarded by retailers as belonging to the watch trust are Waltham Watch Company and Elgin National Watch Company. I do not know of any others that belong to it.

I understand that some dealers buy products of the above firms in Europe and reship to this country cheaper than they can be bought direct.

Yours, truly,

H. L. LANG.

MAX H. ELBE, JEWELER AND OPTICIAN,
Niagara Falls, N. Y., May 5, 1906.

Hon. H. T. RAINEY.

DEAR SIR: In reply to your favor would say that there is no positive knowledge of the existence of a "trust," so far as I know, but it is generally understood that the "Big 4," consisting of the manufacturers of Elgin and Waltham watch movements and Keystone and Crescent cases, do control the prices of their products, and changes of price by these manufacturers are usually made at the same time and are uniform in amount.

I should be glad to learn of your proposed plan as it affects us and the manufacturers. Kindly advise, and oblige,

Very truly, yours,

M. H. ELBE.

GEO. S. HANES, JEWELER AND OPTICIAN,
Jackson, Ga., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to yours of April 30, will say that I can not say from my own knowledge that a watch trust or combination exists, but it is generally understood among the trade that there is a combination of some kind between the two leading manufacturers of watch movements and the two leading manufacturers of watch cases. We hear them spoken of sometimes as the "Big 4." These four leading manufacturers are understood to be the American Waltham Watch Company, the Elgin National Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. The biggest evidence to me that there is a trust or combination between them is the fact that a revision of prices, discontinuance of the manufacturing of certain grades of movements, or the adding of a new-grade movement, etc., are all simultaneously done by these companies.

Yours, very truly,

GEO. S. HANES.

JAMES H. BELL, DIAMONDS, WATCHES, JEWELRY, ETC.,
Tarboro, N. C., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand. I am sorry that can not give you the information you ask for, but I believe it is known among the "trade" that a combination exists amongst the watch manufacturers. Wishing you any success that may accrue to the retailer, I am,

Respectfully,

JAS. H. BELL.

W. L. JONES, JEWELER, OPTICIAN, AND ENGRAVER,
Martinsburg, W. Va., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30 to hand this a. m. I note your inquiry as to the fact of what might be called a "watch trust."

In reply will say that, while I know nothing of the facts from my own personal knowledge, it is currently reported that there is such a trust or combination between the Waltham, Elgin, Keystone, and Philadelphia watch case companies. (The last two are watch-case makers.) They are what appear to be known as the "Big 4." I do know that there seems to be such a good understanding between the Elgin and Waltham companies that there is no difference in their grades and prices, and as soon as one company gets out something new the other offers the same thing on the same day.

Yours, very truly,

W. L. JONES.

J. C. DERBY, DIAMONDS, WATCHES, JEWELRY,
Concord, N. H., May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to your esteemed favor of April 30, I will say that there is a watch combination, or, trust, whereby they establish the prices to the retailers, of the different makes of watches, especially the Waltham and Elgin. It is a known fact that we can buy Waltham and Elgin watches much cheaper in England than we can in this country.

I handle mostly foreign watches, as they give much better satisfaction than the American goods.

Very truly,

J. C. DERBY.

D. V. POUND, WATCHES AND DIAMONDS,
Durant, Miss., May 4, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: I have been led to regard the Elgin National Watch Company, the American Waltham Watch Company, the Keystone Watch Case Company, and the Philadelphia Watch Case Company as a trust, or combination. When they pull the string, the entire line of jobbers answer in double-quick time. Hoping you may be successful in your efforts in the matter, I am,

Yours, truly,

D. V. POUND.

C. L. GLINES, JEWELER AND OPTICIAN,
Harrison, Ark., May 12, 1906.

HENRY T. RAINEY, *Washington, D. C.:*

In replying to attached, would say that we have no positive proof, yet it is well understood that the Elgin and Waltham Watch companies and the Keystone Watch Case Company, the Philadelphia Watch Case Company, and subsidiary companies are in the trust, and that they dictate to the jobbing trade as to the makes of watches they shall carry or sell. I have been told this confidentially by jobbers.

Very truly,

C. L. GLINES.

GEO. M. BUTLER,
MANUFACTURER OF BLACK HILLS GOLD JEWELRY,
Deadwood, S. Dak., May 6, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Your letter of April 30, 1906, received, and I understand that the Elgin Watch Company and Waltham Watch Company, the Boss Case Company, and the Crescent Case Company have combined and are called the "Big Four;" also that they compel jobbers that handle their cases and movements not to handle any others, and that it is a great detriment to such jobbers not to be able to handle any class of goods they desire; but the Big Four can not dictate to the retailers, as they are independent to deal with anyone they please. It seems to be a fight between the jobbers and the Big Four.

Yours, respectfully,

GEO. M. BUTLER.

W. J. HEADRICK, WATCHES, CLOCKS, JEWELRY,
Sterling, Colo., May 5, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours regarding the watch trust (or Big 4), namely, as follows: Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company—Big 4. The above controls New York Standard Watch Company, Wadsworth Watch Case Company, Howard Watch Company, Crown Watch Case Company, Bates & Bacon Watch Case Company, and we can not buy of a jobber of the Big Four goods of other makes—Dueber, Rockford, and South Bend watches. We have to buy direct or of some independent jobber not handling the Big Four goods.

Very respectfully,

W. J. HEADRICK.

P. S.—Thanks for writing me.

J. R. MERCER, DIAMONDS,
Kansas City, Mo., May 8, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours of April 30, the "Big Four" you mentioned are: The Elgin National Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. They are like the Standard Oil Company—they dictate prices. I am,

Yours, very truly,

J. R. MERCER.

WICHITA, KANS., *April 9, 1906.*

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to your letter of inquiry in reference to the watch trust, will say it is commonly understood that the Elgin and Waltham watch companies and the Keystone and Crescent watch case

companies form what is known as the "Big Four." The Illinois Watch Company is largely controlled by the Elgin Company. The Howard, and about every watch and case company that amounts to anything except the Dueber, perhaps, is connected with the trust, and have common lists and prices on grades. Regretting I was unable to give you an earlier reply,

I am, very truly, F. N. DE LA MATER.

J. F. DECKER, OPTICIAN AND JEWELER,
Elizabeth, N. J. May 2, 1906.

Mr. H. T. RAINEY.

DEAR SIR: I can not say that there is a watch trust; but it seems very strange that most of the case makers sell their different grades of goods at just the same price, and the same with both the Waltham and Elgin watch companies.

I have never signed an agreement or contract, nor have I been asked to do so by any of the case or movement manufacturers to sell their goods at a specified price, but the Waltham people sent me a circular requesting me not to sell certain movements for less than a certain price; but I must be honest and say that the price they mentioned was only but a fair and honest profit, and positively nothing like the prices that Charles Keene, of New York City, says in his ad. If I remember rightly, a movement netting about $26, they wanted me to sell for $31, which you must admit is not a dishonest profit.

Respectfully, yours, J. F. DECKER.

S. KRONHOLTZ, JEWELER AND GRADUATE OPTICIAN,
Stamford, Conn., May 3, 1906.

Hon. HENRY T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of April 30, will say that the so-called "Big Four" in the watch trust is understood to be the following manufacturers: Elgin National Watch Company, Waltham Watch Company, Keystone Case and Cresent Case Company, but could not furnish any proof that they are in a trust. All we jewelers know is that we have to pay the list price to jobbers and they tell us that they are restricted and no further discount to the value of anything is allowed to be given, the penalty of which is cutting off the supply to those who dare to cut prices.

Thanking you for the opportunity.

I remain, yours, truly, S. KRONHOLTZ.

ULLRICH BROTHERS,
JEWELERS AND MANUFACTURING OPTICIANS,
Evanston, Ill., May 3, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: There is a watch trust known as the "Big Four." It is composed of the Elgin National Watch Company, the Waltham Watch Company, the Keystone (Boss) Watch Case Company, and the Crescent Watch Case Company.

We believe you are working in the right direction.

Very truly, yours,

ULLRICH BROTHERS.

A. F. MUELLER, JEWELER,
New Brunswick, N. J., May 5, 1906.

Hon. H. T. RAINEY.

DEAR SIR: Regarding your letter of the 16th, will say that in my honest opinion there does exist a watch trust or the "Big Four," Waltham, Elgin, Crescent, and Keystone companies.

The goods they now turn out are much inferior to the goods they formerly sold when they were separate concerns.

Hoping that through your investigation the watch business will come in a more healthy condition.

I remain, sincerely, A. F. MUELLER, *Jeweler.*

WHALER'S JEWELRY STORE,
MANUFACTURERS OF FINE JEWELRY,
Miami, Fla., May, 4, 1906.

HENRY T. RAINEY, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 duly received, and in reply would state that I consider at present there is a very strong trust or organization made up of the Waltham Watch Company, the Elgin Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company.

Yours, truly, H. THOMPSON-WHALER.

CHRIS. HEWIG, *Jeweler,*
Evansville, Ind., May 5, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours received, and in reply will state that I feel there is a combination in the watch business and that said combination is composed of Keystone and Crescent cases and Elgin and Waltham movements.

Yours, CHRIS. HEWIG.

L. C. EISENSMITH, JEWELER AND OPTICIAN,
Newport, Ky., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In answer to yours of the 30th ultimo, will say that the "Big Four" is composed of the following concerns: Elgin Watch Company, of Elgin, Ill.; American Waltham Watch Company, of Waltham, Mass.; Keystone Watch Case Company, of Philadelphia, Pa.; Crescent Watch Case Company, of Newark, N. J.

The Keystone Watch Case Company also controls the Philadelphia Watch Case Company, of Riverside, N. J.; the New York Standard Watch Company, of Jersey City, N. J., and the United States Watch Company, of Waltham, Mass.

I understand the "Big Four" also controls the Howard Watch Company, and its products are made in the Waltham factory. Whether this is true I am unable to say positively.

Their method is to refuse to sell all jobbers who handle goods of other makes but their own.

I would refer you to the following jobbers who, I think, can shed much light on the subject: William I. Rosenfeld, New York; W. J. Johnston Company, Pittsburg, Pa.; Bowler & Burdick, Cleveland, Ohio; Sigler Brothers Company, Cleveland, Ohio; Joseph Lentz & Co., Dallas, Tex.; Shuttles Brothers & Lewis, Dallas, Tex.

Respectfully, L. C. EISENSMITH.

F. C. WESTPHAL, WATCHMAKER AND JEWELER,
Scranton, Miss., May 5, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

SIR: In reply to your favor asking information concerning watch trust, will state: I am convinced there is a trust or combination, but can not prove it. Advise you to get information from Deuber-Hampton Watch Company or Rockford Watch Company or the Fahy's Watch Case Company. I believe these at present not to belong to the combine.

Respectfully, yours, F. C. WESTPHAL.

SPRINGFIELD, MASS., *May 3, 1906.*

Hon. H. T. RAINEY.

DEAR SIR: In answer to your inquiry about watch trust, will say that for years past the Waltham and the Elgin watch companies have advanced and reduced price of their watches at the same time and same amounts. They make corresponding grades. Changes of prices are always the same. Looks like a trust, combination, or agreement between them.

Also, some few years past we retailers could not buy a Waltham or Elgin movement unless we bought some kind of a case at the same time.

This was to shut out the Deuber Case Company. The Waltham and Elgin allowed us to buy any make of case except Deuber case.

I do not understand about the "Big 4;" have seen it spoken of in some of our trade papers, but have taken no notice of it.

Most respectfully,

D. F. LEARY.

H. J. COOK OPTICAL AND JEWELRY COMPANY,
Knoxville, Tenn., May 3, 1906.

Hon. H. T. RAINEY, M. C.

DEAR SIR: Replying to your query of April 30, will say I know nothing but hearsay as to a combination. Have been told by traveling men who we consider reliable that such a state exists; also that watches of Elgin and Waltham makes are sold in Europe to dealers at much lower rates than here. I inclose a slip detached from a watch bill of a prominent Maiden Lane watch jobber.

Yours, truly, H. J. COOK.

CHAS. P. WARD, JEWELER AND OPTICIAN,
Yonkers, N. Y., May 5, 1906.

Mr. RAINEY.

DEAR SIR: Yours received, and in reply say, first, that we are confidently persuaded that there is a trust in the watch business. Now, I can not say that it in any way injures the retail trade, for we can get all the watches we want and as low as ever. The parties it hurts are the jobbers. Now, a jobber told me he had to discontinue carrying any other American watches if he wanted to carry the Elgin and Waltham movements or the Boss and Crescent cases. This jobber sold a large number of the Dueber-Hampden movements and Dueber cases. Now, he had to cut them out entirely or they would have cut him off. Now, the "Big 4" are Waltham and Elgin movements, Boss and Crescent cases. The only thing it did to us is to make it difficult for us to get the Dueber-Hampden watches.

Yours, etc., CHAS. P. WARD.

S. MUSSINA & SON, JEWELERS AND OPTICIANS,
Williamsport, Pa., May 3, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of the 30th ultimo, would say that according to reports, the uniformity of prices and the blacklisting of different jobbers, the W. J. Johnston Company, of Pittsburg, for instance, we are led to believe there is a combination or trust composed of the "Big 4," viz: The Elgin Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company. Trusting this will materially assist you.

We are, very truly, yours,

S. MUSSINA & SON.

GEO. E. BAKER, THE JEWELER,
Ames, Iowa, May 3, 1906.

H. T. RAINEY, *M. C.,*
Washington, D. C.

DEAR SIR: In reply to yours of April 30, would say that I understand that there is an agreement among certain watch and case makers forbidding the sale of "Big 4" goods to jobbers who handle goods made outside of factories not controlled by them, except Hamilton Watch Company. The "Big 4" companies are Elgin National Watch Company, American Waltham Watch Company, Crescent Case Company, Keystone Watch Case Company, who are supposed to control Philadelphia Case Company, Crown Case Company, and Bales & Bacon Case Company.

Yours, truly, GEO. E. BAKER.

GARDNER FOUNDRY COMPANY,
MANUFACTURERS OF PLOWS, MACHINERY, CASTINGS, ETC.,
Lockport, N. Y., May 3, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to your letter of April 30, I would say there seems to be the strongest indications that there is a working understanding and agreement, a combination, between four concerns—the Waltham and the Elgin, the Keystone Watch Case Company, the Crescent Watch Case Company. They are sometimes called the "Big 4." While they export goods and sell them in foreign countries at much less price than in this country—in fact it is said they can be bought in England in original packages, brought back to this country, and sold at a profit—it seems to be a fact that notwithstanding this fact, that during October, November, and December they seem to create an artificial scarcity of movements, so that it is difficult to get a supply of many grades. During the past eight months a few jobbers have seemed to be able to largely undercut prices.

Truly, yours, D. A. HIXSON & CO.

G. M. LA PIERRE, JEWELER,
Niles, Mich., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand. In reply would say: The "Big 4," so well known in trade circles, is composed of the Elgin and Waltham watch companies and Boss and Crescent watch-case companies. The "Big 4" combination is considered by the retailers as the trust of this business, as they have tried to dictate the watch and case policy of the country. You can learn something of the inside workings of this combination by addressing Vandervoort Brothers, 212 Ellicott square, Buffalo, N. Y., and W. J. Johnson Company, Fifth avenue and Market street, Pittsburg, Pa. Both of these jobbers have been cut off, as I understand, because they have insisted upon handling other makes of goods. There is a retailer in New York City who has been cut off and imports these goods from England at a price so he has been able to retail at what is the American wholesale price. I have mislaid his address, but you can obtain same from the Hampden Watch Case Company, of Canton, Ohio.

Wishing you every success in your efforts, I remain,

Yours, very truly,

G. M. LA PIERRE.

J. L. EGLESTON, OPTOMETRIST, JEWELER,
Wadena, Minn., May 4, 1906.

H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Replying to your inquiry of April 30, I would say that I believe there is a trust or combination amongst watch manufacturers.

Watch salesmen usually speak of Elgin and Waltham watches as "trust watches."

Other watches are not so referred to in my experience.

So far as my observation has taught me, the following are known as the "Big Four," viz, The Elgin Watch Company, the Waltham Watch Company, the Keystone Watch Case Company, and the Crescent Watch Case Company.

Yours, very truly,

J. L. EGLESTON.

G. A. KLEIN, JEWELER,
Duluth, Minn., May 4, 1906.

H. T. RAINEY, Esq., *Washington, D. C.*

DEAR SIR: In reply to your inquiry regarding watch manufacturers, will say the "Big Four" are the Waltham and Elgin match-movements and the Bass and Crescent watch-case manufacturers. I know of one case where a Chicago wholesale jobber in watches was told he had to give up the Dueber watches or could not get combination goods, and had to give up the Dueber. Wishing you success in the stand you are taking and hoping you will succeed,

Respectfully,

G. A. KLEIN.

THE BOWLER & BURDICK COMPANY, WHOLESALE JEWELERS,
Cleveland, Ohio, May 3, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Answering yours of April 30, we are not retailers of watches, but dealers at wholesale, and we do believe that there does exist, without doubt, a trust, or combine, known as the "Big Four," which includes the Elgin and Waltham watch companies and the Keystone and Crescent watch-case companies, and that they discriminate against any dealer, whether he be retailer or wholesaler, in regard to the use and sale of goods produced by what is known as the outside manufacturers—namely, the Hamilton Watch Company, Lancaster, Pa.; Illinois Watch Company, Springfield, Ill.; Dueber-Hampden Watch Company, Canton, Ohio, and Joseph Fahys Watch Case Company, 54 Maiden Lane, New York City.

Yours, very truly,

THE BOWLER & BURDICK CO.,
Per H. W. BURDICK.

ABBOTT & SON, OPTICIANS, WATCHMAKERS, AND JEWELERS,
Forest Grove, Oreg., May 8, 1906.

H. T. RAINEY, *Washington.*

DEAR SIR: Yours of April 10 is at hand; we have understood from people in a position to know that there was a "Big 4" combine, namely, the Elgin and Waltham movement companies and the Crescent and Boss case companies; we think this is true, as it is a fact that the prices absolutely agree in the same grade of goods.

Yours, respectfully,

ABBOTT & SON.

E. J. PELLEGRIN, WATCHMAKER, JEWELER, AND STATIONER,
Nogales, Ariz., May 6, 1906.

Hon. H. T. RAINEY, M. C., *Washington, D. C.*

DEAR SIR: Replying to yours 30th ultimo just received, will say that I, in common with other retailers, have believed in the existence of a "watch trust" by which output, grades, and prices of their products was regulated; by which jobbers were bound to maintain a "fixed" price, and by which jobbers and retailers were "blacklisted"—that is, prevented from obtaining certain makes of cases, etc., unless they bought their own products exclusively. I first became aware of the existence of a "trust" about fifteen or twenty years ago, when the Dueber Watch Case Company were fighting the "combination." Representatives of houses then told me they were not allowed to handle the Dueber-Hampden goods, and those handling such goods could not obtain Waltham or Elgin goods. To-day, and for a long time past, Elgin and Waltham goods are made in identical grades, and adhere strictly to the same prices and discounts. When one factory issues a new circular of advance or rebate, it is immediately followed by a similar one by the other factory.

As to the "Big 4," do not know anything about it, as here we are off the main traveled line of the drummers and seldom have a chance to discuss trade topics. However, I should imagine from the state of other things it might mean a combination between Elgin and Waltham watch companies, the Howard Watch Company, which was lately acquired by the Waltham, I believe, and the Crown Case Company, which is believed to be owned by the same company. I have been aware, for at least eight years, that Waltham and Elgin make an identical product, under a slightly different name, which they sell through certain jobbers under an ironclad contract, to countries outside of the United States at much lower prices than we are compelled to pay here.

Anything further I can furnish you will gladly do.

Yours, truly,

E. J. PELLEGRIN.

FRANK SIX, JEWELRY, WATCHES, CLOCKS,
Wellington, Kans., May 5, 1906.

Mr. H. T. RAINEY.

DEAR SIR: Yours received, and can say there is a watch trust talked of as the "Big 4," and the Elgin and Waltham watch factories and the Boss, Crescent and Crown case factories are supposed to include this trust.

This is generally talked of among the trade, and it surely must exist.

Yours, very truly,

FRANK SIX.

SARTOR & ROEMPKE, DIAMONDS AND FINE JEWELRY,
San Antonio, Tex., May 7, 1906.

H. T. RAINEY, Esq.,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 to hand, and we appreciate your efforts in breaking up the combination, or "watch trust," which makes us pay a higher price for their goods than they ask in Mexico or Europe. The combination practically includes all factories, with the exception of the Hampden (Dueber-Hampden) and Hamilton. The only evidence, of course, is what the drummers tell us, that the large companies will not allow the jobbers to carry Dueber-Hampden nor Hamilton watch companies' goods; also, Waltham and Elgin, prices being lowered and raised simultaneously. The silver combination, however, is of more serious consequence, as there is no recourse whatsoever.

Evidence in these cases is hard for retailer to procure; however, we feel the effect.

Very respectfully, yours,

SARTOR & ROEMPKE.

M. L. ROBERTS, DIAMONDS, WATCHES, CLOCKS, JEWELRY,
Pocatello, Idaho, May 5, 1906.

Mr. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of May 30 to hand and contents noted. It is known to all jewelers that the Waltham Watch Company, Elgin Watch Company, Crescent Watch Case Company, and the Boss or Keystone Watch Case Compnay are the "Big 4" that comprise the main trust. They also control the new Howard Watch and the New York Standard Watch companies, and the United States Watch Company and some others. Of course we get our information from jobbers. Any jobber can give you full information if they have a mind to.

Yours, truly,

M. L. ROBERTS.

THE HEAL JEWELRY COMPANY, WHOLESALE JEWELERS,
Detroit, Mich., May 3, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your letter asking us if we knew whether or not there was a combination in the watch trade, and in answer, we have no evidence to that effect, but we are quite positive that such is the case, from our experience some months ago, when we made an effort to add a full line of watches to our stock. We wrote to most of the leading manufacturers and not one of them could fill our order, but they all referred us to Messrs. Sproehnle & Co., of Chicago, Ill., who were their western agents. We found that Messrs. Sproehnle & Co. could sell us any number of watches and have them shipped direct from the factory on a moment's notice. The only drawback to the transaction was that Messrs. Sproehnle & Co. were only willing to allow us about 12 per cent profit in handling them, which, of course, barred us out. As we say above, we have no positive evidence, but we are as certain as can be that there is a watch combination, and that Sproehnle & Co., of Chicago, are their western representatives.

Very truly, yours,

THE HEAL JEWELRY CO.,
Per JAMES.

H. R. DANIELS, JEWELER,
Douglas, Wyo., May 5, 1906.

Mr. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to yours of April 20, 1906, would state that I have frequently heard the expression "Big 4," but I only know of two that are identified in my mind as members of the four, and was always rather uncertain as to who was meant by the other two, whether the Elgin and Waltham companies or other case makers.

The former mentioned, which I have always understood as part of the four, is the Keystone Watch Case Company, of Philadelphia, and the Crescent Watch Case Company, of Newark, N. J.

I am rather inclined to the belief that the "Big 4" refers to case makers only, in which case I would judge the Crown Watch Case Company, of Philadelphia, Pa., I believe the third; Illinois Watch Case Company as the fourth. I only know that Joseph Fahy Company is not in the trust, for the reason that it is almost impossible for me to find any of their cases among the traveling salesmen. Whether this is due to restrictions of the said "4" or to the fact that they can make a better profit on the "4" goods owing to price restrictions. I am rather partial to Fahy's case, as I have had good results from them and aim to carry some of them in stock, but for above reason have difficulty in getting them.

Yours, very truly,

H. R. DANIELS.

WAHPETON, N. DAK., *May 4, 1906.*

Hon. H. T. RAINEY,
Washington, D. C.

DEAR SIR: Replying to your esteemed favor of April 30, I wish to say that, while I have no tangible proof of the existence of a watch trust, I have felt right along that there was and is now some kind of a combination or trust among the large watchmaking concerns in this country detrimental to the dealers and people at large. I am heartily in favor of a Congressional investigation.

Why not reduce the tariff as a means to break the trust and their methods?

Yours, truly,

CHAS. G. BADE.

ALLAN P. TRASK, JEWELER,
Bangor, Me., May 3, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of April 30 at hand regarding a watch combination or trust, and I really do not know whether such an organization exists or not, but I am aware that we, retail jewelers, in this country pay

more for Waltham watches at wholesale than the company charge for them in Europe and other foreign countries. A Mr. Keene recently went abroad and bought a quantity of American watches and brought them back into this country and sold them for less than the company sells them here, and he sold them at a profit to himself at that, and this is a condition of affairs that there ought to be some way to regulate, and I trust you will be able to do it.

Yours, very truly, ALLAN P. TRASK.

J. S. BLONDIN, JEWELER AND BICYCLE DEALER,
Woonsocket, R. I., May 3, 1906.

Mr. H. T. RAINEY, *Washington.*

SIR: Yours of the 30th ultimo duly received and contents noted. In relation to the matter I would say that I could not take an oath that a trust exists, but I am morally certain that one does, between the Elgin National Watch Company, American Waltham Watch Company, Crescent Watch Case Company, and the Keystone Watch Case Company as the big fry, and a few minor concerns.

Your, respectfully, J. S. BLONDIN.

J. W. PERRY & SON, JEWELER,
Lewiston, Me., May 4, 1906.

Mr. RAINEY.

DEAR SIR: In answer to yours of the 30th of April, will say we believe there is a combination of the Waltham, Elgin, Crescent, Boss companies. Reasons: First, patented devices formerly seen only in Waltham movements now used by the Elgin, particularly the parts used in the stem wind and setting parts; second, uniformity of prices and changes occurring at the same date; third, talk made by the missionaries of all four companies in regard to the wholesalers holding strictly to prices and discounts or they would be taken from the list of firms to which the four companies would sell.

Yours, truly, J. W. PERRY & SON.

J. E. COATSWORTH, OPTICIAN, JEWELER,
Atlantic City, N. J., May 2, 1906.

Mr. H. T. RAINEY.

DEAR SIR: I have always understood that there was a watch trust, as the leading manufacturers have always charged the same price for the same grade, with the exception of a few who have been known to be outside the trust, and whose goods the jobbers would not handle, not wishing to antagonize the trust. I know nothing positive. But I do know that certain New York jobbers are sold the best makes of American watches at much lower prices than they are generally sold here by signing an agreement to sell them only in foreign countries.

Yours, respectfully,

J. E. COATSWORTH.

ROB[ER]T T. RADFORD, JEWELER,
Lake City, Fla., May 4, 1906.

Hon. HENRY T. RAINEY,
Washington, D. C.

DEAR SIR: In reply to your inquiry of 30th ultimo, beg to advise you that there is a trust known as the "Big Four" watch trust. The manufacturers connected with same are the Elgin Watch Company, Waltham Watch Company, for watch movements, and the Crescent Watch Case Company, Keystone Watch Case Company, for cases. These four manufacturing concerns are known among the jewelry trade as the "Combination," or "Big Four."

We note with interest that you are investigating the trust, and we sincerely hope that you will be successful in accomplishing the purpose that you have started.

If any further service we can render, we are yours to serve.

Very truly, yours,

ROBT. T. RADFORD, *Jeweler.*

J. S. ROUND & CO., WATCHES, CHAINS AND RINGS,
Boston, May 3, 1906.

Hon. H. T. RAINEY,
Congressman, Washington, D. C.

DEAR SIR: In reply to your letter of the 30th, we will say there certainly is a combination and an agreement in the watch trade. The fact is self-evident. The Waltham and Elgin companies manufacture exactly similar lines of goods. I will obtain you a price list, if you have not already got one, and you can see the price for the 7-jewel 18 size Waltham movement is exactly the same as the price of the 7-jewel 18 size Elgin movement. What is more, the discounts are exactly the same and the lines are exactly the same all the way through. The Elgin Company manufacture an exact duplicate for every watch manufactured by the Waltham Company, as far as prices and quality are concerned.

In regard to the prices at which different movements were sold in this country and on the other side of the water, we will state that we have purchased of Mr. Charles Keene, of New York, 15-jewel 16 size Waltham movements at a price less than that charged to the regular listed jobber for the same grade of movements in this country.

Mr. Keene states that these watches were imported, and that is the reason for selling them at this price. He bought them on the other side cheaper than they were sold here from the factory, and, as the movements had the peculiar English style of dial, we have no doubt but what he told us the truth.

The Keystone and Crescent watch case companies are said to be members of this combination; they get exactly the same prices for their goods all the way through and manufacture exactly parallel lines. Not being jobbers ourselves, we can't answer for all the things that this combination is accused of. I have been repeatedly told that the movement companies, while they do not refuse to deliver movements to regularly listed jobbers, at the same time hold back, unless the jobbers handle these particular makes of cases. Personally, the writer is in favor of some combination so long as it is run half fairly. We think the general conditions now are better than they used to be before any combination was formed, but we should say at the present time we think they are trying to run a good thing to death.

We should prefer not to have the firm's name used; but it is not a matter of great importance, and if it is any particular advantage to you, anything we have said can be quoted.

Yours, very truly, J. S. ROUND & CO.

A. Y. BOSWELL, LEADING JEWELER,
Tulsa, Ind. T., May 3, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 to hand, and in reply will say that the combination known as the "Big 4" is represented to me as being the Keystone Watch Case Company, Philadelphia, Pa.; Crescent Watch Case Company, Riverside, N. J.; Elgin National Watch Company, Elgin, Ill.; American Waltham Watch Company, Waltham, Mass.

These are the people that set the prices on all grades of watches.

Yours, very truly,

A. Y. BOSWELL.

D. MARX SONS, WHOLESALE JEWELRY AND LEATHER GOODS,
St. Paul, Minn., May 3, 1906.

Mr. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of April 18, regarding whether there is a trust or combination in the watch trade, would say that, while we have no positive information regarding this, we are told, and judging from the way they do business, there is a combination among the following companies: Keystone Watch Case Company, Crescent Watch Case Company, Elgin Watch Company, and the Waltham Watch Company.

Our reason for thinking that this is true is that their prices for the same grades and sizes are exactly alike, and heretofore when there has been a change in a price, either in advance or reduction, all companies have it on very nearly the same day.

We buy our watches through a broker, but we have a general complaint from all retailers that they can not make any money on watches. We do not know whether this supposed combination is the cause of it, but we think they are very detrimental to small watch factories trying to establish themselves.

Hoping this information will be of some use to you, we remain,

Yours, respectfully,

D. MARX SONS.

D. M. BOWERS, JEWELER, WATCHES, DIAMONDS,
Lawton, Okla., May 5, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

MY DEAR SIR: Replying to inclosed, will say everything points to a combine of the Elgin and Waltham watch movements and the Keystone and Crescent cases. For more reliable information I would refer you to Hampden Watch Company, Canton, Ohio; South Bend Watch Company, South Bend Ind.; Rockford Watch Company, Rockford, Ill.; Illinois Watch Company, Springfield, Ill. I am told by the traveling men that the Elgin and Waltham companies have about 100 jobbers who handle their movements. They understand that (the jobbers) unless they cut all other cases and movements out they will not be able to get the above movements and cases.

Yours, respectfully,

D. M. BOWERS.

THAYER'S COLLATERAL LOAN BANK AND JEWELRY STORE,
McKeesport, Pa., May 7, 1906.

Hon. H. T. RAINEY.

DEAR SIR: Answering yours of April 30, will say I do not know of any so-called "trust," but the Elgin and Waltham work together to control the output, prices, and discounts. These two concerns sell only the jobber who is on their list, and they control the list. Myself or any other jeweler can not buy of them. We must buy through the jobber. The "Big 4" you refer to I think is a syndicate in Philadelphia controlled by a man named Zurbrugg. They own and control the Riverside, N. J., factory; the New York Standard Watch Company, of Jersey City; the Philadelphia Watch Case Company; the Bates & Bacon, and the H. Muhrs & Sons, all three of Philadelphia. They have quite a monopoly and control prices and output. Don't know as this information will be of use to you, but if I can be of any further use, let me know.

Yours, respectfully, GEO. G. THAYER.

S. F. HOLLANDER, JEWELER AND DIAMOND MERCHANT,
Eureka, Cal., May 10, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Replying to your favor of April 30 regarding the watch manufacturers, I will say that I do not know of any combination known as the "Big 4." However, I do know from personal knowledge that the Waltham and Elgin companies are selling their movements in foreign countries for less than one-half the price we have to pay for them here. The above-named two companies are working together and dictate their terms to the jobbers and retailers.

Very truly, yours,

S. F. HOLLANDER.

WHOLESALE DEALERS WHO HAVE BEEN DROPPED FROM THE LIST FOR HANDLING THE GOODS OF THE INDEPENDENT COMPANIES.

When the watch trust was formed they issued a list of jobbers comprising all the larger wholesale dealers. Since then they have commenced compelling these firms one by one to drop the independent lines. If they refused to do so, the trust refused to sell them combination goods. The case companies in this trust manufacture perhaps 75 per cent of the total output of the country. The watch-movement companies in the trust manufacture perhaps 90 per cent of the total product of the country. These companies have been longest in the field. Their goods are best known. To deprive a jobber of the goods these companies make, and particularly of repairs with which to supply his customers, might mean his total ruin. Only a few jobbers are left now who carry the independent lines, and they are not permitted to advertise them. The object of the trust is to entirely crush out of existence the small manufacturer.

I have received the following letters from jobbers who are among those dropped from the list. The letters explain themselves:

S. KIND & SONS, DIAMOND MERCHANTS,
Philadelphia, May 17, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Judging from the speech you delivered some time ago in the House of Congress we presume that you take a good deal of interest in the injustice done to the trade by the watch trust, and take the liberty of giving you our experience.

We have been jobbers in the watch combination for twenty years, up to January, 1904, when Mr. Fogg, secretary of the Keystone Watch Case Company, called on us, telling us that we would be dropped by the 1st of February from the list of jobbers.

On asking the reason why, as we always lived up to their requirements, he answered as follows:

"We (The Keystone Watch Case Company) were very much opposed to having your name taken off, but our colleagues insisted that they could not retain you any longer."

The reason he gave was that we had a retail as well as a jobbing business.

On our Mr. Kind asking him how it came that they did not drop another certain house which has also the same combination, he stated:

"We all have our price, but your purchases do not come up to that price."

It is real funny to see the denial of the Waltham Watch people in the papers that they are not aware of any trust or combination, but whenever a jobber is dropped by one party he is also dropped by the Elgin Watch Company, Waltham Watch Company, Keystone Watch Case Company, and Crescent Watch Case Company at one and the same time, as was the case in the list of jobbers circulated by these four companies on the 1st of February, 1904.

During the time that we were jobbers we repeatedly received notices not to sell certain parties who had been cutting prices, and even since we are off the jobbers' list a house that sold us some movements, which we disposed of to the certain party whom you mentioned in your last speech was at once notified, and they informed us that if we sold any more goods to that party they would have to issue a notice preventing us from getting any movements from any one.

Should you wish any further information, we would be most pleased to give it to you, and thanking you for the kind interest you have taken in the watch business, we remain,

Most respectfully, yours,

S. KIND & SONS.

VANDER VOORT BROTHERS, IMPORTERS OF DIAMONDS,
Buffalo, N. Y., May 19, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours bearing date of May 11, we beg to say that Messrs. Bowler & Burdick and The Sigler Brothers Company, Cleveland, Ohio, also W. J. Johnston Company, of Pittsburg, Pa., have had experiences somewhat similar to our own with the so-caled "Big 4," or Allied Watch Company.

There are, perhaps, several firms in Chicago, and doubtless some in New York, who were persuaded to sacrifice their business on outside products in order to maintain their standing with the allied companies.

These latter unmentioned firms might not voluntarily give you any information, however much they disliked the methods of the allied companies, fearing that such an action would jeopardize their interests with said companies.

Existing trade conditions will doubtless cause some effort and perhaps bar your obtaining all the voluntary information you may desire on this subject.

Yours, truly,

VANDER VOORT BROTHERS.

L. H. SCHAFER & CO., WHOLESALE JEWELERS,
Chicago, May 10, 1906.

Hon. H. T. RAINEY, M. C.,
Washington, D. C.

DEAR SIR: Replying to your esteemed favor of April 30, we beg to submit the following facts bearing on the subject in question:

In 1900 we started in the wholesale watch and jewelry business at our present location. We were recognized and sold direct by all the watch movement and watch case companies until October, 1902, when four companies, commonly referred to in the trade as the "Big 4," comprising The Elgin National Watch Company, The American Waltham Watch Company, The Keystone Watch Case Company, and The Crescent Watch Case Company, dropped us from their list of jobbers and declined to furnish us their goods. In April, 1903, we were restored to their list of recognized jobbers and again furnished with their goods. Said relations with those companies thus continued until February, 1905. At that time a repetition of our former experience occurred. All four companies afore mentioned at one time dropped us again from their list and declined to furnish us their goods, and have persistently refused to do so to the present day. Upon inquiry as to the reason for such action we were informed by one of the watch case manufacturers that it was because we handled other manufacturers' goods besides their own.

Respectfully submitted.

L. H. SCHAFER & CO.

T. R. J. AYRES & SONS, WHOLESALE JEWELERS,
Keokuk, Ia., May 10, 1906.

Hon. H. T. RAINEY,
House of Representatives,
Washington, D. C.

DEAR SIR: We wrote you on May 3 in reply to your letter of April 30 regarding watch trust, and write you this day confirming our telegram of same date. There is a trust or combination in the watch trade. The manufacturers constituting said trust are Robbins & Appleton (American Waltham Watch Company), Elgin National Watch Company, Keystone Watch Case Company, Crescent Watch Case Company. This is the organization known to the trade as the "Big 4."

We were for years jobbing their goods, but some time ago our supply ceased simultaneously from all four companies without notice or any explanation whatever from them. This should be conclusive evidence that an agreement exists between these four concerns. If any further evidence that we can give you we shall be pleased to do so.

Yours, truly,

T. R. J. AYRES & SONS.

VANDER VOORT BROTHERS, IMPORTERS OF DIAMONDS,
Buffalo, N. Y., May 10, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: In reply to yours of the 30th ultimo, we beg to say that certain phases of the manufacturing watch business savor largely of trust methods.

There are five allied corporations, two of them making watch movements, viz, Elgin National Watch Company, Elgin, Ill., and Waltham Watch Company, Waltham, Mass. The other three are watch-case manufacturers, as follows: The Keystone Watch Case Company, Philadelphia, Pa.; the Crescent Watch Case Company, Newark, N. J.; the Philadelphia Watch Case Company, Riverside, N. J.

The three watch-case companies apparently operate individually, sustaining each their independent offices and sales rooms, and each making their individual contract with the watch jobbers.

In reality they are a joint stock company, controlled by the same capital. The movement makers, Elgin and Waltham, are separate corporations.

These five corporations are allied with the aim of controlling the watch business of the United States, and incidentally to crush out such outside competition as does exist in this country.

The product of the five corporations is marketed or distributed to the retailer through some 200 or less watch jobbers.

An abuse lies in dictating to these jobbers the policy of their watch business, in which, if they are successful, will exterminate all independent competition, thus enabling them to fix arbitrary and unjust prices to the consumer.

To illustrate to you the business methods of these allied corporations, we will briefly state our past relations with them.

During the year of 1900 the above-mentioned corporations began supplying us their product. Our field of distribution covered several States. An unusual era of prosperity caused a short watch product. This led to a discrimination in our supply from the allied corporations. In protection to ourselves we were obliged to supplement our supply with watches from other manufacturers, who gave us good service and supplied us with all the goods of their product that our trade demanded. During the next two or three years representatives of these allied corporations repeatedly sought information from us as to what products we were handling outside of theirs, and would repeatedly insinuate their disapproval. Finally, in the early part of the year 1905, we were visited by at least two representatives of these corporations and informed that we must discontinue handling the product of certain outside companies, else they would not be interested in us, and if we did comply with their demands we would be favored with any and all grades of their product that our business required.

Being under no financial obligations to these corporations and disbelievers in coercion we continued along the line of freedom in commerce.

In March, 1905, we were in New York, and while there we were notified that an interview was desired by the leading spirit of one of these corporations. This was granted, and after much persuasion we were given an ultimatum, that unless we ceased handling the products of those companies outside of the so-called "Big Four," or watch trust, we would be dropped from their list of distributors.

With the spirit of freedom still bubbling in our breasts, we ignored their demands, and consequently when their July memorandum of watch jobbers was distributed to the trade our firm name was eliminated from this list, and they have since withheld their product from us. We would call this combining to control the watch product of the country and conspiracy to obliterate or crush the independent manufacturer as well as the independent jobber of the country. This but briefly outlines the situation.

We know there are many others who can, if they wish, verify our statements.

Very respectfully, yours,

VANDER VOORT BROS.

THE SIGLER BROS. COMPANY,
Cleveland, Ohio, May 11, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: Yours of April 30 received and contents noted. In answer to your inquiry whether there is any trust or combination in the watch trade will say that there is a trust or combination in the watch trade, composed of the following manufacturers: Keystone Watch Case Company, Crescent Watch Case Company, Philadelphia Watch Case Company, New York Standard Watch Company, Elgin National Watch Company, Waltham Watch Company, the E. Howard Watch Company, United States Watch Company. Of the above-named companies the following four are known to the trade as the "Big Four:" Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company.

After having been on the shipping list of the watch trust for some thirty-five years, we were dropped from the list a year ago, for the reason that we would not consent to abide by their dictation in the handling of their products exclusively.

They, of course, put forth several different reasons for dropping us from their list, the main one being that we did not use enough of their goods, which you already know is laughable, in view of the facts you already have before you, viz, the letter from the Elgin company declining to deliver us goods.

We have followed your examination of the watch question with much interest, and trust that you will be successful in your undertaking. We inclose you herewith some pointed remarks in reply to some of your recent remarks, thinking perhaps they might interest you.

Yours, respectfully,

THE SIGLER BROS. CO.
G. L. SIGLER.

COOPER & FORMAN,
IMPORTERS OF DIAMONDS AND PRECIOUS STONES,
New York, May 3, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Without warning or notice, we were suddenly dropped from the watch combine list of jobbers May, 1903, and were then refused all further dealings with the four companies. We were cut off the list, and no further business was to be transacted with us. Hundreds of movements that we had on order with the Waltham company they refused to deliver, and we were thereby seriously injured in our business, and sustained considerable financial loss.

They also gave instructions to their other jobbers not to supply us with their goods at jobbers' rates and discounts. For a long time we had been unable to get all the Waltham movements we wanted, and had to buy largely from amongst the other jobbers large quantities of watch movements to fill our customers' contracts.

Now, on such purchases we were granted special jobbers' discounts that one jobber is allowed to give another, but after May 1, 1903, the trust's instructions were that we had been cut off as jobbers and were to be treated merely as retailers.

We were known chiefly as "Waltham jobbers," favoring the watch cases of an outside competitive firm, and to that circumstance we attribute our persecution.

We had been warned by other jobbers to use more Crescent and Keystone cases, as there had been "some conversation," and otherwise we would surely be cut off. Now, as these other cases suited our trade best, we continued to use them. Shortly after that the result came.

Upon interviewing the Waltham and Crescent companies for their action, they simply said "that we did not use enough goods"—no complaint against our credit or any other circumstance. We demurred at such unjust treatment, and replied that they had never half filled the orders we gave them, and, anyway, to fill what orders they had on hand for us—many of them were special and had been secured at considerable expense, but no, the edict had gone forth, and thus we had no alternative but to close up our wholesale business in American watches and to reorganize our concern.

I may mention that our purchases from the Waltham Company alone were annually between $7,000 to $10,000, and our last checks to them, one on March 7, 1903, was $584.20, and on April 10, $668.25, and a few days afterward they cut us off from the list.

I have tried to furnish you with all the important facts of the case, eliminating everything that I thought you might consider superfluous, and trust that you will be able to make use of the information that I have furnished.

Yours, very truly, COOPER & FORMAN.

THE SIGLER BROS. COMPANY,
Cleveland, Ohio, May 14, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Yours of May 11 received and contents noted. In reply to same will say that we were dropped from the list of the watch trust about a year and a half ago.

The companies now refusing to sell us are the Elgin National Watch Company, the Waltham Watch Company, the Crescent Watch Case Company, Keystone Watch Case Company, and the E. Howard Watch Company. These companies do not refuse us permission to sell their goods, but refuse to sell their goods to us.

A few of the other jobbers that were dropped from the list at the same time that we were are The Bowler and Burdick Company, Cleveland, Ohio; S. Kind & Son, Philadelphia, Pa.; Wm. I. Rosenfeld, New York City; Vandervoort Brothers, Buffalo, N. Y., and several others that we can not recall.

Trusting the above information will meet with your approval, we remain,

Yours, respectfully, THE SIGLER BROS. CO.,
G. L. SIGLER.

REED-BENNETT CO., WHOLESALE JEWELERS,
Minneapolis, Minn., May 11, 1906.

H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Answering your inquiry for information regarding the existence of the watch trust or combination, we beg to assure that in our opinion there is no question but that there exists such an organization and it is known to the trade as the "Big Four." There was a time when we were favorably passed upon by one of the companies comprising the trust, which entitled us to get trust goods at bottom prices.

It became known that we were selling many outside goods, and we were therefore dropped and our name taken off from their list of recognized watch jobbers. Since then we have been obliged to buy their goods at the regular prices sold to the retailers.

This little circumstance is pretty conclusive that there is a combination.

Yours, truly, REED-BENNETT CO.,
J. M. BENNETT.

The following clipping from "The Jewelers' Circular—Weekly," a prominent trades paper, explains why a prominent jobber was dropped from the list. His offense consisted in buying from Charles A. Keene, of New York City, reimported American watches:

SUES FOR $150,000 DAMAGES.—WILLIAM I. ROSENFELD BRINGS IMPORTANT ACTION AGAINST LEADING WATCH AND WATCH CASE COMPANIES.

Suit has been commenced in the New York supreme court by William I. Rosenfeld, watch jobber and diamond dealer, 19 Maiden lane, New York, against a number of the leading watch and watch case companies in which he asks heavy damages from the defendants for their alleged refusal to supply him with goods. The complaint, which was served on the defendants' attorneys Saturday, is against the Keystone Watch Case Company, the Crescent Watch Case Company, the Philadelphia Watch Case Company, the Elgin National Watch Company, Ezra C. Fitch, Francis R. Appleton, and Royal Robbins. The last three are partners in the firm of Robbins, Appleton & Co., selling agents of the American Waltham Watch Company, which company, however, is not a defendant.

Rosenfeld claims that he has been in the watch business nineteen years, and in the last ten years has built up a large business in the goods of the defendants, and that his name appeared on all the lists published by these companies, except the list published in March, 1902. He makes allegations as to the work that he had done to build up a business throughout the United States, and as he confined his business exclusively to handling the defendants' products, it became imperative that he keep himself supplied with defendants' goods to the exclusion of those of all other manufacturers. He claims that there was nothing in the rules established by the defendants for those who handle their products which limited the right of the jobber to sell movements to anyone engaged in the business of selling watches.

He then goes on to tell how Charles A. Keene, a retail jeweler, at 180 Broadway, New York, had bought from English and Scotch jobbers goods exported by certain of the defendants and afterwards reimported into this country in the original package without payment of duty during the fall of 1904. After Keene commenced his campaign, Rosenfeld claims, it was suggested to him by one of the defendants that he should not sell any more goods to Keene. This request, however, Rosenfeld did not comply with, and continued to sell Keene, and, as a result, he alleges that the defendants "did confederate and conspire together to force the plaintiff out of the business in which he had been engaged as a dealer in watch cases and watch movements made and manufactured by the defendants," and they agreed between themselves that they would not sell him any goods, though he frequently, he says, day after day, requested them to do so. He claims that other jobbers, instructed by the defendants, refrained from selling him any of the defendants' products, and that he has been unable to purchase any of these goods, although he has often attempted to do so for cash on delivery. He finally says that by reason of these acts, which he calls a conspiracy, he has been unable to continue in business, except for the purpose of disposing of the stock which he had on hand, and he has been compelled to liquidate his business as a dealer in watches.

He estimates his damage in all at $150,000, and demands judgment against the defendants for the above sum, together with the costs and disbursements of the action.

In the ordinary course of events as conditions now exist in the New York supreme court, it will be between two and three years before this case comes up for trial, but it may be delayed even longer if a preliminary fight is engaged in either by the filing of demurrers on behalf of the defendants, by motions for bills of particulars, or similar demands, so there is little likelihood of the case coming on for some time.

HOW THE TRUST CONTROLS RETAIL WATCH DEALERS.

The following letter from the Elgin National Watch Company to Sigler Brothers Company, of Cleveland, Ohio, prominent watch jobbers, shows how these companies reach down through the jobbers and control and restrain the retail dealers of the country. A copy of this letter was sent to every jobber for the watch trust. This kind of notice with respect to retailers is frequently sent out.

ELGIN NATIONAL WATCH COMPANY,
Chicago, December 8, 1904.

SIGLER BROTHERS COMPANY, *Cleveland, Ohio.*

DEAR SIRS: A. Zierleyn & Co., Grand Rapids, Mich., after stating over their signature that they would be glad to assist us in every way possible to protect our movements against being offered unfairly to the consumer, have deliberately ignored our request and their promise by handling our movements in a very unsatisfactory manner.

We wish you would advise your travelers making Michigan that A. Zierleyn & Co., are not entitled to any consideration or attention so far as our product is concerned, and their orders should be ignored.

Very truly, yours,

ELGIN NATIONAL WATCH COMPANY.

SOME IMPORTANT FACTS IN CONNECTION WITH THE HISTORY OF THE WATCH TRUST IN THE UNITED STATES.

The following statement, furnishing evidence as to the existence of a watch trust, was prepared at my request by W. J. Johnston, president of the W. J. Johnston Company, of Pittsburg, Pa. This is one of the largest firms in the country—perhaps the largest engaged in the wholesale watch business.

Statement of W. J. Johnston, president of the W. J. Johnston Company, of Pittsburg, Pa., in re combination of the Waltham, Elgin, Keystone, and Crescent companies and the purposes of said combination.

A denial of the existence of a trust, or combination, or community of interests among the four leading watch movement and watch case companies of the United States is as ridiculous as it is mendacious.

Such an alliance does exist, and its purpose is and has been in restraint of trade, to monopolize the watch business of this country, and crush out of existence all competitors and competition, regardless of the means necessary to accomplish the purpose.

This organization was effected in the year 1902, and the companies comprising the alliance are the American Waltham Watch Company, Waltham, Mass.; Elgin National Watch Company, Elgin, Ill.; Keystone Watch Case Company, Philadelphia, Pa.; Crescent Watch Case Company, Newark, N. J.

The two companies first named are makers of watch movements, and the latter two are makers of watch cases.

In addition to the companies named there are three other companies that are owned and controlled by the Keystone Watch Case Company or its officers. These companies are the Philadelphia Watch Case Company, Riverside, N. J., makers of cases; New York Standard Watch Company, of Jersey City, N. J., makers of movements, and E. Howard Watch Company, Waltham, Mass., makers of movements.

The production of the four movement companies mentioned represents not less than 90 per cent of the watch-movement production of this country, and the production of the watch-case companies not less than 75 per cent of the watch-case production. In this estimate is not included the products of watch companies that make cheap complete watches, the values of which average $1 each, or less.

At the time of the organization of the combination of the four leading companies its purpose was stated to be to regulate and maintain the prices of their products to the retail jewelry trade through their wholesale agents. At that period every wholesale jewelry and watch firm of any importance was selling agent for one or more of the four leading watch companies.

By agreement among the combined companies the agents of each one of the companies were accepted and recognized as wholesale agents of all the companies, and the confirmation of this agreement and condition was ratified by each of the four companies in the issue of separate printed lists by each company in which were contained the names and location of every wholesale watch dealer in the United States. These lists were practically identical, and variously titled, by the Keystone Watch Case Company, "List of wholesale watch dealers;" by the Crescent Watch Case Company, "List of jobbers;" by the Elgin National Watch Company, "Jobbing list," and by the American Waltham Watch Company, "List of dealers in watches recognized as jobbers by the American Waltham Watch Company."

These lists were for the exclusive use of agents, and were required to be returned to the various companies upon the issue by them of a subsequent list. By this act the watch combination absorbed all the useful wholesale watch dealers of the country, and it was a matter of necessity for the wholesalers to abide by the condition thus created and agree to the will of these four companies, singly and collectively, or be forced out of business. A failure on the part of any wholesale dealer or dealers to satisfy the members of the combination was signalized by the issue of a new list of wholesale dealers by each of the four watch companies, from which lists were omitted the names of deposed wholesale agents, which was notice to all wholesale agents in good standing that firms omitted from the new lists were "blacklisted" by the combination, and no agents in good standing were permitted to do business with them in watches made by the combination.

It is unfortunate that a condition of this sort is considered in the

jewelry trade as practically and thoroughly putting a wholesale dealer out of business, for the reason that the production of watch movements outside of those made by the Waltham and Elgin companies is so small and the variety of sizes so incomplete that a wholesale dealer without Elgin and Waltham movements to sell would be in the condition of a clothing dealer who endeavored to do business in suits to fit men 6 feet in height and larger, but could not supply smaller sizes.

Before the creation of the combination a contrary condition existed, for the reason that active competition and rivalry between the Waltham and Elgin watch companies made no wholesale watch dealer the slave or creature of either or both of these companies, and they enjoyed a condition of self-respect and independence which has been taken away from them by the arbitrary and despotic demands of the combination.

It has been the policy of the Elgin and Waltham companies to create a shortage of the most desirable and best-selling watch movements made by them and to supply these short movements to their agents in proportion to the quantity of undesirable and poor-selling movements that they would take. The short movements were generally the character of goods on which they had no competition, and the undesirable goods were of such sizes and character as those made by the several small watch companies who were striving to establish themselves in business.

It has been a general practice with the Elgin and Waltham companies to distribute their entire production of undesirable and poor-selling movements among their agents, charging and shipping as though they had been ordered from them, and thus making the wholesale dealer carry the surplus production of the companies, and in many instances the dealer has been compelled to carry some kinds of movements two years and longer before finally marketing them. The alternative to carrying the excess of unsalable watches is for the wholesale dealer to unload them at reduced prices and sacrifice the profit on his investment, and often making a loss besides.

To refuse to accept the shipment of unordered goods from the Waltham or Elgin companies by one of their agents, even though overloaded at the time with the class of goods thus shipped would cause the agent so refusing to not only be deprived of salable and desirable watches, but, if repeated often, to eventually be "blacklisted" by the combination. The ultimate purpose of this combination of the watch companies is very clear to those wholesale dealers who have had dealings with them.

The Elgin and Waltham watch companies practically control the sale of medium class watches in the United States. The average production of these two companies has been for years 6,000 movements per day.

They have had as competitors a few companies that have been steadily making progress, improving their products, and annually increasing their output. These companies consist of the following: Dueber-Hampden Watch Company, Canton, Ohio; Illinois Watch Company, Springfield, Ill.; Hamilton Watch Company, Lancaster, Pa. These companies are the next strongest companies financially and in production to the Elgin and Waltham companies.

Of minor importance are: South Bend Watch Company, South Bend, Ind.; Rockford Watch Company, Rockford, Ill.

These five companies may be classed as the only competitors of the Elgin and Waltham companies, and have incurred their ill will in proportion to their advancement, which has resulted in the determination to prevent the sale of the production of these companies through the wholesale dealers of the United States, and succeeding in that effort will result in the closing of their factories.

The first scheme operated by the combination to prevent the sale of the product of the independent companies to the wholesale dealers was to intimidate these dealers in watches under threat of not furnishing them with combination goods if they did not agree to stop selling the independent goods.

They have succeeded in compelling more than 90 per cent of the jobbers who handle combination goods to discontinue the sale of goods made by the independent companies, and those few wholesale dealers who do continue to sell independent watches are not permitted to push the sale of said goods, nor are they permitted to advertise the same in trade journals, through catalogues, or by circulars, or in any way call attention to the fact that they have watches to sell other than those made by the combination.

In 1903 not one of the 148 wholesale agents of the combination advertised any watch cases made by the independent companies in trade journals, catalogues, or by circulars, and during 1905 only two Chicago firms representing the combination presumed to advertise in catalogues any independent company's watch movements, and in 1906 but one lone solitary combination wholesale dealer has the nerve to advertise or sell the independent companies watch movements.

During 1903 the most coercive and intimidative measures were used by the members of the combination to control the wholesale watch dealers, and a number if these agents were "blacklisted" for not abiding strictly by the commands of the combination even though at that time the production of Elgin and Waltham watches was not adequate to the demands for them from the trade.

Your attention is called to a page from the Manufacturing Jeweler, published in Providence, R. I., August 6, 1903, on which is contained a statement made by Mr. E. C. Fitch, president of the Waltham Watch Company, in reference to the demand at that time for the production of their company. The same condition explained by Mr. Fitch at that time applied to the condition of the Elgin Watch Company.

I will further call your attention to a copy of a letter marked "Exhibit A," written by the writer to the general sales agent of the Elgin National Watch Company, Mr. G. V. Dickinson, on September 4, 1903. This letter was written on account of the action that the Elgin Watch Company took toward this firm about that time, which led us to resign our agency with them.

On or about July 24, 1903, I was visited at our place of business by Mr. G. V. Dickinson, representing the Elgin Watch Company, and was given to understand in deliberate and clear language that the Elgin National Watch Company had decided that if we did not give up the sale of all goods, whether cases or movements, made by companies not members of the combination that we would be "blacklisted," and, further, that we would be put out of business by the combination if we did not accede to their demands.

In reply to my question as to why we should not sell other watches when we could not supply our demand for watches with what we could get from the Waltham and Elgin companies, he replied that we would be creating a permanent market for independent companies' watches that would affect the demand for Elgin goods and cause a loss in business for them when the demand for watches lessened and their production was adequate to supply our demands.

He further stated that if we refused his demands a jobbing house of national reputation would be established in Pittsburg, with unlimited capital and goods, to absorb our business. Since that time the firm referred to by Mr. Dickinson has been established in Pittsburg, but it is not a firm of national reputation and has not yet created a local reputation, and is generally believed to be capitalized and controlled by the combination.

Our resignation to the Elgin company contained in our letter of September 4 was not accepted for the reason that we were influenced by the Waltham Watch Company not to insist on that condition, and we were, through the influence of the Waltham Watch Company, supplied thereafter with an adequate supply of movements for our wants. We, however, did have to agree that we would not push the sale of goods not made by the combination, and that we would not make any effort to create a demand for them, but would only supply the demand that might come to us voluntarily or accidentally.

We were not permitted to advertise the sale of any independent lines, nor were we permitted to have our travelers on the road carry samples or suggest the purchase of any independent lines to the retail trade.

The result of this action was that our trade on independent lines depreciated in twelve months to one-fifth of what it had been during the twelve previous months. Further, that our total loss of business in twelve months following this agreement was $100,000, which we attribute mainly to being compelled to abandon the sale of goods that in point of excellence were superior to the product of the Elgin and Waltham companies, and that we were able to sell to our customers for less price than charged for the same character of goods made by the combination.

It was the lesser of two evils to choose, for had we been blacklisted by the four members of the combination our trade at that time would practically have been ruined so far as the watch business was concerned, and we would probably have lost a total of business of $200,000 per annum instead of half that amount.

It is conceded generally that the Elgin and Waltham watches are desirable and necessary, not only to the wholesale watch trade, but to the retail watch dealers of the United States, for the reason that they have been established for so many years and have been so thoroughly advertised and become well known, that the public generally are not aware that there are any other American watches made.

This fact is well known to these companies, and they took little risk in assuming the stand taken by them against the wholesale watch trade, and it is their purpose, as expressed to me by one of the high officials of one of these companies, that when they got control of the situation in the watch business that they desired, as it related to the wholesale dealers, to follow the same course in a campaign against the retail jewelers of the United States and force them to abandon the sale of all goods not made by the combination or be deprived of the advantages that they would have from the sale of combination goods.

The alliance with the Elgin and Waltham companies of the Keystone and Crescent watch-case companies was of no advantage directly to the watch-movement companies, but was wholly advantageous to the watch-case companies. The purpose, however, of the amalgamation in the association of the case companies with the powerful Elgin and Waltham watch companies was to place the case companies in the same dominant controlling position in the case business that was held in the movement business by the Elgin and Waltham watch companies.

It requires a trifling capital to establish and maintain a factory for the manufacture of watch cases as compared with the immense amount of capital necessary to the establishment, operation, and maintenance of a watch-movement factory.

At the time of the organization of the combination there was an overproduction of watch cases in the United States, or a production of watch cases in excess of the production of watch movements of not less than 300,000 cases per annum, and estimated as high as 500,000.

There were various case factories in different parts of the country producing watch cases equal if not superior to the production of the cases of the Keystone and Crescent case companies, and the smaller companies were marketing their product to the trade at less prices than the Keystone and Crescent watch-case companies were offering their cases for.

The cases made by the smaller or independent companies would have no outlet if there were no watch movements to go with them, and the scheme for the advantage of the Keystone and Crescent Watch Case companies was to prevent any wholesale dealer from buying cases from an independent manufacturer by refusing to furnish movements that would be sold with the independent cases.

At this period, 1903, the production of watch movements in this country by the independent companies that might be available for sale in the cases made by the independent case manufacturers was less than 500 movements per day, and the production of watch cases by the independent case-manufacturing companies exceeded 3,000 cases per day.

It is clear, therefore, that if there were available only these movements to fill the cases made by the independent manufacturers that there would be but one day's work in a week for the case makers in the independent factories, where there had been six days' work per week previously, and if the plans of the combination were carried out fully and there were no other movements available for the cases made by the independent manufacturers excepting those produced by the independent movement manufacturers the result to the case makers is very clear—it spells ruin.

The most active agent in the intimidation and bulldozing that was carried on during the year 1903, and since that time to the present, was Theophilus Zurbrugg, president of the Keystone Watch Case Company, and the active head of the various companies allied to the Keystone Watch Case Company. This man's career is remarkable in a certain sense. He personally and through his agents has been the active head of the watch combination in their campaign of intimidation and blackmail waged against the wholesale watch dealers for three years past. He has openly boasted that he would destroy the business of all competitors of the association, or that he would relegate their goods to the cheap trade and pawnbrokers of the country.

Mr. Zurbrugg, and Mr. Irving Smith, president of the Crescent Watch Case Company, during the past four years have had at all times correct accounts of the amounts of the purchases made from the Elgin and Waltham companies by all the wholesale watch dealers. They have used this knowledge to blackmail watch dealers who have not bought from them cases in proportion to the number of movements delivered to them by the Waltham and Elgin companies. They have threatened many dealers that their watch-movement supply would be curtailed or entirely discontinued if their purchases of cases were not enlarged.

Late in June, 1903, in the New York office of Mr. Irving Smith, president of the Crescent Watch Case Company, the writer was threatened by Mr. Smith that if he did not at that time place a large order for cases with his (Smith's) company our watch-movement supply would be reduced materially, and that the movements would only follow the cases. I refused to place the order under those conditions, and during the three months following our deliveries of combination

watch movements fell off more than 10,000 from our previous average deliveries.

I refer you to a letter marked "Exhibit B," received by the writer from New York, dated June 24, 1903, written by Mr. Dory A. Smith, secretary of the W. J. Johnston Company, which relates his interviews with Mr. Irving Smith a few days previous to my interview related above.

One of the greatest hardships to the wholesale watch dealer resulting from the watch combination was the requirement compelling him to discontinue the sale of the gold-filled cases made by the independent watch-case manufacturers. The prices of gold-filled cases made by the Keystone and Crescent watch-case companies are 25 per cent higher than the same class of cases made by the independent manufacturers, and the profit of the wholesale dealer averages 5 per cent less. The principal selling gold-filled cases, made by the Keystone Watch Case Company, is styled the "James Boss." This brand of case, years ago and before the advent of Mr. Zurbrugg to the management of the Keystone Watch Case Company, was one of the most reliable and desirable gold-filled cases made. At the present time this brand of case has fallen to one of the lowest and most undesirable gold-filled cases made. The average gold value of these cases at the present time is not more than one-third of the value of gold put in the earlier cases of this brand of the same period of guaranty. Practically they are made of only rolled-plated material.

As an example, I offer a nugget of gold worth 88 cents, which is the result of an assay made at the United States mint at Philadelphia, of a James Boss, twenty-five-year guaranty, gold-filled case, ladies' size, open face, and attach with it a duplicate of the same case assayed. The price the retail jeweler pays net for this case is $1.41 more than the same case is sold at made outside the combination.

Another example is a nugget of gold worth $1.58, the result of an assay at the United States mint, and representing the gold value of a James Boss, gold-filled, man's, open-face, largest size case made, guaranteed to wear twenty years, and attach a duplicate of the case assayed. The price the retail jeweler pays net for this case is $1.83 in excess of the price of the same guaranteed case made by an independent manufacturer.

Even cheaper and poorer so-called "gold-filled" cases are made by the Keystone Watch Case Company, called "Royal," made by their Philadelphia Watch Case Company, and guaranteed to wear twenty years. These cases we refused to sell after our early experience with them, which resulted in the return to us within one month of cases with the gold worn off that had been guaranteed to wear twenty years.

It is the opinion of the writer that the average wearing time of the James Boss gold-filled cases does not exceed two years, and this opinion is based on experience and a large number of cases in his possession now that are worn through the gold after short wear, and that there are enough of these cases in circulation that are worn-out within the time limit of the guaranty, that the Keystone Watch Case Company would be bankrupt if required to redeem them.

The sole fault of the preponderance of influence of the Keystone Watch Case Company and the Crescent Watch Case Company in the case business lies in the Waltham and Elgin watch companies' power exerted to force the sale of these goods on the wholesale dealers, who in turn influence the retail jewelers to buy them, and finally they are absorbed by the public at prices largely in excess of their value for the benefit of a few stockholders who get rich through conditions that are unfair if not illegal and for which a remedy should be found.

The W. J. Johnston Company's connection with the watch combination was terminated last June through causes created by the Keystone Watch Company, whose methods and exactions were contrary to what was honorable, whose agreements with us were violated constantly, and who at the final rupture between us admitted, through their agent, who endeavored to deny a verbal agreement that existed between the Keystone Watch Company and ourselves, to which the said agent was a party, that they did not hesitate to repudiate agreements and never made written ones with wholesale dealers for that reason; that he knew the agreement existed which we were disputing over, but that he had to do the dirty work for the concern, and when he was sent out to deny an agreement, even though he knew the agreement had been made, he was compelled to deny it. On June 6, 1905, we resigned our agency with the Elgin Watch Company for the reason that we learned that the wholesale dealer whom they in 1903 had threatened to put in Pittsburg to absorb our business if we did not accede to their demands, had rented quarters in Pittsburg, and was endeavoring to engage our most valuable employees.

Since 1899 we had been the largest distributing firm in western Pennsylvania for the American Waltham Watch Company and the Crescent Watch Case Company, and at this time were in perfect accord with them and using their products extensively, but in July a new list of jobbers was issued by the combination, and the name of the W. J. Johnston Company was not included in any of the firms' lists. The blacklisting of this firm was done without any notice whatever from the Crescent Watch Case Company and the American Waltham Watch Company. On July 15, 1905, we wrote Robbins & Appleton, New York, selling agents for the American Waltham Watch Company, asking for deliveries of unfilled orders due to us, and the following is a copy of their reply:

NEW YORK, *July 19, 1905.*

W. J. JOHNSTON CO., *Pittsburg, Pa.*

GENTLEMEN: Replying to your inquiry of the 15th instant, we beg to say that your name is not included in the recent list of dealers in watches recognized as jobbers by the American Waltham Watch Company, and we are accordingly unable to continue to supply you with movements for reasons which you will understand. We very much regret the circumstances.

Yours, truly,

ROBBINS & APPLETON,
Per J. S.

The organ or periodical of this combination is the Keystone, a monthly journal published in the city of Philadelphia. This journal is published in the factory of the Keystone Watch Case Company. It boasts of having 75 per cent of the jewelers of the United States as its subscribers. It permits wholesale dealers who sell the goods of the combination to advertise in its columns. If any of the wholesale watch dealers begin to sell the goods of the independent factories, the Keystone discontinues their advertisements and refuses to insert them in its columns. They will not permit any advertisement in their columns which advertises watch cases or movements that are in competition with the products of the combination.

This journal enjoys the privilege of circulating their mails as second-class matter. The attention of the Post-Office Department has been called to the methods of this journal, and it is to be hoped that it will soon be unmasked and deprived of the governmental aid and assistance in second-class postage, which it is not entitled to.

EXHIBIT A.

SEPTEMBER 4, 1903.

Mr. G. V. DICKINSON, *Chicago, Ill.*

DEAR SIR: I had intended to go to Chicago to-night to see you and endeavor to arrive at some understanding as to our status with your company.

In considering the matter further I concluded that it would be of no consequence or benefit to us to go, as the matters that might be discussed had already been gone over thoroughly.

When you were here we were given to understand that under the conditions existing at that time the Elgin National Watch Company were antagonistic to our interests, and if we did not agree to certain demands, which were stated by you, our deliveries from the Elgin company would be further reduced (although at that time they had been reduced 75 per cent), and possibly altogether cut off.

A further penalty to us would be the placing of a jobbing house in Pittsburg with a backing of your company and one other company stated, this competitive firm of ours to have unlimited capital and goods, to be used to absorb the business of the W. J. Johnston Company.

The reasons given were that we were unduly active in pushing the sale of Illinois watch movements and using our influence and energy to make a market for their product that ultimately would be a loss in business to the Elgin National Watch Company, your argument being that the market demand here being mainly for Elgin watches. This reason to us seems inconsistent in view of the fact that we sold all the Elgin watches you gave us and urged in every way possible for further supplies.

There was another reason also that related to the sale of certain cases that we had handled profitably and satisfactorily to our customers and ourselves that we could not then nor do we now see was in any manner detrimental to the Elgin company, or in fact any of their business.

At your suggestion we submitted on July 25 to Mr. Hulburd a proposition that we considered was conceding your demand and that was equitable to ourselves.

On August 3 we received an acknowledgment of this proposition, in which we were given to understand that we would have a reasonable delivery of Elgin movements to enable us to maintain our business and prestige as representatives of the Elgin National Watch Company.

During the past two weeks we have received from you in deliveries and invoices $344.60, less 6 per cent, worth of goods, and during the present week not one cent's worth.

Since August 1 there has been established here a representative of C. G. Alford & Co., who are, I presume, the firm of "national reputation" you referred to when here. This representative happens to be a brother of the New York agent of the Keystone Watch Case Company, Mr. Trevin. When this representative first came here he was accompanied by C. G. Alford, who visited the retail dealers and circulated the report that there were to be several Pittsburg jobbers removed from the list of the watch companies. That he was after the watch business here, and would guarantee to fill orders for any grade of Elgin movements within three days. About the same time reports were circulated among our Pittsburg customers that we were not allowed to sell any more Illinois movements or Wadsworth cases. We have not yet traced the source of this last report, but will.

We do not regard C. G. Alford & Co. as being jobbers of "national reputation," and would welcome competition such as they afford, ordinarily, but when they can come into our city and are given advantages to help them break into our trade it is unfair and malicious, and we do more than protest against it.

The same can be said of advantages given to the Non-Retailing Company, who can supply the demand here for Elgin movements that we do not get enough of to supply one retail store.

We are simply playing at the watch business and pretending to be able to do what we do not now expect to be able to. We are disappointing our customers to whom we have sold cases and promised movements for, and thus creating trouble for ourselves that will be lasting in its results.

This condition will not exist any longer, as we shall instruct our travelers immediately under no circumstances to take any further orders for Elgin movements, and shall on October 1 notify our trade generally in our price list that we can accept no orders for Elgin watches.

We are not going to sit here and say "thank you" to the Elgin National Watch Company or any other company for a few movements. We are not going to become dormant and old fossils waiting for something to turn up, trying to satisfy those from whom we get goods or to whom we sell goods, if they can not be pleased by consistent and honorable treatment.

We are going to sell goods that we can get and shall pursue the most aggressive policy hereafter in our business and let our customers know what we have to sell and why we sell them, and manage and mind our own business.

If we had even done anything that was not consistent with good business, or that should in any manner be disagreeable to the Elgin National Watch Company, we could take their treatment more philosophically, but in view of the fact that we are men of sufficient egotism to warrant us in believing that we can run a business successfully, and know that our methods of doing business have been satisfactory generally to all with whom we had done business, either as debtors or creditors, we don't propose to have our business hampered or success checked and accept dictation and treatment such as would not be warranted under any circumstances to any concern who pay their bills and are in good repute.

Yours, very truly,

W. J. JOHNSTON.

EXHIBIT B.

THE WALDORF-ASTORIA,
New York, June 24, 1903.

Mr. W. J. JOHNSTON, *Pittsburg.*

DEAR SIR: Yours of yesterday, asking for the details of the conversation between Mr. Irving Smith and myself, just received. In reply would say:

Mr. Stearns introduced me to Mr. Smith and was present during the few moments we were together. We were discussing the people on the list and those who had been dropped. Biggart & Wolf were mentioned, and Mr. Smith said: "Yes; they were put off to please you people, and in return you use more Wadsworth cases than any other make." I replied that when we sold a Wadsworth case it did not compete with either a Crescent or a Boss case, because they made no case to compete with it, and that I felt if we gave up the Wadsworth case it would be a loss of considerable business to us. Mr. Smith looked me straight in the eyes, elevated his eyebrows, and very slowly replied,

"Don't you think, Mr. Smith, that the loss of Elgin and Waltham movements would be the cause of a much greater loss of business to you than the loss of Wadsworth cases." He then said, as near as I can remember, in the following words: "We are not telling any man what he shall or shall not do in this matter. A great many of them we do not care what they do. When the time comes if they do not do the right thing they will be dropped. Your concern is one of the very few that we would like to see do the right thing and get on the inside. There will be a great many dropped, but I would like to see Johnston with us, and I give him credit for being smart enough to see how the thing is going. He is the man we want in your section and I am surprised that he has not seen how things are going before this. I am anxious to see him when he comes to New York, and will drop him a letter to-night." He then offered an apology for speaking business to me while on a vacation, said he had perhaps said too much, because he realized you were not a man to be dictated to, but added that you would make a big mistake if you went the wrong way.

I think the Ray people will be in the combination. Both Stearns and Canfield say there is nothing doing so far as they are concerned, but their denial is not as emphatic as it might be.

Very truly, yours,

DORY A. SMITH.

MORE EVIDENCE AGAINST THE WATCH TRUST.

At a subsequent date, at my request, Mr. Johnston furnished me with the following additional facts. I print them here for the reason that Exhibit A, attached thereto, to wit: the letter from the Elgin Company dated July 29, 1903, and the circular which accompanied it, together with the other evidence in this case, is, I think, sufficient to establish the existence of this trust to the entire satisfaction of any reasonable, fair-minded man.

COPY OF LETTER OF W. J. JOHNSTON, OF PITTSBURG, PA.

We offer in refutation of the statement made that no watch trust or combination exists, the following proof and information at our command:

On or about February 1, 1902, the wholesale watch dealers of the United States were informed simultaneously and separately, by the American Waltham Watch Company, of Waltham, Mass., the Elgin National Watch Company, of Elgin, Ill., the Keystone Watch Case Company, of Philadelphia, Pa., and the Crescent Watch Case Company, of Newark, N. J., that on and after that date the discounts from the list prices of their goods would 20 per cent, with an additional discount of 6 per cent upon payment of the accounts on the 10th of the month following the deliveries and billing of goods to them.

In addition, on July 1 and January 1 thereafter all jobbers then in good standing with these companies were to have a rebate of 3 per cent in addition to the discounts previously mentioned.

They were obliged to sell these goods to the retail trade at a discount of 10 per cent, and an additional discount of 6 per cent for cash paid for bills within thirty days after date.

The promulgation of these discounts by the four companies named made a net reduction in the former profits made on these goods by the wholesale watch dealers of 1½ per cent and more.

At the same time printed lists of the names and locations of wholesale watch dealers throughout the United States were issued by each one of these four companies and sent to the various firms included in these lists, recognizing them as being entitled to all the rights and privileges of wholesale dealers and entitled to the discounts quoted above.

Since that time there have been eleven additional lists of wholesale dealers sent out by these four companies of which we submit here the four copies of the eleventh edition, that were issued February 1, 1903.

The twelfth edition was issued on or about July 1, 1903, and, as a short time previous to that date this firm had been blacklisted by the association, we did not come into possession of a set of these lists.

The list prices quoted off Elgin and Waltham watch movements were identically the same by both companies for each size and grade of movement, and each company made a duplicate in size and grade of each other's movements.

On or about July 1, 1903, a notice was issued, in most cases verbally, by at least one agent of the four companies, to the wholesale dealers, in which they were required thereafter to bill on separate billheads, goods made by the four members of the combination. In our case this notice was served by a representative of the Elgin National Watch Company, who acted as a representative at the same time for the combination.

We assumed that we would be permitted to send a circular to our customers notifying them of this ruling, and had the circulars printed for that purpose. Before mailing them we submitted a copy of them to the Elgin National Watch Company. (See Exhibit A.) The reply received from the Elgin National Watch Company's headquarters in Chicago, dated July 29, 1903, gave explicit directions as to what we might do, but we were not permitted to issue the circulars.

We submit, further, a letter from New York, dated September 23, written to us by Robbins & Appleton, the selling agents for the Waltham Watch Company, in which we are advised, and the advice underlined, that our best interest would lie in standing by the two old-line companies, meaning the Waltham and Elgin watch companies. (See Exhibit B.)

In the statement issued by the Waltham Watch Company and printed in the CONGRESSIONAL RECORD, it is stated that there is a foreign syndicate attempting to regain the ground lost by them in the United States. To anyone acquainted with the watch business of this country, so far as it relates to the products of the Elgin and Waltham watch companies, this statement will sound very queer, because the importation of watches to the United States from abroad to the extent of at least 95 per cent are not of the character and style that enter into competition with the Elgin and Waltham products, and this matter is easily determined on investigation in the proper quarters, namely, the importing watch firms of the United States.

The goods brought into this country from abroad are almost wholly very cheap goods, averaging in value about $1, or are very fine goods of a character that are not made and can not be made by the Waltham and Elgin watch companies. The latter class of goods are mainly very fine hand-made timepieces or complicated watches, such as chronographs and repeater chronographs, in which there is required a skill in hand work that has never been developed in the United States.

Fifteen years ago the Waltham Watch Company undertook to make this character of goods, but abandoned the effort after a short experience. It is an acknowledged fact that can not be denied by either the Waltham or Elgin watch companies that watch making in their factories is dependent mainly on their machine shops, and not on watchmakers, and that they have such perfected automatic machines that hardly any part of the making of the material that enters into the watch is done by hand labor. The ensembling of the parts is usually done by female labor, and the only really important and high-priced labor is that of the finishers and adjusters.

We will not state with any authority, but it is our belief that not more than 10 per cent of the labor of either the Elgin or Waltham factories is engaged in the finishing and adjustment of these watches. In fact, it is beyond question that not more than 25 per cent, and possibly a very much smaller proportion, of the products of the Waltham and Elgin companies are adjusted movements.

We wish to lay particular stress on the allegation, which is a reflection on the first-class retail jewelers, that Swiss watches are bought without trade-marks or distinguishing characteristics for the purpose of extorting large profits from the public and deceiving buyers as to the quality of goods purchased. It is a well-established practice of the Waltham and Elgin watch companies to produce watches differing from their regular lines, made without any trade-mark or distinguishing characteristics that will identify them as Waltham or Elgin watches, engraved with special names or with the name of the jeweler enameled on the dials and engraved on the plates and in no manner distinguished as Waltham or Elgin watches. This practice is usually with the better grades of watches, and the jewelers who sell these special watches do it on their reputation and not on the reputation of the manufacturer. The wholesale agents of the combination are encouraged by the combination to push the business of these special movements without trade-marks or distinguishing characteristics, and the Waltham and Elgin watch companies derive a large part of their business from this source.

I submit to your view a Waltham watch of their highest grade, which has no trade-mark or distinguishing characteristic to identify it as a Waltham watch. This watch is designated as an E. Howard & Co. watch, and has been made in the Waltham watch factory within the past three years.

The E. Howard Watch Company was the makers of the finest American watches ever made and earned their reputation. They failed and ceased to exist in 1898, and one of the assignees or receivers is now an important official in the watch combination.

I submit herewith a booklet of Howard watches, on the second to the last page of which are prices of Howard watches that are the minimum prices at which the retail jeweler is permitted to sell them. The highest-priced watch is $150.

I submit further a price list which is the authorized price list of the combination. On page 7 is described the 16s. Maximus at $50, which must be sold to the retail jeweler at $42.30 and which cost the wholesale dealer $36.47. This movement, fitted in an extra heavy 14-carat gold case, can be sold by the wholesale dealer for $75. Therefore, if this movement did not have the Waltham trade-mark or any distinguishing feature to identify it as a Waltham watch, a minimum selling price of $150 might be set on it to encourage some retail jewelers to bunco some unsuspecting buyer out of 100 per cent profit.

Mr. Fitch and Mr. Robbins belittle and depreciate their watches when they state that extraordinary profits in watches should be made from the public by the retail watch dealer, because he had to guarantee them so long as he lives. Further, it is stated that week after week, month after month, the wearer expects to have it regulated, compared with standard, adjusted, etc. The rule in the retail watch business is to guarantee a watch for one year, except against breakage. Charges for breakage are made at all times excepting mainsprings the first year, and after that the responsibility of the watchmaker ends. We have too good an opinion of the Waltham and Elgin watches to think that they require regulating, adjusting, etc., weekly and monthly, and if this opinion of Messrs. Fitch and Robbins is an honest expression, then they have depreciated the character of their goods in a manner that if done by others would excite their utmost indignation.

The Waltham company do not have to use the inducement to sell their watches in England that they state is necessary to be done in new fields, as they have been established in the English market for many years past as strongly as in the American market, and do more business in England than any other watch company in the world. They meet their competition without any advantage, as the foreign manufacturers have the same advantage in England that the Waltham company have there, but can not compete with them in the United States owing to the advantage of the American manufacturers in the tariff.

In the summer of 1903 the writer visited Mr. Fitch in Waltham, and at that time the statement was made by Mr. Fitch that they were making and exporting 16-size movements at $2 each, and making a profit on them. At that time the wholesale dealers of the United States were paying the Waltham Watch Company $3.65 net for the same class of movement. Mr. Fitch stated futher in the same interview that if the watch business became depressed the Waltham company could make watches and sell them at a price that would make a profit for them and put every independent manufacturer out of business. The production of the Waltham factory, according to their statement, is one watch a day for every employee, and if this is true, and it no doubt is, the Waltham Watch Co mpany's profits are so enormous that they can cut the present prices of their products in two and still have one of the most profitable institutions in the world.

This statement is made with all due respect to the officials of the Waltham and Elgin watch companies, and we can not speak too highly of the talent, energy, and progressiveness of these companies that have built up the watch business to a standard which should be the wonder of the world. We deplore, however, their selfishness in not giving the people of the United States the same consideration that they have to the people of England and other foreign countries, and not recognizing the right that their own countrymen have, to get as much for their dollar as the people of other countries have. We regret that they should sacrifice any of the respect due to them by their alliance with the Keystone and Crescent watch-case companies, and allow these case companies to intimidate and blackmail the wholesale watch dealers of the United States in the effort to stifle competition on watch cases, and extort millions of dollars from the public in the scheme to sell their movements in Keystone (James Boss) and Crescent watch cases at extortionate prices.

W. J. JOHNSTON,
President of The W. J. Johnston Company, of Pittsburg, Pa.

EXHIBIT A.

ELGIN NATIONAL WATCH COMPANY,
Chicago, July 29, 1903.

Mr. W. J. JOHNSTON,
Fifth Avenue and Market Street, Pittsburg, Pa.

DEAR SIR: We are in receipt of your letter of July 28 inclosing a copy of the circular you purpose issuing. I doubt the advisability of

sending out a circular to your trade on this subject, particularly as we do not want to have the trade to construe your meaning as though it is a command of the manufacturers. As a matter of fact, it is the desire of the jobbing trade that the dating of bills should be discontinued, and the manufacturers are simply giving their moral support.

I inclose you a copy of a circular as issued by one of the jobbing houses not for general distribution, but simply to give to traveling men to show the customers. This would seem a better way than to issue, as you propose doing, a circular to the general trade.

Very truly, yours,

G. V. DICKINSON,
General Agent.

[Copy of circular issued to traveling men.]

From this date we must insist that all Elgin and Waltham movements, Keystone and Crescent cases, appear on a separate bill, and no other goods but the above shall appear in this bill. The terms must be marked plainly 6 per cent thirty days, and also the letter "W" must appear in the terms, so that when our bookkeepers post this bill it will show on our ledger that it is watches. No other terms but these must be given to any of our customers.

There shall be absolutely no dating, nor shall there be any consignment of the above goods to anyone. All remittances and settlements must be made direct to ——— Company, and no traveling man will in the future be allowed to make settlement of any of our customers' accounts.

There shall be no memorandum goods of the above makes left on memorandum by you to any of our customers.

The above rules we must insist upon, to take effect at once, and if any deviation is made it will be at the penalty of the offender losing his position with this company.

You are well aware of the fact that the above movements and cases are leaders in this country, and the demand for these goods is growing so large that your customers will fully realize the advisability of a system of this kind, so that in the future there shall never be any trouble about dating bills.

There shall be no season settlements nor anything of that kind, and if a customer's account runs over thirty days from the date of the delivery of the goods he shall not be entitled to any cash discounts on any of the above makes. Please acknowledge receipt of this letter.

Yours, very truly,

——— ——— COMPANY.

EXHIBIT B.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH CO., WALTHAM, MASS.,
New York, September 23, 1903.

DEAR MR. JOHNSTON: I presume that you will not have an opportunity to be here before the 1st day of October, and I will therefore write what I desired to say to you verbally. I have talked with Major Appleton in regard to my interview with you a week ago, and he indorses the views expressed. These are also Mr. Fitch's views. You said that you would leave a certain question to us. Our answer is that we are convinced your best interests lie in standing by the two old-line companies. I think I made myself perfectly clear, so that a repetition of my arguments will be unnecessary. The more I think over the matter the more I feel that you will be making no mistake in following the recommendation which I made to you.

According to our records, your account with us during the present month is in excess of $5,600 so far, and within a day or two we will make you another delivery.

On October 1 we will list 19 J. Vanguard and 19 J. Crescent Street movements, as well as 21 J. The Vanguard 23 J. will be continued. For some time past there has been a movement on the part of several chief inspectors to dispense with some of the cap jewels, and I inclose herewith a copy of a notice recently issued by the chief inspector of the time service on the Canadian Pacific Railway expressing his views. Other prominent inspectors in this country are taking the matter up actively. I can not at this writing give you the complete description of the 19 J., but I will send it as soon as it is received from the factory, which will be in a day or two. The revised prices will be as follows:

18s. and 16s. Vanguard, 23 J	$30.00
18s. Vanguard, 21 J	27.50
18s. Vanguard, 19 J	25.00
Crescent Street, 21 J	22.50
Crescent Street, 19 J	20.00

All of these will be made in both hunting and open face. I trust this notice will reach you in good season to be incorporated in your forthcoming price list. Please accept the information in strict confidence pending our formal notice to the trade on the 1st of the month. We are receiving a few hunting Vanguard 19 J. and will be glad to supply you with some of these in anticipation of the general demand for them when the prices are increased.

I would be obliged if you would let me hear from you in reference to all of the foregoing matters at your earliest convenience.

Cordially, yours,

J. R. GLEASON.

MR. W. J. JOHNSTON.

A PROMINENT NEW YORK JEWELER WRITES TO THE PRESIDENT OF THE UNITED STATES COMPLAINING OF THE EXACTIONS OF THE WATCH TRUST.

The following is a copy of a letter written by a prominent New York jobber to the President of the United States, complaining of the watch trust. It contains much valuable information on this subject:

NEW YORK, *April 17, 1906.*

President THEODORE ROOSEVELT.

HONORED SIR: Will you kindly permit me to bring to your notice a few facts in connection with the much-discussed "American watch trust?" I will endeavor to be brief and write only of those circumstances, for the truth and reliability of which I can personally vouch, as affect the trade and the purchasing public.

The Waltham and the Elgin watch-movement manufacturers, the Keystone and the Crescent watch-case manufacturing companies have of late years been generally known as the "watch trust" and are designated as the "Big Four." This combine was formed on the pretext of a community of interests, but in fact for the purpose of controlling the American watch industry and of destroying all competition and competitors.

The product of this trust is sold to a few exclusive jobbers or wholesale dealers throughout the country, who, in their turn, sell it again to the retail merchant or storekeeper. It is no easy matter to become a "jobber," as the terms and exactions are harsh and arbitrary, and only such firms are selected as are approved by all four companies. The profits made by the dealer are really small, netting him between 10 and 12 per cent only—in fact, not more than half that amount if he reckons the interest on the capital invested.

Now, these dealers are harassed by a number of very humiliating conditions and penalties, while the "combine" retains the privilege of treating them just as they please. Thus the dealer is forced to accept whatever goods they choose to send him, ordered or not ordered. Each dealer has to take his share, pro rata, whether he wants to or not, and as often as they choose to send it. I have known some of the larger dealers to carry as many as 10,000 to 20,000 watch movements, all paid for (for the trust's terms are cash). These they have been forced into accepting against their wishes. Their unwilling acquiescence was due to fear of offending the trust and being "dropped off the list," for to offend one of the Big Four means to offend all, and if one of the concerns cuts the jobber off, then he is summarily cut off by all four. They simply suddenly drop him and know him no more.

It is nothing to them what injustice or injury is inflicted on him, or his loss, the numberless ways it can damage or even ruin a decent and honorable firm. They do not even grant the sufferer an explanation, or give a reason. In fact, I have been treated thus myself, and know of many others of similar experience. Then again, the trust fixes the various prices at which the movements and cases are to be sold; it also fixes the discounts that the dealers are allowed to give, and on what terms the dealers may be allowed to sell, and any sale reported contrary to these terms and in violation of the trust's stipulations will cause him to be "dropped off the list."

I am not anxious to introduce politics into a matter of trade grievance. Our trade as a whole is in favor of a reasonable and just tariff on imported watches, and a due protection to the American watch industry. But, Mr. President, we respectfully submit that the extra protection given to the watch trust under the Dingley bill has most signally failed. It has not benefited anyone but the stockholders of the "Big Four."

The former McKinley tariff afforded ample protection, as was proved by trade experience and official statistics. The increased tariff duties on watches, as provided by the Dingley tariff bill, was intended expressly to prevent the importation of watches of foreign make, whereas in fact it entirely failed in this respect. It has closed this market to only the poorer class of watches, while it has largely increased it for those of a better grade and higher class, exactly the opposite of what was intended. Under the McKinley bill the tariff was 25 per cent on all; to-day the Dingley bill imposes a 25 per cent ad valorem—extra a specific duty on movements of $0.35 on those of 7 jewels, $0.50 on those of 11 jewels, $0.75 on those of 15 jewels, $1.25 on those of 17 jewels, $3 on those above 17 jewels.

Also, extra, another specific duty of 40 per cent on all cases, irrespective of what metal. The cheaper the watch the greater the percentage of duty, in some classes reaching as high as 80 per cent, while a general average would be from 45 per cent to 50 per cent. The specific duties are really an imposition on the American public, and were specially granted to satisfy the watch trust.

Mr. President, I do not stand alone in respectfully submitting these facts to you and in hoping to secure your interest and help in getting these abuses righted.

I beg to remain, most respectfully, your obedient servant,

WILLIAM COOPER.

DIFFICULTIES WHICH HAVE BEEN ENCOUNTERED HERETOFORE IN AN ATTEMPT TO GET AN OFFICIAL INVESTIGATION OF THIS TRUST.

One or two letters were presented by my colleague [Mr. BOUTELL], written by retail watch dealers, in which these dealers express themselves as being satisfied with the watch combination, and they also say they consider the methods adopted by the trust to be beneficial to the retail dealers; and my colleague submits these letters as conclusive upon this phase of the question.

I have here in my possession a petition, signed by 208 retail jewelers, protesting against these very conditions. This petition was circulated in the county seats of many counties and in nearly all the States about a year ago. It fairly represents the feeling of retail jewelers throughout the country.

I here print the petition which was so signed. I have the original in my possession.

COPY OF PETITION.

"To the Elgin National Watch Company, Waltham Watch Company, Keystone Watch Case Company, Crescent Watch Case Company, Philadelphia Watch Case Company, known as the 'Big Four Watch Trust of America.'

"GENTLEMEN: It has come to our notice that you have formed a trust and have already commenced the practice of many trusts—the destruction of legitimate competition. This we consider un-American and an injustice to the business interests of our country.

"We go on record in stating that in our belief the best interests of the people throughout the country are best served through the means of legitimate competition, and that any combination of capital, 'gentlemen's agreement,' or 'community of interests' between corporations for the direct purpose of monopoly should be checked in their infancy before they succeed in destroying legitimate competition.

"All wholesale merchants should be permitted to carry kindred competitive lines, a condition best suited to them and best suited to the retailer, thus affording us the opportunity to purchase of our jobbers the varied products of all watch manufacturers, giving each an equal chance in a competitive market, 'legitimate competition' being the life of trade.

"We strenuously protest against the illegitimate competition forced upon us by the advertising of certain concerns, and urge that at an early date you show your good will toward the retail jeweler by regulating the matter of advertising of your product at such a minimum figure as to insure to the retail jeweler a fair chance in competition and a fair margin on his investment.

"An early compliance in that particular will be appreciated.

"In the spirit of fairness to the wholesale merchants whom you retired from your shipping lists February 1, 1905, because they had the moral courage to refuse your demands, viz, that they discontinue the buying and selling of all makes of movements and cases other than the product of your trust, we earnestly petition that these said jobbers be reinstated on your shipping lists at an early date.

"We also take up the cause of the wholesale merchants whom you have retained on your shipping lists and who through your trust methods have been forced to close out their competitive lines and agree to buy and sell only such movements and cases as are manufactured by your trust. This we consider an act in restraint of trade and therefore an injury to our mutual interests.

"We have long since recognized your monopoly in the manufacture and sale of 0-size movements, and do believe that the additional price you have received on this particular size movement has more than compensated you for your extra expense in producing it. We therefore request that at an early date you reduce the price of 0-size movements so as to compare more favorably with the cost of 6-size movements, the difference in price between these two sizes being unfair to the trade and the people generally.

"Most respectfully submitted."

(SIGNED BY 208 RETAIL JEWELERS.)

This petition, with its 208 signatures, was brought to the attention of the watch combination without appreciable result.

The petition was then submitted by William H. Wagner, of Cleveland, Ohio, to the President and to the Commissioner of Corporations, and in order to show that over a year ago this matter was brought to the attention of this Administration I here print the reply of the Commissioner of Corporations to the petition of the retail jewelers.

DEPARTMENT OF COMMERCE AND LABOR,
BUREAU OF CORPORATIONS,
Washington, May 4, 1905.

WILLIAM H. WAGNER, Esq.,
29 Euclid avenue, Cleveland, Ohio.

SIR: Your letters of the 29th ultimo to the President and to the Commissioner of Corporations, inclosing petition to various watch companies, and letter to retail jewelers, and complaining of restraint of trade in the watch business, were received by this Bureau.

In reply allow me to inform you that this matter, so far as set forth in said letter and accompanying papers, seems to be a complaint for violation of the antitrust act, and if such is the case, the proper place for such complaint is the Department of Justice, Washington, D. C.

This Bureau has no authority whatsoever to take any direct action in enforcing the antitrust act, nor can it afford any direct remedial redress under the circumstances which you outline. Its only authority is that of investigation with the duty of report to the President.

The Buerau, however, is interested in ascertaining methods of combination, and the information furnished by you will be added to the material now on hand here. I desire accordingly to express my thanks for your courtesy in furnishing the same.

Respectfully,

HERBERT KNOX SMITH,
Acting Commissioner.

The jewelers interested then brought the matter to the attention of the Department of Justice and received the following reply:

DEPARTMENT OF JUSTICE,
Washington, D. C., June 2, 1905.

Mr. WM. H. WAGNER,
29 Euclid avenue, Cleveland, Ohio.

SIR: The Department is in receipt of your letter of the 6th ultimo, complaining of an alleged "watch trust," but stating no specific facts in support of your allegation.

The machinery of the Government can not be put in motion in matters of this kind upon the bare statement that the law has been violated.

Respectfully,

W. A. DAY,
Acting Attorney-General.

I propose to again present this petition to the Department of Justice together with the facts and data I have collected, and to ask that this most infamous of all the combinations in restraint of trade be investigated, even if the investigation and the subsequent proceedings demonstrate the necessity for tariff revision.

DIFFICULTIES IN OBTAINING INFORMATION FROM THE PRESENT ADMINISTRATION WHEN THE INFORMATION FURNISHED WOULD SHOW NECESSITY FOR TARIFF REVISION.

The Waltham Company, while protesting that only the cheaper grades are exported—the kind for which there is no sale in this country—are using most strenuous methods to keep their movements from being reimported. They have been attaching a Swiss dial, worth 4 or 5 cents, in order to be able to say that the movement has been "improved upon while abroad," and is therefore subject to duty as if it were entirely made abroad. Otherwise the goods, if reimported, would be admitted free. I knew that the Waltham Company had protested in New York against the admission free of certain American-made watches. I wanted the evidence of it. I felt confident that the collectors of all our ports had been warned either by the Secretary of the Treasury direct or by the Waltham Company to be on the look out for watches so "improved." The following correspondence shows how enthusiastically the Treasury Department has entered into this miserable subterfuge, and how this Department is acting in complete harmony with the watch trust in order to keep American citizens from buying American watches as cheap as citizens of other countries can buy the same goods. In spite of the efforts of the Secretary of the Treasury to prevent it, I obtained a copy of the Waltham letter from the collector of one of our ports and I have inserted it in the body of my speech, and for that reason do not reproduce it here.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,
Washington, D. C., April 24, 1906.

Hon. NEVADA N. STRANAHAN,
Collector of the United States Customs Service,
Port of New York City, N. Y.

DEAR SIR: About thirty days ago a consignment of merchandise, ex. steamship *Philadelphia*, two cases of watches and watch movements, invoice 12197, entry 62757, as American goods returned, consigned to C. A. Keene, 180 Broadway, New York City. I am advised that a protest was made by the Waltham company and that you returned as dutiable 1,209 Waltham watch movements on the ground that the same were of "American manufacture advanced in value and improved in condition since exportation from the United States." I am advised that the protest was filed with you against the above 1,209 Waltham watch movements by the Waltham company and that the same was supported by affidavits. Please send me copy of the protest and the affidavits in support thereof; also advise me as to the fees for making the same, and I will remit, or, if your rules require payment in advance, please wire me at my expense the amount for making the copies and I will remit at once.

Yours, truly,

HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE, PORT OF NEW YORK,
April 25, 1906.

Hon. HENRY T. RAINEY, M. C.,
House of Representatives, Washington, D. C.

SIR: I beg to acknowledge the receipt of you communication of April 24, requesting that a copy of the protest which you understand was lodged by the American Waltham Watch Company, and also of the affidavits in support thereof, in regard to an importation of Waltham watches, ex. steamship *Philadelphia*, by C. A. Keene, 180 Broadway, New York City, be forwarded to you.

Your letter has been forwarded to the Secretary of the Treasury with a request for instructions in the matter, and as soon as such direction is received from him immediate action will be taken by this office.

Yours, respectfully,

J. J. CONELY,
Special Deputy Collector.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES U. S.,
Washington, D. C. April 30, 1906.

Hon. NEVADA N. STRANAHAN,
Collector United States Customs Service,
Port of New York, New York City, N. Y.

DEAR SIR: Referring again to our correspondence with reference to certified copies of the protest and affidavits in support thereof, filed by certain watch interests with you, on account of which a shipment of watches to C. A. Keene, of New York, was held up in your office, I desire to say that you have not yet advised me whether you can furnish me with the copies in question. You wrote me several days ago that you had referred the matter to the Secretary of the Treasury. I am investigating the matter now as a Member of Congress, and would like to have copies at as early a date as possible. If I can not have them, I would like also to know that at as early a date as possible.

Yours, truly,

HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE, PORT OF NEW YORK,
May 7, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: Your letter of April 30 was received and held awaiting reply from the Treasury Department in regard to your application for copies of the affidavits and information lodged with this office with reference to an importation of watches by C. A. Keene, of New York.

I beg to state that I am unable to give you the desired information, for the reason that the Department do not feel that they can with propriety authorize this office to supply the same.

Yours, respectfully,

J. J. COUCH,
Special Deputy Collector.

COMMITTEE ON LABOR, HOUSE OF REPRESENTATIVES,
Washington, D. C., May 2, 1906.

SECRETARY OF THE TREASURY, *Washington, D. C.*

SIR: Please advise me whether you have been advised by the American Waltham Watch Company directly, or through any of their agents, or by any other American watch company directly or through any of their agents, to be on the lookout for American-made watch movements, improved upon while abroad by adding Swiss dials or in some other way? Have you been requested by any watch company, or their agents, to notify the collectors at the various ports to look out for American-made watch movements improved up, and therefore dutiable? Can you send me copies of such letters of advice from any watch company? I am looking up the question of the reimportation of American-made goods, particularly the question of the reimportation of American-made watches.

Yours, truly,

HENRY T. RAINEY.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 8, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: In reply to your letter of the 2d instant in which you request to be furnished with copies of letters received from certain American watch companies relative to the importation of watches made by them and sold abroad, I have the honor to state that information of the character referred to is considered as confidential by the Department and can not therefore be disclosed.

Respectfully,

L. M. SHAW, *Secretary.*

The following letter I sent to the collectors of nearly all our ports, believing that the Secretary of the Treasury would refuse to furnish the desired information. I attach some of the replies, which show how completely this Administration indorses the method by which the watch trust attempts to make the law inoperative.

I wrote to the collectors a week before I wrote to the Secretary of the Treasury, in order that they could not be directed by the Department to refuse to furnish me with the information I desired. The wisdom of this course is fully demonstrated. The nearer you get to the present Administration the stronger the determination is manifested to give out no information that will show the necessity for tariff revision. The answer of the collector, which contained a copy of the Waltham letter, is reproduced in my speech.

COMMITTEE ON LABOR,
HOUSE OF REPRESENTATIVES, U. S.,
Washington, D. C., April 24, 1906.

JOHN C. CLINE,
Collector United States Custom Service, Port of Los Angeles,
Los Angeles, Cal.

DEAR SIR: I am advised that the Waltham Watch Company, and perhaps some other American watch companies, have notified you to be on the lookout for Waltham watches imported by C. A. Keene, of New York; also advising you that these American-made watches have

been finished and improved upon abroad, which makes them more valuable when returned, and therefore they are subject to duty as any foreign-made goods. Please advise me if this is true or not; also send me a copy of the letter of notification received by you from the Waltham Watch Company, or any other American watch company, together with your fees, or let me know what your fees are and I will remit.

Yours, truly, HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR,
Portland, Oreg., April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your communication of the 24th instant in regard to the importation of certain watches manufactured by the Waltham Watch Company, and in answer thereto beg to inform you that no such importations have been made at this port, but this office has been instructed by the Secretary of the Treasury to assess duty on watches manufactured by this company which have been exported and returned with certain improvements. You, no doubt, can obtain the information desired from the honorable the Secretary of the Treasury, to whom the letter from the Waltham Watch Company was addressed.

Respectfully,
I. L. PATTERSON,
Collector of Customs.

UNITED STATES CUSTOMS SERVICE,
PORT OF BUFFALO, N. Y.,
April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: In answer to your letter of the 24th instant regarding the Waltham Watch Company et al., I beg to say this office has had no letters from any firm direct, but did receive a copy of a letter of Robbins & Appleton, agents of the American Waltham Watch Company, of No. 21 Maiden Lane, New York City, dated April 2, 1906, to the honorable Secretary of the Treasury, which was forwarded here with Department's letter of April 13, 1906, for our files.

If you will apply to the Secretary of the Treasury, you will be able to get the information desired.

Respectfully,
W. H. BRADISH,
Special Deputy Collector.

UNITED STATES CUSTOMS SERVICE,
PORT OF NEW ORLEANS, LA.,
April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of the 24th instant, I beg to state that the information relative to reimported American watches came from the Treasury Department, and you can doubtless obtain a copy thereof on application to the honorable Secretary of the Treasury.

Respectfully,
HENRY MCCALL, *Collector.*

UNITED STATES CUSTOMS SERVICE,
PORT OF CHICAGO,
April 26, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of yours of the 24th instant, making inquiry whether we had received any communication from the Waltham Watch Company, or other American watch companies, in regard to the American-made watches that were being finished and improved abroad and returned to this country.

We have had no communication from the Waltham Watch Company, nor from any of the other watch companies, but our attention has been called by the Secretary of the Treasury to the reported reimportation of such watches, and we are cautioned in regard to the same.

Respectfully, yours,
WM. PENN NIXON,
Collector of Customs.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Detroit, Mich., April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives, Washington, D. C.

SIR: I beg to acknowledge receipt of your communication of the 24th instant relative to the return of American-made watches to the United States after the same have been advanced in value abroad, and in reply would inform you that this matter has been made the subject of correspondence between the honorable Secretary of the Treasury and this office.

Respectfully, JOHN B. WHELAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Toledo, Ohio, April 26, 1906.

Hon. HENRY T. RAINEY, M. C., *Washington, D. C.*

SIR: I have your letter of the 24th instant relative to American watches imported after having been improved abroad, and I beg to state that we have had no correspondence with the Waltham or other company upon the subject. We have had, however, instructions relative thereto from the Secretary of the Treasury, with citations from manufacturers' correspondence, which, it is assumed, would be available to you through the Department.

Respectfully, JOS. C. BONNER, *Collector.*

UNITED STATES CUSTOMS SERVICE,
Port of Boston, Mass., May 1, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of your letter of date April 28, 1906, further in regard to the question of watches.

In reply, I would state that I do not feel at liberty to make public any correspondence from importers to this office without direct authority from the Department.

Respectfully, yours, GEORGE H. LYMAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
San Diego, Cal., May 1, 1906.

Hon. HENRY T. RAINEY, *Washington, D. C.*

SIR: Respectfully replying to yours of April 24, 1906, requesting certain information from this office relative to the Waltham Watch Company, I have the honor to respectfully refer you to the honorable the Secretary of the Treasury.

Yours, respectfully, F. W. BARNES, *Collector.*

CONTEMPTIBLE METHODS EMPLOYED BY THE ELGIN COMPANY IN THE PRESENT CONTROVERSY.

The Watch Workers' Union, No. 6961, of the American Federation of Labor, have been persuaded by the Elgin company to adopt resolutions protesting against the reduction of the tariff on watches or parts of watches, and my colleague [Mr. BOUTELL] has caused the same to be printed in the RECORD. One of the meanest things the watch trust has done in this controversy is to induce this labor union to pass this resolution. It is to be hoped that the watch workers of Elgin will yet have the courage to reconsider their action and repudiate the doctrine announced in these resolutions, so contrary to the fundamental doctrine upon which labor organizations must stand.

I think I can best answer these resolutions by printing here a letter written to the secretary of this union by Mr. T. F. Monahan, of this city, who has been a prominent union man himself, and who has given much time to the consideration of these questions. He kindly sent me a copy of a letter written by him to the secretary of the Elgin Watch Workers' Union.

WASHINGTON, D. C., *May 2½, 1906.*

Hon. H. T. RAINEY, *House of Representatives.*

DEAR SIR: After reading the resolutions adopted by the watch workers of Elgin, Ill., protesting against any reduction of the tariff on watches, I was constrained to point out some of the iniquities and absurdities of our protection policy in a letter which I addressed them, a copy of which I inclose herewith, believing it will interest you.

Very respectfully,
T. F. MONAHAN.

WASHINGTON, D. C., *May 2½, 1906.*

Mr. J. W. LEGATE,
Secretary Watch Workers' Union, Elgin, Ill.

DEAR SIR: I have read with profound astonishment, indignation, and sorrow the following communication which you sent to Hon. H. S. BOUTELL, the accredited champion of the watch trust in Congress:

"Whereas, attempts have been made by certain Members of Congress to remove the duty on watches, which action would, in our opinion, be extremely detrimental to the watch industry of this country: Therefore be it

"*Resolved*, That the Watch Workers' Union, No. 6961, American Federation of Labor, enters an emphatic protest against any removal or reduction of the tariff on watches or parts of watches and requests you to work and vote against the same."

Why watch workers should concern themselves to maintain the tariff on watches, which compels their fellow-workers to pay the watch trust twice as much for a watch as it offers it to foreigners, is beyond human comprehension. If their wages were determined by the price of watches there would be some sense in their emphatic protest against a reduction of the tariff. But the price of watches has no more to do with a watch worker's wages than the color of the dial with the watch's ability to keep time. If proof were needed to show that the price of watches has nothing to do with the price of labor and that a protective tariff does not benefit labor, it is amply supplied by the same watch workers' union, which in August, 1898, submitted the following statement of grievances to the Elgin National Watch Company:

"*Whereas*, The price of stem-fitting and finishing watches under these conditions has been cut to a point where we can not make living wages; and

"Whereas we know the company has been actuated in the past by kindly feeling for its employees, which has been shown by generous and unsolicited subscriptions to the aid fund for sick and deceased operatives, and also in many other ways: Therefore be it

"*Resolved*, That the president of the company be informed of the present unhappy condition of affairs at the factory, and see if our grievances can not be peaceably adjusted on the common ground of justice and fair dealing."

Here we have, then, in 1898, one year after the passage of the Dingley Act, which gave the Elgin National Watch Company a special duty on imported watch movements in addition to the ad valorem duty which it already enjoyed, complaining that they could not make living wages under the conditions imposed upon them, and addressing themselves to their employers, not in the dignified and defiant spirit of freemen demanding their rights, but in the obsequious and condescending tone of mendicants soliciting alms. It is to that kindly feeling which had prompted their masters in the past to subscribe to the fund for sick and deceased operatives that they appealed for an increase of wages.

It would indeed be laughable, were it not for the physical, mental, and moral deterioration caused by this iniquitous system, to behold men at one time complaining that they are not receiving living wages and at another time protesting against any modification of the economic system which has reduced them to this deplorable condition.

And yet, in the face of this public confession of virtual pauperism, Mr. BOUTELL has the unblushing effrontery to boast that "they are among the best paid, the most intelligent, and best-educated mechanics in the State of Illinois, and, I think, anywhere in the world, unless it be the Waltham employees, who are fully as good."

If men who declare that they can not earn living wages are the best paid and most intelligent, what must be the condition of the worst paid and most ignorant? If the tariff on watches protected watch workers against low wages, why is it that they appear before the world as beggars, beseeching their protected employers to give them living wages? This bitter and humiliating experience of the watch workers of Elgin, Ill., ought to convince them that their interests and the interest of the watch trust are not identical, but antagonistic. It is to the interest of the watch trust to buy labor cheap, to the interest of the watch workers to sell it dear. That a tariff on watches is for the benefit of those who sell watches and buy labor is clear enough, but how it is for the benefit of those who sell labor and buy watches is not so clear. The assumption that a system of taxation which en-

hances the price of what workers must buy and diminishes the price of what they must sell is to their benefit is just as valid, and not more so, than the assumption that a system that increased the price of labor and diminished the price of goods is for the benefit of those who buy labor and sell goods.

Yet we never hear of employers of labor clamoring for a tariff on foreign workmen or for a removal of the duty on foreign goods. On the contrary, we find them offering every inducement in the shape of false promises of high wages and short hours to foreign laborers to come to this country for the very purpose of reducing the wages of American workmen by their competition for jobs.

And yet it is these very men who, under the hypocritical pretense of benefiting labor, clamor loudest for protective tariffs. It requires no special ability, however, to detect the perfidy of their pretences and the selfishness of their motives, nor more than ordinary economic knowledge and political intelligence to recognize the truth that it is competition in the labor market and not competition in the goods market which determine wages in all protected industries.

If the price of a watch worker's labor was determined by the price of watches, there would be no need for a watch worker's union. It is clearly to the interest of those who sell labor and buy goods to have the price of labor high and the price of goods low, for the more they get for their labor and the less they pay for their goods the better off they are. To increase the price of goods is to diminish the amount which a worker can get for a given amount of labor. Therefore, to increase the price of goods which workers must buy is to reduce the price of their labor. For instance, a laborer can buy a suit of clothes for, say, $10, the price of a week's labor. If that price is increased to $20 by an increase of tariff duties, the laborer would now have to give two week's labor instead of one for the same suit of clothes. Is it not clear that, so far as clothing is concerned, this increase in the price of clothes means to the laborer an actual decrease in the price of his labor? And what is true of clothing is equally true of everything else that is subject to a tariff duty. Why should an American workman be obliged to give two week's labor for a suit of clothes that a foreigner can get for one week's labor? And why should an American railroad engineer be compelled to pay the watch trust $75 for a watch that it sells to foreigners for $40, or why should his brother watch workers endeavor to continue this iniquitous system of robbery? They do not share in the plunder; they are not benefited by the robbery. They are, in fact, victims of the robbery.

Protection to labor! Was there ever such perversion of a word, ever such a noble word used for such an iniquitous purpose? Protection in its true and proper significance means the prevention of loss or injury. It implies some impending danger which we are powerless to avert and against which we invoke the aid of some superior power. But protection, as the word is now used to indicate the national economic policy of the Republican party, means something entirely different. In fact, protection, in the Republican sense, is the very antithesis of protection in its original sense. In the former sense it means the levying of duties on imported goods for the purpose of shielding home producers against foreign competition, so that they can exact higher prices from home consumers. This is the essence, the whole sum and substance, of protection. It does not enable home producers to get higher prices from foreigners; on the contrary, since the passage of the Dingley Act, the home prices of farm implements, kitchen utensils, household goods, mechanics' tools, sewing machines, watches, etc., exceed the foreign prices from 25 to 50 per cent. There are twenty-one different commodities on which are collected tariff duties of more than 125 per cent ad valorem and fifty-seven instances of duties equivalent to over 100 per cent, and these excessive duties, in addition to several profits, must be paid by the consumer.

Last year about 350,000 tons of steel billets were exported and sold to foreign consumers for $18 per ton, while the home consumer was compelled to pay $27. Fully 200,000 tons were consigned to Welsh mills, where they were rolled into plates, dipped in tin, and reshipped to this country. Now, remember that although practically all the raw material used in making these plates are of American production, they are nevertheless subject to a duty of 1⅛ cents per pound, as they are slightly enhanced in value by rolling them into plates, a process that could be done far better here than in Wales. But the Standard Oil Company is the largest importer of these plates, from which it makes cans for its export trade, and, therefore, a drawback is allowed by the Government equal to the full import duty, less 1 per cent, which is about what it costs the Government to collect the duty. Consequently the Standard Oil Company gets the benefit of foreign prices and evades the duty by getting a drawback, while the rest of us have to pay the foreign price plus the duty, the cost of transportation, and also several profits.

It must be remembered that no tariff is protective unless it so increases the prices of imported goods as to enable home producers to exact higher prices from home consumers than they could if no tariff was levied. The protective effect of a protective tax is exactly similar to that of a subsidy paid by the Government to some people from taxes collected from all the people. The essential difference is this, that under the subsidy system public officials collect a tax and hand it over to some people, while under the protective system public officials collect a tax on imported goods, while the home producer of similar goods collect another tax from home consumers of those goods in increased prices. Now, if the men who sell labor and buy goods get any benefit from this ingenious scheme, it can only be through the beneficence of protected employers. Protection gives workingmen nothing directly. What they get must be solicited as charity or forced by a strike, or fear of one. Protection gives only to buyers of labor engaged in the production of things the price of which is determined by the competition of foreign producers. A protective duty is never levied on things we do not produce or that does not lessen home prices by their free importation. Consequently the protected industries employ but a very small portion of the labor of the country, probably not more than 15 per cent. Now, if it were a fact that those employed in the protected industries were benefited by protection at the expense of the rest of the people, still it must be condemned as unjust and contrary to the principle of the greatest good to the greatest number. But when you remember that the real beneficiaries of protection are not the workingmen whose labor produces the goods protected, nor the capitalist whose capital aids production, but the monopolists who own and control the natural sources of raw material, such as ore beds and coal deposits, timber lands, oil wells, etc., we at once realize how we are all plundered for the benefit of an infinitesimal fraction of the whole population. If the excessive profits resulting from protection went to the manufacturers—that is, the mere capitalists—capital would flow to those protected industries until the profits were brought to a level with the profits in the unprotected industries.

I know from bitter experience how protection has protected the workingmen of Pennsylvania, especially the miners. I was born in the anthracite coal region; began work at the mines before I was 9 years of age, and worked in every capacity from slate picker to miner. At the age of 14 I was seriously injured by an explosion of gas at the Otto colliery, Branchdale. I was blown from the breast platform to the gangway, where I was found unconscious by an old miner, who, at the risk of him own life, dragged me to a place of safety just in time to escape the deadly after-damp. My beneficent protected employer docked me for the day I was injured, although the explosion was due to the mine boss's negligence. Had I been a chattel slave my master would have had a pecuniary interest in my speedy and good recovery; my protected employer had not. I was in his eyes a commodity that had lost its value and he had no further use for me nor interest in me. Whether I lived or died or dragged through life a helpless cripple was all one to him.

I was severely burned by an explosion of gas and powder in the Henry Clay shaft, Shamokin. The explosion occurred at night one mile and a half from the foot of the shaft with no one in the mine but my "butty" and myself. We had to grope our way to the bottom of the shaft in total darkness. The burned flesh hung in shreds from my face and hands, and in this condition I had to draw myself over the top of coal cars where the gangway was too narrow to allow passage on the side. These are but minor instances of the hardships and suffering of miners and suggest the kind of protection the miner wants, yet never gets. The protection that workingmen get is the protection that the Duke of Alvah gave the Dutch; that the Earl of Strafford, the genius of tyranny, gave the Irish; that the cat gives the canary.

It is now many years since I worked in the mine, but I have never forgotten their wrongs, their patient suffering, their heavy burden, their heroic self-sacrifice. I have shared their joys and sorrows. I know the bitterness and narrownesss and hopelessness of their lives, and I have never failed in doing in my own poor way what I could to lighten their burden and improve their condition. Through good and evil, through what I have done and what I have failed to do, to that, however, I have been ever true. It was that which impelled me to devote my leisure time to learn how they were enslaved and how they might be freed. And my studies have led me to the conclusion that till the fetich of protection is destroyed it is useless to expect workingmen to unite on any measure capable of securing effective and permanent results.

Let us sincerely hope that the watch workers of Elgin, Ill., will reverse their position on the question of protection, revoke their instructions to the confidential agent of the watch trust, and instead send words of indorsement, appreciation, and encouragement to Hon. HENRY T. RAINEY, the honest, able, fearless, and invincible champion of human rights and the powerful, uncompromising, and dangerous foe of privilege and monopoly.

T. F. MONAHAN.

It would be better for the Brotherhood of Locomotive Firemen, the Brotherhood of Locomotive Engineers, and all the other brotherhoods of railroad men to pension these watch employees rather than submit to the outrageous system of watch inspection for which the watch trust is responsible. I print here a letter written to the Brotherhood of Locomotive Firemen and two letters written by P. M. Arthur, of the Brotherhood of Locomotive Engineers, which relate to this subject.

OFFICE OF HAMPDEN WATCH COMPANY,
Canton, Ohio, January 29, 1902.

Mr. F. P. SARGENT, G. M.,
Brotherhood Locomotive Firemen, Peoria, Ill.

DEAR SIR: I have your esteemed favor of the 27th instant. If you wish to take up this matter I will explain to you some of the schemes practiced with and without the consent of the railroad managers by which they are enabled to make enormous profits from the railroad employees.

As the railroad companies, as far as we know, pay nothing to the chief inspector for his trouble in inspecting watches, the inspectors therefore use every questionable means in their power to get their pay out of the railroad employees.

The watch inspector, who is selected by the general superintendent, is generally on hand and guides the superintendent in making out his order; he therefore inserts everything which can make his position valuable to him.

After this order has been issued, no matter how close a watch may run or how good it may be, it will be condemned because the name of the watch might not be named in the general order issued by the general superintendent.

The ball and gear scheme is to buy a low-grade watch which they disguise by changing the bridges and the dial on the watch and mark it, as the case may be, "Locomotive Firemen's Standard," "Locomotive Engineer's Standard," or "Locomotive Trainmen's Standard," and the price varies accordingly, or, in other words, by disguising this watch they are able to suit all railroad employees at different prices with one watch.

It is a notorious fact that no general superintendent will listen to a complaint of a single employee. The chief inspector and all his subinspectors knowing this they can act toward every employee like a Shylock, because the railroad employee is helpless, is bound to obey the rules, can not appeal to the superintendent, has to have a watch, and rather than to be kept idle he pays the $5 or $10 rather than lose his job or fail to take out his train for two or three days.

This same scheme to disguise watches was worked on the Santa Fe Railroad by compelling all the men to throw away their good watches and buying one that was marked on the dial and bridges "Santa Fe R. R."

On other roads, after the first order had been issued, the inspector issued a private circular that all watches must have steel escape wheels, so that he can commence to condemn watches again, because they are without steel escape wheels. (C. M. & St. P. Rwy. and C. & N. W. Rwy.)

What we think of the steel escape wheels inclosed card will show you.

As I mentioned before, the private trade-mark on the Ball watch, on the dial and bridges, enables him to make an extra $10 out of every employee who has to call on him to have their watches inspected.

As he inspects all his own watches, it is certainly very easy to have these disguised watches passed, and Mr. Frank N. Gear, of Forest City Lodge, No. 10, is his partner in this business. Mr. Gear has his office in the same building where Mr. Ball carries on his so-called "watch factory."

We believe we called your attention to the Santa Fe schemes once before, and have never been able to get a hearing from the managers of this railroad, although we proved to Mr. Montgomery and Mr. Mudge that the watches which were made for them were $8 watches, for which

they charged the employees $33, and we learned afterwards that this profit was divided between three parties.

Now that these people have fallen out with each other, you have seen from my last letter how profitable this watch business has been.

My difficulty with my esteemed friend Gear dates back to about 1898. At that date the Cleveland Terminal and Valley Railroad adopted watch inspection.

After the order was issued for watch inspection a large number of the employees who live in Canton called on me and called my attention to it.

I saw at once that it was a scheme to rob the railroad employees of every watch that was carried on the road.

These schemers who got up this order for watches had inserted the clause, "that every watch must be required to run within fifteen seconds per week." As this is an impossibility, and therefore condemned every watch on the road, I thought that prompt action would have to be taken to prevent this scheme from being carried out.

I immediately went to Cleveland, Ohio, and saw Mr. Johnson, the superintendent, and called his attention to it. He said he had not noticed it, and immediately changed the notice, which made the notice read, "that all watches should run within thirty seconds per week," which is the standard requirement on all railroads.

This made Mr. Gear very angry at me, because the scheme did not work.

He traveled up and down the road to Canton, and in the shadow of these factories circulated the inclosed card, which we have marked "No. 1."

Now, how true this is the inclosed affidavit will show you.

What Mr. Ziegenfus has to say about the steel escape wheel on the Chicago and Northwestern and Chicago, Milwaukee and St. Paul railroads you will see in his letter of October 4, 1899.

We have not been able to sell any watches of our make on those roads because we will not sanction the robbery of railroad employees.

We inclose a copy of a letter which the chief inspector, Church, on the Chicago and Northwestern Railroad and the Chicago, Milwaukee and St. Paul Railroad sent privately to the inspectors, so that they had a chance under this rule to condemn all the watches on the road because they had no steel escape wheels.

I also inclose a copy of a letter which shows the maliciousness of Frank N. Gear and shows how he tried to stir up a strife between our engravers and us.

We also inclose an answer from the engravers to Mr. Gear's letter of June 7, 1900.

Now, after reading all these letters we hope you will take up this matter, because the railroad employees are swindled by these schemes out of hundreds and thousands of dollars every year.

Please return all letters after you are through with them.

Yours, very truly,

JOHN C. DUEBER, *Treasurer.*

GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Cleveland, Ohio, October 2, 1899.

Mr. JOHN C. DUEBER,
President and Treasurer Hampden Watch Company,
Canton, Ohio.

DEAR SIR: Am in receipt of your favor of the 30th ultimo. As I stated to you while here, the only ones that can put a stop to the blackmailing of the employees on any road is the general committee of adjustment. The men are very foolish to allow themselves to be imposed upon, and if they will take the matter up with the proper officers of the road I am satisfied they can put a stop to it.

Very truly, yours,

P. M. ARTHUR,
Grand Chief Engineer.

GRAND INTERNATIONAL BROTHERHOOD OF LOCOMOTIVE ENGINEERS,
Cleveland, Ohio, October 25, 1899.

Mr. JOHN C. DUEBER,
President and Treasurer Hampden Watch Company, Canton, Ohio.

DEAR SIR: Your favor of the 24th instant at hand and noted. I congratulate you upon your success with the officers of the Chicago and Northwestern Railroad Company in having the order requiring all watches admitted on that road have steel escape wheels rescinded. It shows what perseverance can accomplish.

Yours, very truly,

P. M. ARTHUR, *Grand Chief Engineer.*

FURTHER EVIDENCE OF AN ILLEGAL COMBINATION BETWEEN THESE COMPANIES.

T. Zurbrugg is president of the New York Standard Watch Company, of Jersey City; he is also president of the Philadelphia Watch Case Company; he is also president of the Keystone Watch Case Company and owns large blocks of stock in the Elgin Watch Company. He is also vice-president of the Crescent Watch Case Company and president of the E. Howard Watch Company.

C. M. Fogg is secretary and treasurer of the Keystone Watch Case Company, and holds the same office in the Crescent Watch Case Company and in the Philadelphia Watch Case Company, and the same office in all the other companies named above.

The Keystone Watch Case Company made the statement recently to a mercantile agency that it had bought up the stock of the E. Howard Watch Company, of Boston, and that the officers and directors of both companies were the same.

The Keystone and Elgin companies have an exporting agreement, but the E. Howard watches were until recently made in the Waltham factory, and certain parts are still made there.

The Keystone Company two years ago bought up the stock of the Crescent Watch Case Company.

The above facts, which can be easily established, show the close business relations between these companies.

SOME OF THE METHODS ADOPTED TO DESTROY THE BUSINESS OF THE INDEPENDENT DEALERS—"THE SENIOR PRICE LIST."

This price list has been issued monthly for many years by A. N. Senior, from 121 Fulton street, New York. It contained until recently lists of prices of all cases and movements. There are about 22,000 jewelers in the United States. They had learned to depend on it for information. The trust, in some way, has prevailed upon the publishers to omit the prices of all independent companies, and since February, 1905, only the prices of the cases and movements made by the companies in this combination appear in this publication. I have in my possession a complete file of this publication for several years. The disastrous effect of this action of the watch trust upon the trade can be readily seen.

"THE KEYSTONE."

This magazine is owned by the Keystone Company. It is the most important of the trade papers. It reaches two-thirds of the jewelers in the United States. It excludes from its columns all advertisements of all competing firms. I have the evidence, in writing, which shows that its advertising solicitors are permitted to accept no advertisements from independent watch case or watch movement companies. This magazine goes through the mails as second-class matter. Efforts are being made now to satisfy the Department that it ought not to have this privilege. The publication weighs 18 ounces, and the privilege it now improperly enjoys saves its publishers $20,000 every month. In other words, the watch trust is subsidized now by the Government at the rate of $20,000 per month.

TREATMENT OF JOHN C. DUEBER, OF CANTON, OHIO.

Ten or fifteen years ago Mr. Dueber was one of the largest, perhaps the largest, manufacturer of watch cases in the country. He was one of the first victims of the watch combination. Without a word of warning orders were issued by the watch trust that no more Elgin or Waltham movements were to be sold in Dueber cases. Mr. Dueber found himself with a plant worth $1,000,000 on his hands, employing six or seven hundred men, with many thousands of dollars' worth of cases in stock absolutely worthless on account of this order, and every outlet for his product closed. His wonderful energy, however, has enabled him so far to keep up the fight. He at once went to Springfield, Mass., and bought out a small watch-movement concern, moved it to Canton, Ohio, and commenced to manufacture, also, watch movements under the name of the Dueber-Hampden Watch Company. The country owes Mr. John C. Dueber a debt of gratitude for the splendid fight he has made. He is still manufacturing watch cases and watch movements. He makes honest goods, and this can not be said of the companies composing the watch trust.

DISHONEST METHODS OF THE KEYSTONE COMPANY.

They have manufactured cases which they represented to be gold and stamped them "14 K., U. S. assay." These cases were filled with lead, the lead in them amounting to nearly one-half their weight. The little shell of gold on the outside can be easily cut away, disclosing to view the base metal. I have one of them in my possession stamped with the name of the Keystone Company. The watch-movement companies can not say they have formed this alliance in order to get their movements sold in good, safe, honest cases. The lead in these cases costs 4 cents per pound. This company sells the case by weight, and gets paid for the lead at the price gold would bring.

DISHONEST METHODS OF THE ELGIN COMPANY.

I print here a circular of the Elgin Company presenting the "Nameless" movement. The circular speaks for itself. It advertises a scheme by which the dishonest retail jeweler may sell a movement worth $10 or $15 for $150, if he so desires and if he can find a man who is willing to pay that much for it. The purchaser would never know the extent of the fraud practiced upon him.

The Keystone Company, in the light of this evidence, can not say they have entered into this alliance in order to have placed in their cases honest movements made by honest companies.

THE CELEBRATED "NAMELESS" MOVEMENT CIRCULAR LETTER OF THE ELGIN COMPANY.

ELGIN NATIONAL WATCH COMPANY,
Chicago, May 1, 1894.

DEAR SIR: On February 1, 1877 (over seventeen years ago), we announced to the retail jewelers that we had adopted a "Nameless" line of movements engraved "Elgin National Watch Company," in addition to our then regular line of trade-marked goods. How well this plan has succeeded you can best judge from the increased demand for Elgin watches, and also from the fact that over 90 per cent of Elgin movements sold are "Nameless."

The only trade-marked movements demanded by the jewelers to-day are our "B. W. Raymonds," "H. H. Taylors," and "G. M. Wheelers," which we propose to continue as long as the trade requires them.

The "Nameless" plan has, therefore, offered protection to the jewelers, as well as having afforded them large returns for their investment. We now propose to extend the "Nameless" feature to our packages by abolishing all grade numbers, making it impossible for the uneducated to handle our movements, as they have been able to do in the past, through the identification which the character of our package affords.

We, the manufacturers, have been obliged to suffer all complaints, because our customers elected to distribute our product in whatsoever manner seemed most expedient. Our "Nameless" package will identify our customers in the sale of Elgin movements, which we confidently believe will result to our mutual benefit.

We have in the course of preparation the most complete as well as the most expensive movement holder and tin box carrier for safely carrying all grades of movements of our manufacture.

We will allow you at the rate of $3 cash per hundred for movement holder and tin box carrier complete, or $2.50 cash per hundred for the movement holder, all shipments to be addressed to Elgin, Ill.

The issue of the above will be about July 1 proximo.

Yours, very respectfully,

ELGIN NATIONAL WATCH CO.

THESE WATCH-MOVEMENT COMPANIES ISSUE THE SAME PRICE LISTS AND MAKE THE SAME ANNOUNCEMENTS AT THE SAME TIME.

When one of these companies announces the issue of a new movement, the other company at the same time announces the issue of identically the same movement. The same practice is followed when revised price lists are issued.

To illustrate this I have selected the circular letters issued by both these companies February 1, 1905. These letters announce the issue of gilded movements—the kind they say are not made for this market. These circulars were sent out to the trade in this country.

Bearing in mind the fact that Nos. 309 and 294 on the Elgin letter is the same movement as No. 1 on the Waltham notice, and No. 289 on the Elgin notice is the same movement as the "J" movement on the Waltham list, a comparison of the following notices is interesting as showing a combination between these companies:

ELGIN NATIONAL WATCH COMPANY,
Chicago, February 1, 1905.

We beg to announce the issue of a 7-jeweled 18 size movement, nameless, engraved "Elgin National Watch Co." Full plate, hunting and

open face, stem-winding. No. 309, hunting, lever set. No. 294, open face, pendant set. Gilded. Seven jewels, exposed pallets, cut expansion balance, Breguet hairspring, polished oval steel regulator, sunk second dial, dust ring, $3.50. Seven-jeweled, 6 size movement, nameless, engraved "Elgin National Watch Co." Three-quarter plate, pendant setting, hunting, open face, or skylight. No. 289, gilded. Seven jewels, exposed pallets, cut expansion balance, Breguet hairspring, polished steel regulator, sunk second dial, $4.

Very respectfully,

ELGIN NATIONAL WATCH CO.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH CO., WALTHAM, MASS.,
New York, February 1, 1905.

We beg to announce the issue of the following-described 18 size and 6 size movements:

18 size, full plate, S. W. Movements—Hunting or open face.

No. 825, nickel—17 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring hardened and tempered in form, highly finished oval regulator, polished and gilded index plate $6.00

No. 1, gilded—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished index plate 3.50

6 size, stem-winding movements—pendant setting—hunting, open face, or skylight.

"J," gilded—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel $4.00

ROBBINS & APPLETON.

ELGIN NATIONAL WATCH COMPANY,
Chicago, February 1, 1905.

The following revised list prices take effect to-day:

18 size, 17 jewels, gilt, Nos. 307, 308 ..... $7.75
18 size, 15 jewels, nickel, Nos. 296, 297 ..... 5.00
18 size, 7 jewels, nickel, Nos. 287, 288 ..... 4.00
6 size, 15 jewels, nickel, No. 295 ..... 5.50
6 size, 7 jewels, nickel, No. 286 ..... 4.50

Please report numbers for rebate for above grades on inclosed blanks. Returns must be made within thirty days from date.

Yours, respectfully,

ELGIN NATIONAL WATCH COMPANY.

ROBBINS & APPLETON, AGENTS
AMERICAN WALTHAM WATCH COMPANY, WALTHAM, MASS.,
New York, February 1, 1905.

The following revised list prices take effect to-day:

18 size full plate s. w. movements—Hunting or open face.

No. 85, gilded.—17 jewels, settings, exposed pallets, compensating balance, adjusted to temperature, patent Breguet hairspring, hardened and tempered in form, patent micrometric regulator $7.75

No. 820, nickel.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished and gilded index plate 5.00

No. 81, gilded.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form 4.50

No. 18, nickel.—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, highly finished oval regulator, polished and gilded index plate 4.00

6 size stem-winding movements—Pendant setting—Hunting, open face, or skylight.

"V," nickel.—15 jewels, settings, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel 5.50

"Y," nickel.—7 jewels, exposed pallets, cut expansion balance, patent Breguet hairspring, hardened and tempered in form, tempered steel safety barrel 4.50

ROBBINS & APPLETON.

THE CANADIAN BRANCH OF THE WATCH TRUST.

The Elgin and Waltham companies maintain an establishment jointly in Toronto, Canada, known as the American Watch Case Company. They case their movements over there. Canada imposes a tariff on watch cases, therefore these companies ship their movements to Toronto and put them in cases there.

THE SPLENDID SYSTEM MAINTAINED BY THE ELGIN AND WALTHAM COMPANIES IN KEEPING TRACK OF THEIR MOVEMENTS.

Every watch jobber for the trust is required to make daily reports to each of these companies, giving the number of each movement sold every day and the name of the purchaser.

THE LIST OF JOBBERS.

Each of the companies comprising the so-called "Big 4" issue lists of wholesale dealers. Each list contains the same names. When one company drops a jobber all the other companies drop him, and all lists are revised.

BRIEF—THE LAW APPLICABLE TO THIS CASE.

Do the facts I have presented in my speeches on the subject, and in this appendix, render these companies liable to prosecution under the Sherman antitrust law? This act provides:

"SECTION 1. Every contract, combination, in the form of trust or otherwise, is hereby declared to be illegal. * * *

"SEC. 3. Every contract, combination, in form of trust or otherwise, or conspiracy, in restraint of trade * * * with foreign nations or between the District of Columbia and any State or States or foreign nations is hereby declared illegal. * * *"

(NOTE.—The above sections provide for a fine not exceeding $5,000 or imprisonment not exceeding one year, or both, in the discretion of the court, in the event of a conviction for a violation of either.)

"SEC. 7. Any person who shall be injured in his business or property by any person, etc., * * * by reason of anything forbidden or declared to be unlawful by this act may recover threefold the damages sustained, and may sue therefor in any circuit court of the United States where the defendant resides, etc."

In 1893, when the evidence was not as convincing as it is now that this illegal combination exists, the Dueber Watch Case Company brought a suit against all these companies, under section 7 of this act, to recover threefold damages on account of being injured in its business by this alleged illegal combination. The case proceeded as far as the circuit court of appeals, where the judgment of the circuit court sustaining a demurrer to the complaint was approved by a divided court for the reasons that the complaint "did not preclude the inference that each defendant may have sold his entire product in the State where it was manufactured," and only a portion of the trade was involved. (Dueber Watch Case Manufacturing Company *v.* E. Howard Watch, etc., Company et al., 66 Fed. Rep., 637.)

Since then our courts have taken a more advanced ground upon these questions. If some of the later cases on these subjects are examined, the security into which the watch trust has been lulled by this opinion may be somewhat rudely disturbed.

The case of Montague & Co. *v.* Lowry (193 U. S., 38) presents facts very similar to the facts in the matter we are now examining. Certain tile and mantel dealers in California and certain manufacturers outside of California agreed not to sell unset tiles to any other than members for less than the list price. The price to members was 50 per cent less than the list price. Suit was brought by a dealer under section 7 of this act against the firms in this combination. The attorneys for the defendants relied upon the Dueber case and similar cases. This case finally reached the Supreme Court of the United States, and it was there held: "That, although the sales of unset tiles were within the State of California, and although such sales constituted a very small portion of the trade involved, the agreement of the manufacturers without the State not to sell to anyone but members was part of a scheme which included the enhancement of the price of unset tiles by the dealers within the State, and that the whole thing was so bound together that the transactions within the State were inseparable and became a part of a purpose which, when carried out, amounted to and was a combination in restraint of trade and commerce." (Montague & Co. *v.* Lowry (1903), 193 U. S., 38.)

"To vitiate a combination such as the act of Congress condemns, it need not be shown that this combination results, or will result, in a total suppression of trade or in a complete monopoly, but it is only essential to show that by its necessary operation it tends to restrain interstate or international trade or commerce, or tends to create a monopoly in such trade or commerce, or to deprive the public of the advantages that flow from free competition." (Northern Securities Co. *v.* U. S. (1904), 193 U. S., 331.)

These watch companies sell their product abroad for a fraction of the price at which they sell in this country, and they exact agreements from foreign dealers that they will not sell them for reimportation to the United States. An American citizen could not trade 200 bushels of wheat grown on an American farm, or 200 gold dollars for ten of these Elgin or Waltham movements, provided he intended to reimport them to the United States. They belong to the English dealer as soon as they are sold to him. He can do what he pleases with them, except sell them for reimportation to the United States. The contract the American company has compelled him to enter into as a part of the consideration for the watches prevents this. Is not this a contract in restraint of trade between the United States and a foreign nation? Is not this a violation of section 3 of this act? How can these companies escape if the evidence I have collected upon this question is used by the Government in a prosecution under either of these sections?

"Combinations even among private manufacturers or dealers whereby interstate or international commerce is restrained are equally embraced by this act." (Northern Securities Co. *v.* U. S., 193 U. S., 331.)

The fact that in 1895 a demurrer was sustained in the circuit court of appeals to the complaint of the Dueber Watch Case Company in their suit against the watch trust, under section 7 of this act, is no reason why the Government should not now proceed against them under sections 1 and 3. There is more evidence now than there was then. If the Dueber case had been carried to the Supreme Court and had been submitted there at the term when the above cases were tried, then this demurrer would have been overruled.

The evidence now of a violation of sections 1 and 3 of the Sherman antitrust law is ample. The matter ought to be presented now to our courts, even if its examination challenges the correctness of the present tariff schedules.

Respectfully submitted.

HENRY T. RAINEY.

The CHAIRMAN. The committee will now rise.

The committee rose; and Mr. DALZELL resumed the chair as Speaker pro tempore.

Mr. TIRRELL. Inasmuch as there remain but a few moments, I will ask permission——

The SPEAKER pro tempore. The Chairman of the Committee of the Whole has not reported from the committee as yet.

Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750, and had come to no resolution thereon.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 11 o'clock p. m.) the House adjourned.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 5901) to extend

the time for the completion of the Alaska Central Railway, and for other purposes, reported the same with amendment, accompanied by a report (No. 5009); which said bill and report were referred to the House Calendar.

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the House (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, reported the same, accompanied by a report (No. 5011); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

ADVERSE REPORTS.

Under clause 2, Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. DAVIDSON, from the Committee on Rivers and Harbors, to which was referred the House joint resolution (H. J. Res. 148) authorizing the use of the Mississippi River reservoir system in Minnesota for the prevention of floods, reported the same adversely, accompanied by a report (No. 5008); which said House joint resolution and report were ordered laid on the table.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MARTIN, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah, reported the same without amendment, accompanied by a report (No. 5010); which said bill and report were referred to the Private Calendar.

Mr. WALDO, from the Committee on Claims, to which was referred the bill of the House (H. R. 7153) for the relief of David McClelland for loss sustained at Chickamauga Park, Georgia, January 29, 1904, reported the same without amendment, accompanied by a report (No. 5012); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 14125) for the relief of the Nebraska Mutual Life Insurance Company, of Stromsburg, Nebr., reported the same with amendment, accompanied by a report (No. 5013); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. NEVIN: A bill (H. R. 20400) relating to section 61 of the revenue act of August 28, 1894—to the Committee on Ways and Means.

By Mr. MINOR: A bill (H. R. 20401) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa—to the Committee on Interstate and Foreign Commerce.

By Mr. LIVINGSTON: A bill (H. R. 20402) establishing the Atlanta National Military Park—to the Committee on Military Affairs.

By Mr. LITTAUER, from the Committee on Appropriations: A bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes—to the Union Calendar.

By Mr. BRUNDIDGE: A bill (H. R. 20404) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 20405) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska—to the Committee on Interstate and Foreign Commerce.

By Mr. CRUMPACKER: A bill (H. R. 20406) to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind.—to the Committee on the Library.

By Mr. MACON: A bill (H. R. 20407) to authorize the Baldwin & Dague Lumber Company to construct a bridge across the St. Francis River, in Arkansas—to the Committee on Interstate and Foreign Commerce.

By Mr. CAMPBELL of Ohio: A bill (H. R. 20408) to amend section 2 of the act of March 3, 1893, entitled "An act to adjust the salaries of postmasters"—to the Committee on the Post-Office and Post-Roads.

By Mr. MARSHALL: A bill (H. R. 20409) to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds: A bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes—to the Union Calendar.

By Mr. YOUNG: A bill (H. R. 20411) to authorize the establishment of a life-saving station at Munising, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMB (by request): A bill (H. R. 20433) for the improvement of Albemarle street—to the Committee on Appropriations.

By Mr. SPERRY: A joint resolution (H. J. Res. 181) directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park"—to the Committee on Indian Affairs.

By Mr. WADSWORTH: A concurrent resolution (H. C. Res. 37) authorizing the printing of 12,000 copies of the Report of the Progress of the Beet-Sugar Industry in the United States in 1905—to the Committee on Printing.

By Mr. WILLIAMS: A resolution (H. Res. 608) asking information concerning certain correspondence of the Treasury Department with appraisers—to the Committee on Ways and Means.

Also, a resolution (H. Res. 609) relating to employees minority conference room—to the Committee on Accounts.

By Mr. MADDEN: A resolution (H. Res. 610) continuing the office of stenographer to the Journal clerk to the end of the present Congress—to the Committee on Accounts.

By Mr. FOSS: A resolution (H. Res. 612) providing for the consideration of Senate bill 5901—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20412) granting an increase of pension to Manuel Montano—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 20413) granting a pension to Eva Louise Eberlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20414) granting an increase of pension to Albert Launt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20415) granting an increase of pension to John H. Krom—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 20416) granting a pension to Minerva J. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 20417) granting an increase of pension to Andrew J. Brown—to the Committee on Pensions.

By Mr. GARBER: A bill (H. R. 20418) granting an increase of pension to Irvin Mote—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20419) for the relief of D. N. Beckwith—to the Committee on War Claims.

By Mr. HEPBURN: A bill (H. R. 20420) granting an increase of pension to Channing Smith—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 20421) granting a pension to Abbie J. Daniels—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 20422) granting an increase of pension to David McCargar—to the Committee on Invalid Pensions.

By Mr. LILLEY of Pennsylvania: A bill (H. R. 20423) granting a pension to Henry Dixon—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 20424) granting an increase of pension to George W. Wheeler—to the Committee on Pensions.

Also, a bill (H. R. 20425) for the relief of the estate of Gideon F. Mann, deceased—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 20426) granting an increase

of pension to John Druman—to the Committee on Invalid Pensions.

By Mr. RHINOCK: A bill (H. R. 20427) for the relief of A. J. McKinney—to the Committee on War Claims.

Also, a bill (H. R. 20428) for the relief of I. W. Wright—to the Committee on War Claims.

Also, a bill (H. R. 20429) for the relief of William Mire—to the Committee on War Claims.

By Mr. SMITH of Maryland: A bill (H. R. 20430) granting an increase of pension to Margaret A. Covey—to the Committee on Pensions.

By Mr. WEISSE: A bill (H. R. 20431) granting an increase of pension to John Neumann—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 20432) granting an increase of pension to James M. Endicott—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 16153) granting a pension to W. V. Feltwell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 9597) granting a pension to W. H. Denham—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Francis C. Mahon, of New Orleans, La., preferring charges against Charles Parlance, district judge of the eastern district of the United States court of Louisiana—to the Committee on the Judiciary.

By Mr. BARCHFELD: Petition of Republican county committee, New York, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Federation of Patriotic Societies, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of Pennsylvania: Petition of the Federation of Patriotic Societies, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Republican county committee, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against an increase of the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. BURKE of South Dakota: Petition of the South Dakota Traveling Men's Association, against the parcels-post law and postal currency proposition—to the Committee on the Post-Office and Post-Roads.

By Mr. DIXON of Indiana: Paper to accompany bill for relief of William T. Pate, of Switzerland County, Ind.—to the Committee on War Claims.

By Mr. ESCH: Resolution of the Republican county committee of the county of New York, indorsing the Republican Congressmen of said county in their opposition to the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. FLETCHER: Petition of the Minnesota civil-war veterans, for granting pensions to ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. FULLER: Petition of the Federation of the Patriotic Societies, for the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of H. Pimstein, of Plano, Ill., against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HILL: Resolution of the Board of Trade of Baltimore, Md., for bill proposing increase of Coast Artillery—to the Committee on Military Affairs.

By Mr. GRAHAM: Petition of the Republican county committee against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Federation of Patriotic Societies, favoring restriction of immigration, as per Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against the head tax on immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the Immigration Restriction League, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of William T. Adair, for the Littlefield original-package bill—to the Committee on Interstate and Foreign Commerce.

By Mr. HOGG: Petition of citizens of Trinidad, Colo., against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. HULL: Petition of citizens of Iowa (Seventh Congressional district), against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HASKINS: Paper to accompany bill for relief of D. N. Beckwith—to the Committee on War Claims.

By Mr. KENNEDY: Paper to accompany bill for relief of Mildred L. Allee—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: Paper to accompany bill for relief of Gideon F. Mann—to the Committee on War Claims.

By Mr. LORIMER: Petition of C. H. Everly, for an educational test in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. MORRELL: Petition of 260 citizens of Kensington, Philadelphia, for bill to protect no-license towns and States against nullification—to the Committee on the Judiciary.

By Mr. NEVIN: Paper to accompany bill for relief of Susannah Payne—to the Committee on War Claims.

By Mr. PAYNE: Paper to accompany bill for relief of Martha A. Stevens—to the Committee on Invalid Pensions.

By Mr. RHINOCK: Paper to accompany bill for relief of William Mire—to the Committee on War Claims.

Also, paper to accompany bill for relief of Thomas Johnson—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of A. I. McKenney and I. W. Wright—to the Committee on War Claims.

By Mr. RYAN: Petition of Mid-Continent Oil Producers' Association, of Indian Territory, and Charles C. Farnham, the United Producers' Association, and the A. Hochstetters' Oil Company, of Buffalo, N. Y., against the pipe-line clause of the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of citizens of New York, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, against raising head tax on immigrants—to the Committee on Immigration and Naturalization.

By Mr. WANGER: Petition of A. M. and Sophie Lutz and H. M. and Sadie Bolton, of Norristown, Pa., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

By Mr. WEBBER: Petition of many prominent citizens of Washington, D. C., for bill H. R. 6016, relative to manufacture and sale of intoxicating liquor in the District of Columbia—to the Committee on the District of Columbia.

SENATE.

TUESDAY, *June 26, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SECOND-CLASS MAIL MATTER.

The VICE-PRESIDENT appointed the Senator from Pennsylvania [Mr. PENROSE], the Senator from Montana [Mr. CARTER], and the Senator from Georgia [Mr. CLAY] as members of the joint committee on the part of the Senate as provided for in the Post-Office appropriation bill of the present session to investigate, consider, and report, by bill or otherwise, to Congress regarding mail matter of the second class.

INDIAN DEPREDATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, stating, in response to a resolution of the 25th instant, that all judgments rendered by the Court of Claims in Indian depredation cases have been transmitted to Congress through the Treasury Department; which was referred to the Committee on Appropriations.

HALL OF RECORDS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, calling attention to the importance of an appropriation for the erection of a hall of records in the city of Washington, and also recommending that an appropriation of $1,000,000 be made to erect a suitable building on the additional space purchased adjacent to the city post-office in Washington to provide increased quarters for the Post-Office Department; which was referred to the Committee on Public Buildings and Grounds.

BUST OF WASHINGTON.

The VICE-PRESIDENT laid before the Senate a communication from the Joint Committee on the Library of the Senate, transmitting a letter from the French ambassador, together with translation, relating to the volume published by order of the Senate giving an account of the ceremonies on the occasion of the unveiling of the bust of Washington presented to Congress by certain French citizens through the French Government; which was read, and, on motion of Mr. WETMORE, ordered to be printed, with the accompanying letter, in the RECORD, and also as a document, as follows:

JOINT COMMITTEE ON THE LIBRARY,
FIFTY-NINTH CONGRESS,
Washington, D. C., June 23, 1906.

MY DEAR MR. VICE-PRESIDENT: I beg to inclose you a letter from the French ambassador, together with a translation of the same, relating to the volume published by order of the Senate giving an account of the ceremonies on the occasion of the unveiling of the bust of Washington presented to Congress by certain French citizens through the French Government.

Will you be good enough to communicate the letter to the Senate?

Very sincerely, yours,

GEO. PEABODY WETMORE,
Chairman Joint Committee on the Library.

Hon. CHARLES WARREN FAIRBANKS,
Vice-President of the United States, President of the Senate.

AMBASSADE DE LA RÉPUBLIQUE FRANÇAISE AUX ÉTATS-UNIS,
Washington, le 12 Juin, 1906.

MONSIEUR LE SÉNATEUR: En m'accusant réception des exemplaires que vous m'aviez si obligeamment addressés, da la publication relative à l'inauguration du buste de Washington au Capitole, Monsieur le Ministre des Affaires Étrangères vient de me faire connaitre qu'il a pris soin, conformément à votre désir, d'en assurer la remise aux souscripteurs du buste, tout en en réservant quelques uns pour l'usage du Gouvernement.

Chargé de transmettre pour ce don les remerciements de mon Gouvernement au Sénate fédéral, je suis heureux de m'adresser à vous, qui avez pris un si vif intérêt à la cérémonie patriotique de l'année dernière et à la publication destinée à en perpétuer le souvenir, en vous priant Monsieur la Sénateur, de vouloir bien être, auprès de Messieurs les Membres de la Commission que vous présidez ainsi qu'auprès de vos honorables collègues de la Haute Assemblée, l'interprête des sentiments avec lesquels le Gouvernement de la République a accueilli le gracieux envoi des volumes en question.

Agréez, Monsieur le Sénateur, les assurances de ma haute considération.

JUSSERAND.

Hon. GEORGE WETMORE,
Senator, 1609 K street, Washington, D. C.

[Translation.]

Embassy of the French Republic to the United States.
WASHINGTON, *June 12, 1906.*

MR. SENATOR: The minister of foreign affairs, in acknowledging the receipt of the copies of the publication relating to the unveiling of the bust of Washington in the Capitol, which you so kindly sent me, informs me that he has, in accordance with your request, directed these copies to be forwarded to the subscribers to the bust after retaining a few for the use of the Government.

Having been instructed by my Government to thank the Senate for this gift I beg to ask you, Mr. Senator, who have taken so great an interest in the patriotic ceremony of last year and in the publication perpetuating its proceedings, to be good enough to express to the members of the joint committee, of which you are chairman, as well as to your honorable colleagues of the Senate, the appreciation with which the Government of the Republic has received the gracious offering of the volumes in question.

Accept, Mr. Senator, the assurances of my high consideration.

JUSSERAND.

Hon. GEO. PEABODY WETMORE,
United States Senate, Washington, D. C.

WARNER, BARNES & CO. (LIMITED).

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting the record of a judgment rendered by the Court of Claims on June 8, 1906, in the cause No. 22757, Warner, Barnes & Co. (Limited) *v.* The United States, in the amount of $71,161.95, and stating that an appropriation for the judgment is necessary before any payment can be made thereof; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes;

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890; and

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa."

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 13190) to protect birds and their eggs in game and bird preserves.

The message further announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 18024. An act for the control and regulation of the waters of the Niagara River, for the preservation of the Niagara Falls, and for other purposes;

H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

The message also announced that the House insists upon its amendment to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, disagreed to by the Senate; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LACEY, Mr. MONDELL, and Mr. BURNETT managers at the conference on the part of the House.

The message further announced that the House had passed the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, with an amendment, asks a conference with the Senate on the bill and amendment, and had appointed Mr. HOWELL of New Jersey, Mr. BENNET of New York, and Mr. RUPPERT managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 5998. An act creating the Mesa Verde National Park;

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at lock and dam No. 1, upper White River, Arkansas;

H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across the Sunflower River;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays; and

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes.

NAVAL APPROPRIATION BILL.

Mr. HALE. On the naval appropriation bill I move that the Senate recede from its amendment No. 13. That passes the bill.

Mr. GALLINGER. I will ask the Senator what amendment that is?

Mr. HALE. It relates to the naval station at Port Royal.

The VICE-PRESIDENT. Amendment No. 13 will be read.

The Secretary read as follows:

On page 11, line 21, of the bill insert: "*Provided*, That the naval station at Port Royal, S. C., including all buildings and other property thereon and the employees attached thereto, be hereby transferred to and placed under the control of the Bureau of Navigation, Navy Department, as an adjunct to the naval training station, Rhode Island, to be used for the instruction of recruits during the winter months and at such other times as may be deemed advisable; and for that purpose the following sums are appropriated: Necessary repairs to the buildings to fit them for berthing, messing, and drilling purposes, and for galleys, latrines, and washhouses for apprentice seamen, and for purposes of administration in connection with the training of the same, $51,000; installing necessary distilling plant or fresh-water supply, $20,000; maintenance of the station as a training station, $25,000; in all, $96,000."

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to recede from the amendment just read.

The motion was agreed to.

Mr. HALE. That passes the bill.

PETITIONS.

Mr. GALLINGER presented a petition of sundry citizens of Washington, D. C., praying that an appropriation be made to provide a public park for the eastern section of the city; which was referred to the Committee on the District of Columbia.

Mr. ELKINS presented a petition of the Woman's Christian Temperance Union, of Beckley, W. Va., praying for the enactment of legislation authorizing the closing on Sunday of the Jamestown Exposition; which was referred to the Select Committee on Industrial Expositions.

REPORTS OF COMMITTEES.

Mr. CLARK of Wyoming, from the Committee on the Judiciary, to whom was referred the bill (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904, reported it without amendment.

Mr. BAILEY, from the Committee on Rules, to whom was referred the resolution submitted by him proposing an amendment to the rules relative to a point of order on a conference report, reported it with amendments.

Mr. BACON, from the Committee on Rules, reported an amendment proposing to appropriate $17,000 for necessary improvements in the Senate kitchen, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations, and printed; which was agreed to.

JOHN ARD GORDON.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 158) granting an increase of pension to John Ard Gordon, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of John Ard Gordon, late captain Company G, Fifteenth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANTONETTE STEWART.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 940) granting an increase of pension to Antonette Stewart, reported it without amendment, and submitted a report thereon.

Mr. McCUMBER. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Antonette Stewart, widow of Thomas Stewart, late gunner, United States Navy, and to pay her a pension of $20 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY HANEY.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6062) granting a pension to Mary Haney, reported it with an amendment, and submitted a report thereon.

Mr. McCUMBER. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with an amendment, in line 8, before the word "dollars," to strike out "thirty" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Mary Haney, widow of John Haney, late of Company I, Seventh Regiment United States Cavalry, and pay her a pension at the rate of $12 per month.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

JOHN L. WELLS.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6422) granting an increase of pension to John L. Wells, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "Company," to strike out "of" and insert "second lieutenant;" and in line 8, before the word "dollars," to strike out "fifty-five" and insert "forty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Wells, late second lieutenant Company F, One Hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ABBIE J. DANIELS.

Mr. McCUMBER, from the Committee on Pensions, to whom was referred the bill (S. 6521) granting a pension to Abbie J. Daniels, reported it with amendments, and submitted a report thereon.

Mr. McCUMBER. I ask for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported from the Committee on Pensions with amendments, in line 6, before the word "daughter," to insert "helpless and dependent;" in the same line, after the word "late," to strike out "musician" and insert "of;" and in line 9, before the word "dollars," to strike out "twenty-four" and insert "twelve;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abbie J. Daniels, helpless and dependent daughter of John C. Daniels, late of Company I, Twenty-sixth Regiment Connecticut Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. LODGE (for Mr. CRANE) introduced a bill (S. 6530) for the erection of a public building at Pittsfield, Mass.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

Mr. HEYBURN introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 6531) granting an increase of pension to Francis A. Dory; and

A bill (S. 6532) granting an increase of pension to Joseph Daniels.

Mr. ELKINS introduced a bill (S. 6533) for the relief of the heirs of A. G. Hoyman, deceased; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6534) for the relief of Justus M. Curtis; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 6535) granting an increase of pension to John A. Gibson;

A bill (S. 6536) granting an increase of pension to Benjamin Woosley; and

A bill (S. 6537) granting an increase of pension to William Eppinger (with accompanying paper).

Mr. BACON introduced a bill (S. 6538) granting an increase of pension to Betsey A. Hodges; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. LA FOLLETTE introduced a bill (S. 6540) granting an increase of pension to O. C. Stevens; which was read twice by its title, and refered to the Committee on Pensions.

Mr. MORGAN introduced a bill (S. 6541) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. BLACKBURN introduced a bill (S. 6542) for the relief of the estate of R. M. McClelland, deceased; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. GALLINGER introduced a bill (S. 6543) to provide for the purchase of a site and the erection of a public building thereon at Keene, in the State of New Hampshire; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

AMENDMENTS TO OMNIBUS PUBLIC-BUILDINGS BILL.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the omnibus public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. NELSON submitted two amendments intended to be proposed by him to the omnibus public-buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CLAY (for Mr. TALIAFERRO) submitted an amendment intended to be proposed by him to the omnibus public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. LONG submitted an amendment intended to be proposed by him to the omnibus public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BRANDEGEE submitted an amendment intended to be proposed by him to the omnibus public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. FORAKER submitted two amendments intended to be proposed by him to the omnibus public-buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. PENROSE submitted nine amendments intended to be proposed by him to the omnibus public-buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the omnibus public-buildings bill; which was referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

WILLIAM F. M. M'CARTY.

Mr. SPOONER submitted an amendment proposing to appropriate $1,283 to pay William F. M. McCarty for services and expenses as an expert to the Committee on the District of Columbia in investigating and reporting upon the cost and quality of gas furnished to the Government and to the people of the city of Washington, intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

THE GLOBE CONSTRUCTION COMPANY.

Mr. FORAKER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate, That the Secretary of War be, and he is hereby, directed to report to the Senate at the opening of the second session of the Fifty-ninth Congress all the facts and data in the possession of the War Department relating to the construction of miles 19 to 23 of the Illinois and Mississippi Canal (eastern section), with particular reference to any loss or damage that may have been heretofore or may be hereafter sustained or incurred by the Globe Construction Company, contractors, for the construction of the earthwork on said miles of said canal by reason of the temporary or permanent abandonment of the work or the necessity of modifying and changing the character of the project and specifications by the United States because of the unstable material encountered thereon.

WITHDRAWAL OF PAPERS—ALFRED L. HOULT.

On motion of Mr. ELKINS, it was

Ordered, That the papers accompanying the bill (S. 1491) granting an increase of pension to Alfred L. Hoult be withdrawn from the files of the Senate, no adverse report having been made thereon.

RETIREMENT OF CLERKS.

Mr. McLAURIN. I present a statement prepared by Dr. L. Jordan, a citizen of Mississippi, relative to the adoption of an assessment scheme for the retirement of clerks based upon a 3 per cent annual assessment of salaries, 25 per cent on all increases of salary, and an assessment of one-twelfth of salary on all original appointments. I move that the statement be printed as a document.

The motion was agreed to.

E. G. RATHBONE.

Mr. DICK. I desire to call up the resolution offered by me on Saturday last, which went over under the rule. The objection which was lodged against it by the Senator from Wyoming [Mr. WARREN] has been withdrawn.

The VICE-PRESIDENT. The Chair lays before the Senate the resolution, which will be read.

The Secretary read the resolution submitted by Mr. DICK on the 23d instant, as follows:

Resolved, That the petitions in the case of E. G. Rathbone, and all the accompanying papers, including Senate Document No. 367, now in the files of the Secretary of the Senate, be temporarily withdrawn from said files, and 500 copies of the same be printed as a document for the use of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED DRAINAGE INVESTIGATIONS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. LATIMER, as follows:

Whereas there is in the United States between fifty and one hundred million acres of swamp, tidal, and overflowed lands which are now, for lack of drainage, unproductive and a prolific source of malarial and other diseases, and the Secretary of Agriculture having for the past three years conducted drainage investigations in this country and abroad and accumulated a large amount of valuable data on the subject: Therefore, be it

Resolved, That the Secretary of Agriculture be, and he is hereby, authorized and directed to prepare and submit to the Senate on or before December 1, 1906, a report on drainage, to include the following:

First. The location and area of lands in the United States that are swamp and overflowed and susceptible of being drained and made fit for agriculture.

Second. The effect of drainage on such land and on the public health and upon agriculture.

Third. The area of land which has been drained under the laws of the different States and the benefits which have resulted therefrom.

Fourth. The summary of the legislation of the different States and of the legal and business methods under which drainage works have been constructed and maintained.

Fifth. A review of the drainage laws and policies of the leading agricultural countries of Europe and their results.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. HALE. This resolution can not go through without very extended debate. The Senator may say it is only an inquiry, but all of these things develop by an inquiry. It commits the Government to the proposition of adding to its scope of duties the great question of drainage. I shall not consent for one that that shall be in any way started by a report which is the foundation of a new system and a new bureau and a new assumption by the Federal Government of rights. The resolution can not go through without extended debate. Therefore I object to it.

Mr. LATIMER. The Senator from Maine, I presume, is aware of the fact that there are statutes upon the book now with regard to irrigation, and that in the Department of Agriculture there is a commission or a body of engineers who are looking after this question now, making surveys for irrigation, and in connection with irrigation making surveys for drainage.

Mr. HALE. That they have no right to do. I shall not consent that any step shall be taken that commits the Government to an additional scope of duty by undertaking to drain swamps and wet lands throughout the United States. I am aware of what we have already done for irrigation and reclamation and sundry and divers other things, but not with my consent will any step be taken that commits the Government to taking charge of drainage in the different States.

Mr. LATIMER. I wish to say to the Senator that during the present session a bill passed this body providing that a million dollars be taken from the irrigation fund in North Dakota to be used for the purpose of draining the Red River Valley.

Mr. HALE. I am very sorry of that, but such things get through when Senators are not watching them. I certainly should not have consented to that measure if I had been here. But this goes further than that. This is not limited to any particular locality, but is a general, broad inquiry to lay the foundation for the General Government to take charge of drainage in the United States. That, I suppose, is what the Senator wants. That is what the projectors of this plan want. The only time to object to any of these things is in the beginning. One has to object in limine. Therefore, I object to this resolution. Let it go to the Calendar and take its chances.

Mr. LATIMER. I do not know whether, under the rules of the Senate, an objection would carry the resolution over or whether we are entitled to a vote on the proposition. My object in introducing the resolution was to get information that might be used for the benefit of the States and local communities where large areas of valuable swamp lands are now lying idle and are a menace to health.

Mr. FULTON. May I ask the Senator a question?

Mr. LATIMER. I yield to the Senator.

Mr. FULTON. I understand from what the Senator states that he contemplates that the Secretary of Agriculture, in prosecuting this investigation, will pay the expenses from the irrigation fund. If so, I certainly wish to enter my protest against it.

Mr. LATIMER. No; I can say to the Senator——

Mr. FULTON. I will say, if the Senator will permit me, it is true that a bill did pass here appropriating $1,000,000 from the irrigating fund to be devoted to draining lands in North Dakota. I very reluctantly sat quiet while that bill went through. I felt that I was doing wrong when I did it. As far as I am concerned, I shall never consent to any further appropriation of that character out of that fund.

I wish to say in regard to the swamp lands that it seems to me they occupy a very different position. The swamp lands have been given to the several States by Congress.

Mr. LATIMER. I do not want to yield to the Senator to make a speech.

Mr. FULTON. Surely, it was not intended that Congress should go to work and reclaim the swamp lands.

Mr. LATIMER. The Senator from Oregon represents one of the States that are taken care of in the irrigation proposition. The lands of Oregon, as the public lands in all the States of the Union, were purchased of the thirteen original States.

Mr. HEYBURN. Mr. President——

Mr. LATIMER. I do not intend to go into a discussion now of the question, and I do not care to yield just now.

The VICE-PRESIDENT. The Senator from South Carolina declines to yield.

Mr. HEYBURN. I wished to make a suggestion to the Senator that would throw some light on the question.

Mr. LATIMER. I will yield for a question.

Mr. HEYBURN. It is not a question. North Dakota contributes to the irrigation fund and Florida does not, nor do other States.

Mr. LATIMER. What does the Senator say?

Mr. HEYBURN. North Dakota contributes from the sale of her public lands to the irrigation fund. I state that as an equity in her behalf.

Mr. LATIMER. North Dakota, as I understand it, has no public lands. The public lands in every State in the Union belong to the Federal Government.

Mr. HEYBURN. But the lands of North Dakota contribute to the irrigation fund.

Mr. LATIMER. If the lands belong to the State and contribute to the irrigation fund, that is a different proposition.

But, Mr. President, what I am contending for here now is, that if the Government of the United States can set aside all the public lands in the thirteen States and the three Territories that have now been set aside to create a fund for the purpose of irrigation, how, in fairness and justice to the other States, to the thirteen original States, which never received a foot of public land, and none of the land out of the townships for common school purposes, nor for the endowment of colleges, can Senators stand here and refuse to allow Congress to give to the people who live in States where these large areas of land are now situated this information which has already been obtained by the Secretary of Agriculture. If engineers have gone out and made surveys, would you refuse to allow Congress simply to have the information printed for the benefit of representatives in this body?

All I am asking for in this resolution is that the Secretary of Agriculture shall compile such information as is within his reach bearing upon the question of swamp lands, showing how much is located in each State, how much can be reclaimed, and what will be the cost of reclaiming it, so that Senators may have information bearing upon this question.

So far as legislation in the future is concerned, that is a question which can be taken up and discussed when it comes before the Senate. I am simply asking for information.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maine?

Mr. LATIMER. Yes, sir.

Mr. HALE. This is an important matter, and it ought to be considered by the proper committee. I move that the resolution be referred to the Committee on Agriculture and Forestry. Then the Senator can make his fight there.

Mr. LATIMER. Mr. President, the Committee on Agriculture and Forestry will probably not meet any more at this session. We are getting toward the close of the session, and I see no reason why we should not reach a vote on this proposition to get the information before the Senate, which is provided for in the resolution. I hope the Senate will pass upon this matter now and decide whether we are to have this information at the present session or whether it is to go over.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from California?

Mr. LATIMER. I yield for a question.

Mr. FLINT. I should like to ask the Senator if this does not mean the providing of an entirely new engineering service and to have the Agricultural Department go in and ascertain all over the country whether certain lands can be reclaimed that are now swamp lands? The irrigation work is conducted under the Interior Department, and they now have a corps of engineers. Does not this propose to turn over to the Agricultural Department that work, and does it not mean the establishment of a new bureau, an expensive one and an unnecessary one?

Mr. LATIMER. I wish to say to the Senator that they already have a corps of engineers.

Mr. FLINT. They ought not to have it, in my opinion.

Mr. LATIMER. That is already provided for by an appropriation carried in the agricultural appropriation bill of $120,000 or $122,000 this year. The money is already appropriated, and the engineers are already employed.

Mr. HALE. With conference reports and other matters of great importance waiting, I shall not further debate the resolution, but will take the sense of the Senate on referring this most important matter to the Committee on Agriculture and Forestry.

Mr. LATIMER. I will agree to that.

The VICE-PRESIDENT. The Senator from Maine moves that the resolution be referred to the Committee on Agriculture and Forestry.

Mr. LATIMER. I move to lay that motion on the table.

The motion to lay on the table was not agreed to.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Maine to refer the resolution.

The motion was agreed to.

LUDWELL M'KAY AND OTHERS.

The VICE-PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, which will be read.

The Secretary read the resolution submitted yesterday by Mr. McCREARY, as follows:

Resolved, That the petition of Ludwell McKay and certain other Kentucky drafted men, with all the accompanying papers, be, and the same is hereby, referred to the Court of Claims for a finding of fact in accordance with the decision of said court in the case of John H. Marshall, under the terms of the act of March 3, 1887, and generally known as the "Tucker Act," and to be considered in connection with and as a part of Senate bill No. 7168, third session Fifty-eighth Congress, which was referred to that court by resolution of the Senate March 3, 1905, and is numbered Congressional 11889 in said court.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. McCREARY. There was an illegal draft in Kentucky in 1864. It was so decided by the court, and in the case of John H. Marshall the court held that he was entitled to $300, the amount he paid because of the illegal draft. The resolution is simply for the purpose of referring certain papers to the Court of Claims. I have talked with the chairman of the Committee on Claims about it.

Mr. GALLINGER. I will ask the Senator from Kentucky if this resolution has been reported from a committee?

Mr. McCREARY. No, sir; I did not think it was necessary to refer it to a committee, because it is only for the purpose of getting all the papers in the case of Ludwell McKay and others before the Court of Claims.

Mr. GALLINGER. I have heretofore observed, if the Senator will permit me, that the claims which are referred to the Court of Claims come from the Committee on Claims in the form of a resolution.

Mr. McCREARY. A resolution was adopted in 1905, reported from the Committee on Claims, which referred the claims of drafted men in Kentucky to the Court of Claims.

Mr. GALLINGER. I was wondering whether this is a new departure and that we can of our own volition send these claims to the Court of Claims without a reference to the committee.

Mr. McCREARY. I will say to the Senator from New Hampshire that there was a resolution referring the claims of the illegally drafted men in the State of Kentucky to the Court of Claims, which was passed, and the object of the resolution is to get all the accompanying papers before the Court of Claims.

Mr. FULTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kentucky yield to the Senator from Oregon?

Mr. McCREARY. I do.

Mr. FULTON. I understand that the bill was referred at the last session of Congress to the Court of Claims.

Mr. McCREARY. It was.

Mr. FULTON. And it is contended that there are some papers here which were not sent under the resolution. I confess I can not understand how that is, because the bill of the last session not only referred the claim, but all accompanying papers to the Court of Claims.

Mr. McCREARY. I can explain that.

Mr. FULTON. I have no objection myself to the resolution going through, but I do not see why the accompanying papers were not referred at the last session.

Mr. McCREARY. I can explain that to the Senator.

A bill for the relief of the Kentucky drafted men (S. 1465, 3d sess., 58th Cong.) was referred by a resolution of the Senate on May 6, 1904, to the Court of Claims for consideration under the act of March 3, 1887, commonly called the "Tucker Act." Under said reference a test suit was brought to trial in said court, John H. Marshall, of Pendleton County, being the claimant, and on December 16, 1904, the court made a finding which was reported to the Senate and printed (Doc. No. 70, 3d sess. 58th Cong.). In that finding the court held that the draft in Kentucky in 1864 was illegally levied, and that Marshall should not have been required to pay $300 to escape personal service and aid illegal draft.

Thereafter, on March 6, 1905, the Senate referred another bill (S. 7168, 3d sess. 58th Cong.) to said court for the relief generally of said drafted men, and in the first case brought to trial under this bill the Attorney-General filed a motion to dismiss upon the ground that the reference made by the Senate to the court of the bill 7168—that is the bill included in the resolution—did not confer upon said court jurisdiction to determine the *facts in any individual case*, as the bill *contemplated general legislation*, and that motion was argued and submitted in April last and has not yet been decided, and can not be decided until next October.

In the meantime proceedings in these cases have been stopped.

It is desired to have these cases proceeded with during this summer; and in order that the objections of the Attorney-General be met, and in anticipation of a decision of the court that it is without jurisdiction, this evidence and these proceedings were presented.

Mr. FULTON. Then it means something more than the mere reference to the papers. It seems to extend the jurisdiction of the court.

Mr. McCREARY. No; the Senator will see that he is mistaken about that.

Mr. FULTON. I will ask that the matter lie over.

Mr. McCREARY. It grows out of the fact that the Attorney-General made the point that the bill that was referred did not confer upon the court jurisdiction to determine the facts in any individual case. I can not see that the adoption of this resolution will in any respect interfere with the rule. In justice to these persons they are entitled to be paid their money collected under the illegal draft.

Mr. FULTON. I will say to the Senator that if he will allow the matter to go over, I will look into it; and, of course, if it does not depart from the general rule and practice that obtains in matters of this character, I will not make any further objection.

Mr. McCREARY. I do not desire anything but what is just and fair. If the Senator from Oregon desires to look into the matter, I will be willing that he shall have time, and I will call up the resolution at a subsequent time.

Mr. GALLINGER. Before the resolution goes over I want to say to the Senator from Kentucky that the matter is in a different shape from what I supposed when I made my inquiry. It seems these claims were referred in bulk, and that this differentiates and names one particular claim.

Mr. McCREARY. Yes. The Attorney-General made the point that there was no jurisdiction conferred upon the court to determine the facts in any individual case, according to the presentation as made.

Mr. GALLINGER. I understand it now.

The VICE-PRESIDENT. The resolution will go over.

Mr. McCREARY subsequently said: The Senator from Oregon [Mr. FULTON] withdraws his objection to the resolution which was under consideration a few minutes ago and which was introduced by me.

Mr. GALLINGER. So do I.

Mr. McCREARY. And the Senator from New Hampshire withdraws his opposition. I ask that the resolution be adopted.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PROPOSED INVESTIGATION OF WHITE HOUSE INCIDENT.

Mr. TILLMAN. Mr. President, I gave notice on Saturday that I would call up the resolution which has been lying on the table for a couple of months and address the Senate on it this morning, but I am feeling so unwell—in fact I was unwell yesterday—that I would not have come here to-day but for the important matter of the rate bill conference report. Therefore I will have to defer any effort to make a speech on the resolution.

REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, and the

request of the House for a conference with the Senate on the bill and amendment.

Mr. DILLINGHAM. I move that the Senate nonconcur in the amendment of the House of Representatives, agree to the conference asked for by the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. DILLINGHAM, Mr. LODGE, and Mr. MCLAURIN as the conferees on the part of the Senate.

Mr. FORAKER. Mr. President, I desire to have read at the Secretary's desk a telegram, which is a sample of hundreds I am receiving. I ask that it be referred to conferees on the part of the Senate on the immigration bill.

The VICE-PRESIDENT. The Senator from Ohio asks that the telegram which he sends to the desk be read. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

CINCINNATI, OHIO, *June 26, 1906.*

Senator J. B. FORAKER,
Washington, D. C.

HONORABLE SIR: Fulton Council, No. 328, Junior Order of United American Mechanics, in business session with the consent of its membership of 300 voters hereby demand your attention to the immigration bill favorably to the interest of the principles of the Junior Order of United American Mechanics.

HOWARD MOON, *Secretary.*
DAN ESTELL, *Councilor.*

Mr. FORAKER. It is not quite as politely expressed as it might be, but it is earnest enough for everybody to understand it; and inasmuch as it does not expressly say that it refers to the educational test, I add that explanation to what I understand the telegram to mean, and I will refer it to the Senate conferees with that understanding.

The VICE-PRESIDENT. The telegram will be referred to the conferees on the part of the Senate.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts and joint resolutions:

On June 25:

S. R. 60. Joint resolution providing for the purchase of material and equipment for use in the construction of the Panama Canal;

S. 1697. An act confirming to certain claimants thereto portions of lands known as Fort Clinch Reservation, in the State of Florida;

S. 3414. An act providing for a public highway on the east side of the Fort Sherman abandoned military reservation, Idaho;

S. 4109. An act to increase the efficiency of the Bureau of Insular Affairs of the War Department;

S. 6333. An act authorizing the Secretary of War to acquire, for fortification purposes, certain tracts of land on Deer Island, in Boston Harbor, Massachusetts;

S. 2948. An act to amend section 1 of the act approved March 3, 1905, providing for an additional associate justice of the supreme court of Arizona, and for other purposes;

S. 5512. An act defining the qualifications of jurors for service in the United States district court in Porto Rico; and

S. 6146. An act to authorize the Back River Bridge Company to construct a bridge across the west or smaller division of the Ohio River from Wheeling Island, West Virginia, to the Ohio shore.

On June 26:

S. R. 68. Joint resolution expressing the sympathy of the people of the United States with the Hebrews on account of the massacres of members of their race in Russia.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. I ask the Senate to proceed to the consideration of the conference report on the railroad rate bill.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. ELKINS. Mr. President, in view of the fact that there is a great desire on the part of Senators to vote on the conference report and possibly return it to the committee of conference, I will not detain the Senate long.

The cause of difference about substituting the word "railroad" for "common carrier" in amendment 5 of the conference report grows out of the amendment that I introduced, having for its purpose to divorce transportation from production on the part of the railroads engaged in transporting coal they mined and sold in competition with their shippers, which was a great abuse. Of late the railroads in West Virginia and in other States have acquired large holdings of coal lands and become extensive miners of coal as well as shippers, and in competition with shippers on their lines. This abuse grew into a grievous wrong to independent shippers. I sought to correct this abuse by an amendment confining railroads to their legitimate business of transporting freight and passengers and prohibiting them from engaging in the transportation of any commodity which they might own except for their own use.

In the adoption of this amendment and the discussion of it the wording was changed, and "common carrier" was substituted in place of "railroads," with the limitation that I have just stated of not allowing a common carrier to transport its own products. This produced the confusion that a pipe line is not permitted to transport its own products. West Virginia is probably the largest oil-producing State in the Union. I believe the sale of oil averages $50,000 per day in West Virginia. It is a very large income to our people. So far as I know, there has never been a complaint of any kind by anybody against pipe lines. The fact is, the pipe lines purchase all or nearly all the oil produced in West Virginia and transport it as their own oil, the Standard Oil being the largest pipe-line company in the State. So far as I am advised, none of the pipe lines condemned the right of way or exercised the right of eminent domain in building their pipe-line stations—"pumping stations," as they call them.

Now, Mr. President, the State of West Virginia a long time ago, next to Pennsylvania being the pioneer in the oil business, legislated on the subject, and they declared pipe lines to be common carriers. I have the statute here before me, and I will ask the permission of the Senate that I may incorporate two or three provisions of it, without reading, into my remarks. They are very strict provisions, prescribing what kind of oil they shall transport, the specific gravity of the oil, how much shall be taken at one time, and what the charge shall be. This statute has not been enforced particularly for the reason I stated, that the pipe lines buy the oil, rendering it impossible that differences should arise.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

TRANSPORTATION OF PETROLEUM OR OTHER OILS OR LIQUIDS.

1. Every person, corporation, or company now engaged or who shall hereafter engage or continue in the business of transporting or storing petroleum by means of pipe line or lines or storage by tanks shall be subject to the provisions of this act and shall conduct such business in conformity herewith; and the word "company" whenever used in this act shall be construed to include persons and corporations.

2. Any company heretofore or hereafter organized for the purpose of transporting petroleum or other oils or liquids by means of pipe line or lines shall be required to accept all petroleum offered to it in merchantable order in quantities of not less than 2,000 gallons at the wells where the same is produced, making at its own expense all necessary connections with the tanks or receptacles containing such petroleum, and to transport and deliver the same at any delivery station, within or without the State, on the route of its line of pipes which may be designated by the owners of the petroleum so offered.

12. Accepted orders and certificates for petroleum, issued by any company engaged in the business of transporting and storing petroleum in this State, by means of pipe line or lines and tanks, shall be negotiable, and may be transferred by indorsement, either in blank or to the order of another, and any person to whom the said accepted orders and certificates shall be so transferred shall be deemed and taken to be the owner of the petroleum therein specified.

Mr. ELKINS. It will be observed that while West Virginia made pipe lines common carriers and compels them to transport all oil offered them on certain conditions, the legislature did not prohibit these pipe lines from transporting their own oil, for the good and sufficient reason that in the first instance pipe-line companies were incorporated and organized to carry their own oil; there was nobody else to do the transporting of oil, and without transporting it had no value.

The legislature wisely said you can transport your own oil, but you must transport your neighbor's if offered to you. This is just what Congress—no more, no less—and this is what this amendment permits. It would be a little short of confiscation to prohibit pipe lines, after expense of purchasing oil lands and building their lines, to prohibit them from transporting their own oil.

The State of West Virginia is vitally interested in this question by reason of its being a large oil-producing State, although every State that does produce oil is interested, and the States that may find oil will be interested.

I want to explain to the Senate the way that oil leases are made, the method of producing oil, and of discovering oil.

We have what are known as "oil exploiters." They are men not of large means generally. They are familiar with the business of finding oil and exploiting oil. They go into a State, for in-

stance, the State of West Virginia. They find a section of country they judge to be oil-producing territory. They get together enough money to put down a well. Before they do that they make a lease from the owner of the land, which is ordinarily a dollar a year rent per acre until oil is produced. Sometimes it is more; sometimes it is less; but it will average a dollar per acre a year. In the agreement is incorporated a provision that the lessees shall bore a well in so many months. Then when the well produces the farmer gets one-eighth of the production and the lessee ceases to pay rent.

So this question affects seriously the farmers of West Virginia, and, I will say, the farmers of Indiana, Illinois, Ohio, and Kansas, and other States producing oil.

Now, it is estimated that the farmers, from production and rent, in my State alone, gather $2,000,000 per annum. I do not vouch for the accuracy of this statement, but I am told that is the case.

When they first discover oil, it is not in most cases the Standard Oil Company that makes the discovery, although they are great producers. Later on, in the development and in the operation, they ordinarily buy out the small producer, the discoverer, the exploiter, if you please, and in this way the complaint is made against them that they are a monopoly, but they have never offended the people, so far as the transportation of oil is concerned, in the matter of transportation.

There is one criticism that might be made of the Standard Oil, that it fixes the price of oil. They fix it every day, because it is the largest producer and seller of oil in the world. In the nature of things this can not be helped, but the Standard Company takes all the oil offered and pays cash for it. If it and other pipe lines did not, what would the producer do?

I do not know that the passage of the amendment taking away from them the right to transport their own product would affect the fixing of the price of oil. The Standard Oil could avoid this law by incorporating a producing company as well as a pipe-line company. But how would this help the producer or anybody else, while putting it to vast expense and trouble? What we wish to do is to improve conditions, stop abuses, prevent monopolies, but not to injure any interest doing business in the country.

Mr. President, as I was saying when interrupted, the farmer in all cases, whether the Standard Oil or any large pipe line may succeed to the ownership of the leases which I have described, gets his proportion of the production. The farmer is always a one-eighth partner with the oil producers in all oil operations. He retains that share. It is a part of the contract when he leases the oil land. So, directly or indirectly, the farmer is a partner in the oil business and is very much interested in this question.

As I said before, I have not heard of any complaint on the part of the oil producers or farmers or shippers of oil against the pipe lines in reference to transportation, nor have I heard any such complaint so far as the selling of the output of the producers is concerned. The Standard Oil Company and the other pipe-line companies issue certificates for all the oil received in their tanks and in their pipe lines. Such a certificate is cash any day the owner of it desires the money. If the party holding the certificate thinks that oil is going up, he holds his certificate; if he needs the money badly, he sells it; or if he thinks oil is going down he sells the certificate.

Mr. SCOTT. He is not charged any storage.

Mr. ELKINS. No. Storage is intimately connected with this question of transportation, but after thirty days on to ninety days, I think it is, the storage is charged. But I do not know of any oil producer who has ever transported his oil to the Atlantic coast except the pipe-line companies. What would the man with 500 barrels of oil, or 100 barrels of oil, or 10 barrels of oil do with it? When he got it to the coast to the point of shipment, he would have to pay his freight, and he would then be at the mercy of the pipe-line company. He would have no place for storage.

Mr. President, I do not want to imperil the independent operator. The Standard Oil Company can well take care of itself. I do believe that if this bill was passed as the Senate adopted the amendment, the independent operator would be at the mercy of the Standard Oil Company, because the Standard Oil Company would then organize a pipe-line company, an oil-producing company, and have that independent and separate under a slightly different ownership, and soon be in a position to absorb all independent operators. This would not do.

Here is another feature. A great many men, speculators—and the world is full of speculators, and we owe a great deal to them—get enough money to test a certain territory. In my State and in other States, in Kentucky, in the Indian Territory, in Indiana, and in Tennessee, they are hunting for oil all the time. I happen to live in a part of my State where oil is not produced; but they are constantly boring for oil. Leases are being made all around in my vicinity. Perhaps 100,000 acres of land is leased in one way and another. That land may be from 40 to 50 miles from any pipe line, but within 8 or 10 miles of a station or a town or a railroad. If oil is found they can not let it go to waste, as it is liable to do; they have not money enough to build to some great pipe line, and the pipe line will not build to them; but they may have money enough and the product may be sufficient in quantity to justify the construction of a short pipe line to the railroad station. What are they to do? They construct a pipe line to the nearest railroad station, say 7 or 8 miles off, and they run the oil in that pipe line. It may be a 3-inch pipe or a 2-inch pipe. Then they call on the railroad for a tank car. The railroad having furnished the car, the oil reaches the market and the producer gets $1.60 per barrel, or whatever the price may be on a particular day. This is a ready market, and may give the producer $75 a day. He wants to realize. If this amendment substituting "railroad" for "common carrier" does not obtain, and the pipe-line owner is not permitted to sell and transport his own oil, how is he to get his oil to market? This amendment says partly by pipe line and partly by railroad, or partly by pipe line and partly by railroad and partly water. To find a market he must go from one State to another. It is a cruel thing, it seems to me, to deprive this man of his right to transport his oil to the nearest station and to put it in the tank car and send it to market and get a return for his risk or investment. If this matter goes on, then he gets his oil out of his district the same as any other producer.

Mr. President, the analogy between a railroad and a pipe line has been cited here by the senior Senator from Texas [Mr. BAILEY]. A railroad is primarily organized and chartered for one purpose, and that is to transport freight and passengers. It is a common carrier from the start. Ordinarily the pipe line does not want to be a common carrier. The production of oil is the first consideration in the oil business; the pipe line is secondary—only an instrumentality. To get oil is primarily the thing to be attended to. The pipe lines are the means of getting the oil to market, and they are altogether incidental to the business of producing. What would become of other producers, say, a farmer, if he was not allowed to transport his own products to market? You can cite a dozen cases of producers where you might provide that they shall be common carriers and shall not transport their own production. Suppose there is nobody found to transport the oil, what would become of it, and what would become of the vast interests in the States that produce it? There is not a State in this Union but what its inhabitants would hail with joy the finding of oil—that it contained a million acres of oil land. Every State in the Union would consider it the greatest advantage, the greatest boon, that could be conferred upon it, for it opens up immediately a great business, and it employs thousands of men. But the moment a State discovers oil they are confronted with the question of how to dispose of it. The first question is, How are the producers to get their product to market? Often there is no way in the world, unless you allow them to transport their own oil. They must themselves find the ways and means. There are no pipe lines in a new and remote district. It sometimes happens that a few men combine and find a territory of, say, 25,000 to 50,000 acres of oil lands. They go to prospecting, they make leases; they bore wells and get production. One of them is not able to build a pipe line, but three or four or five, or whatever the number may be, may combine and put in the money and build their own pipe line. These are called independent pipe lines. They go to the refineries which do not belong to the Standard Oil Company. There are hundreds in Pennsylvania—some say thousands—of independent operators, and there are a great many in other oil-producing States.

This leads me to state that there are hundreds of independent operators all over the United States, wherever oil has been discovered. They are searching for oil in Alabama, in Tennessee. In Texas oil is confined to one locality. Being only in one place, the pipe line is doing the business of transporting as a common carrier for other people; but that is the exception, and this instance is the only one of that kind, so far as I know or can hear.

Mr. PERKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from California?

Mr. ELKINS. Certainly.

Mr. PERKINS. The Standard Oil Company has constructed a pipe line in the San Joaquin Valley, and has built it all the way to San Francisco—over 100 miles—and has by this exclu-

sive pipe line secured a monopoly of the transportation of oil to that city.

Mr. ELKINS. This does not hinder other pipe lines being built, if it is found profitable to transport oil; but surely this is no reason why another pipe line should not be allowed to transport its own oil. If a man can or can not get to market with his oil, he should not be prohibited by law from transporting his own product.

Mr. SCOTT. And that is all in one State.

Mr. ELKINS. Yes; that is all in one State. But I do not see what that argues. The independent operators, when they have no pipe line, must apply to the Standard Oil or other pipe-line companies. They have got to do so. This action on the part of Congress will stop development by those who desire to produce oil, unless some way or means can be found by which a man can transport his own product. I think the State of West Virginia, being advised in a matter of this kind, with a large experience, acted wisely when it declared from the beginning that pipe lines should be common carriers, but allowed them to carry their own product. The legislature said: "If other producers come to you and offer oil, you must transport it;" and the State set down in the statutes the charges to be made, and the kind of oil, specific gravity, etc. That was a wise provision. How does it hurt anybody to allow the producer who is in the business of oil producing, and no other business, to transport his own oil, transportation being secondary? It is not, like a railroad, organized for the purpose of transportation only. There has been no organization of pipe lines, so far as I know, to transport oil for other people; but under the amendment adopted by the Senate they will be required to transport for others and not for themselves.

Mr. President, the denial of the right to independent operators to transport their own product of oil will work great injustice, destroy great industries. It will confiscate a great deal of property. It will break up a great many people in my State and bring on ruin and disaster. Indirectly it will hurt farmers; and it will place all oil operations in the hands of the Standard Oil Company, which will own all plants, operate the oil, and do the business now done by the independent operator. There will be no independent operators.

Mr. President, many of the leading business men of my State, some of the best men in the State, without reference to party, distinguished citizens, including my predecessor on this floor, ex-Senator Camden, have sent the most urgent telegrams here, protesting against our denying the right to the independent operator to transport his own product.

Mr. President, I desire to say a few words in regard to the pass amendment. I do not believe any amendment that could possibly be drawn would meet the entire approval of the Senate or of the House of Representatives. Objections can be made to the wording of any pass amendment. Lawyers can find objections; and the question of what the court will say will be, as it always is, one of the disturbing factors in legislation. Nobody knows what the court will do until the court passes upon the law. I would prefer some other form of a pass amendment; but I have no kind of apprehension or doubt that, if the pass amendment as reported by the conferees becomes a law, nobody will be found to accept a pass or to solicit or grant or give one outside of what is permitted under the law. I do not believe, however, in singling out Senators and Representatives in Congress, the greatest legislative body in the world, and say that they shall not accept passes, but that others may. I do not think the principle is good. I don't think they require the restraining protection of the law.

Mr. President, this pass amendment can be enforced. I do not believe it repeals the law as to discrimination. I believe that if the railroads were to grant passes, as claimed by some Senators in discussing this bill, it would be a direct discrimination, punishable by fine and imprisonment; and there would be no attempt to grant passes beyond the clear wording of the amendment adopted by the conferees.

Mr. LONG. Mr. President, the Senate made fifty-one amendments to the railroad rate bill as it came from the House. The committee of conference has reported thirty-four of these amendments without any change or modification, and the House has agreed to the report. The Senate conferees have abandoned six of the Senate amendments—one known as the "Jim Crow" amendment; another in that section of the bill where the word "regularly" was stricken out and the word "lawfully" inserted; and the third struck out the House provision increasing the membership of the Interstate Commerce Commission from five to seven and increasing the salaries of the Commissioners from $7,500 to $10,000. The three other amendments abandoned by the Senate conferees consisted simply of a renumbering of sections made necessary by these amendments. The conference report contains eleven other amendments made by the Senate, which are reported with some slight modifications or changes. There is no serious objection made to any of these modifications, except those which refer to the pass amendment and that which refers to what is known as the "commodity" amendment.

I am not satisfied with the provision in respect to passes as reported by the conference committee. I can not understand why all persons employed in the postal service should be permitted to accept free transportation from railroads. I can understand why railway postal clerks and post-office inspectors should receive free transportation from the railroad companies, for contracts are made with the railroad companies for the transportation of the mails, and as part of these contracts they transport railway postal clerks and post-office inspectors free of charge. A provision excepting these two classes of postal employees should be contained in any pass amendment; but I can not understand why postmasters or clerks in the Post-Office Department should be permitted to secure free transportation from railroad companies, while clerks in the War Department or Navy Department are prohibited from receiving them. Neither do I like that part of the amendment which says:

And except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage.

I think, as stated yesterday by other Senators, that this in effect permits rebates to shippers, by way of free transportation, which are now prohibited by the Elkins law.

But my purpose in addressing the Senate to-day is not specially to discuss the pass amendment, but to refer to the commodity amendment in its relation to the oil industry of Kansas, Oklahoma, and Indian Territory. Legislation directed primarily against the Standard Oil Company is new in the Congress of the United States, but it is not new in Kansas. Our last legislature passed all the laws that it deemed necessary to injure or affect the Standard Oil Company. That legislature was terribly in earnest. The people of Kansas were indignant and greatly aroused at the aggressions of that organization and they determined to enact legislation that would be effective.

Kansas has the reputation of being somewhat radical on certain lines of legislation. It has the reputation of being extreme when it starts in to reform certain abuses; but in all the legislation enacted by the Kansas legislature directed against the Standard Oil Company that legislature never thought of enacting legislation such as we are now considering.

This comes from the adoption by the Senate of two amendments to the rate bill. One of these amendments made pipe lines common carriers. I voted for that amendment; I am in favor of it remaining in the bill, but I doubt its effectiveness; I doubt whether it will be of much practical value. Where the pipe lines are in fact common carriers, where they are engaged in the transportation of oil for hire, where they take the oil of a person or corporation and transport it from one State to another State, I can see no reason why the charges made for that transportation should not be placed under the jurisdiction and control of the Interstate Commerce Commission, the same as the charges of railroad companies, sleeping-car companies, and express companies.

But the difficulty arises in this, that pipe lines are not in fact common carriers; they are not in fact engaged in the transportation of oil for hire. The way the business is carried on generally throughout the oil fields is that the pipe line is constructed not for the transportation of oil for hire, but it is constructed and owned either by the producers of the oil, in order to get their product to market, or by the refinery for the purpose of reaching the field and obtaining the crude product—generally the latter.

So it is that this bill, by making all pipe lines common carriers, and in another section providing that a common carrier can not transport products "manufactured, mined, or produced by it, or under its authority, or which it may own in whole, or in part, or in which it may have any interest direct or indirect" strikes directly at the oil industry in Kansas, Indian Territory, and Oklahoma, for in that field pipe lines are owned by the refineries, either the Standard Oil or independent refineries. They own the pipe lines and the pipe lines buy and transport the crude oil. Pipe lines are not constructed for the purpose of carrying oil for hire, but for the purpose of reaching the field, getting the product, and transporting it to the refinery.

Kansas enacted a law making pipe lines common carriers. In enacting that law, however, the legislature of Kansas did what the West Virginia legislature did—that is, provided how and under what circumstances it should be compelled to carry oil.

The following are the principal provisions of that law:

All pipe lines laid, built, or maintained for the conveyance of crude oil within the State of Kansas are hereby declared to be common carriers, and said conveyance of said oil shall be in the manner and under the restrictions in this act provided.

It shall be the duty of every person, firm, association, or corporation operating such pipe line to provide suitable and necessary receptacles for receiving such oil for transportation and for storage at the place of delivery until the same can be reasonably removed by the consignee, and shall be liable therefor from the time the same is delivered for transportation until a reasonable time after the same has been transported to the place of consignment and is ready for delivery to the consignee. It shall be the duty of every such person, firm, association, or corporation to receive and forward such oil as shall be offered for shipment in the order of application therefor, upon the applicant's complying with the rules herein provided for as to delivery and payment for such transportation. Such common carrier shall issue to the shipper a certificate showing the actual quantity and specific gravity thereof; but no application for such transportation shall be valid beyond or for a greater quantity than the applicant has ready for delivery at the time of making such application.

This has been a law for more than a year, and yet there has not been a single barrel of oil tendered to the Standard pipe line or to any other pipe line for transportation. Why? Because the crude oil taken from the well to be transported through the pipe line would have to find a market at the other end of the line, and the producer of that crude oil would be just as helpless at the other end of the line as he is at the beginning of the line, where the oil is produced. He would have to sell the oil at last to the refinery, be it owned by the Standard Oil Company or by an independent company. So the way the business is carried on is that the producer desires to sell his oil where it is produced, and he sells it in almost every instance to the pipe-line company, and it is then transported to the refinery. That is the way the business is carried on; and so this legislation enacted by the Kansas legislature making pipe lines common carriers, directed specially against the Standard Oil Company, has not produced any result.

But there was other legislation enacted in Kansas. There were four laws that had for their purpose the regulation and control of the production and the transportation of oil in Kansas. The law to which I have referred was one of them; another provided for fixing maximum rates on the transportation of crude oil by the railroads of that State; another was the law providing against unjust or unfair discrimination in the sale of products. Part of that law is as follows:

Any person, firm, or corporation, foreign or domestic, doing business in the State of Kansas, and engaged in the production, manufacture, or distribution of any commodity in general use, that shall intentionally, for the purpose of destroying competition, discriminate between different sections, communities, or cities of this State, by selling such commodity at a lower rate in one section, community, or city, or any portion thereof, than is charged for such commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates therefrom, shall be deemed guilty of unfair discrimination.

The fourth law was the one providing for a State refinery.

These four laws were passed to protect the producers of oil in Kansas and in their interest.

Two of these laws have been effective, the one prohibiting unjust or unfair discrimination and the one providing for maximum charges for the transportation of crude oil by railroads.

As I said, Kansas endeavored to restrict and control the Standard Oil Company and benefit the producers of oil in that State. The State-refinery proposition had much opposition from the beginning. It was opposed in the legislature. Many voices were raised against the State going into the business of refining oil, but the voice with the greatest potency was that of the chairman of the committee on the judiciary in the house, my present colleague [Mr. BENSON], who protested against that legislation and demonstrated its unconstitutionality. He showed that it never would be effective, and although the bill passed the house and became a law, the supreme court of our State, following the lines laid down in the speech that my colleague made, unanimously declared the law unconstitutional and void.

I refer to this only for the purpose of showing that extreme legislation, unjust and unfair legislation, leveled against a great corporation like the Standard Oil Company, is very likely to miscarry and go wide of its purpose, as it did in Kansas on the State oil-refinery law.

The Kansas legislature never thought, while making pipe lines common carriers, to prohibit them from transporting their own products through their own pipes, for the legislature was in direct touch with the oil producers—with people who understood the business, and anyone familiar with the production or distribution of oil knows that a provision like this, or like these two provisions when taken together, would absolutely destroy and ruin the oil industry in all the States where it would be operative.

Mr. SCOTT. The Senator means the independent companies?

Mr. LONG. The independent pipe-line companies. Senators may think that this will seriously injure the Standard Oil Company. They may be mistaken, for the Standard Oil Company is already organized, already in the field. In Kansas the Standard Oil Company has a pipe line owned by an organization known as the "Prairie Oil and Gas Company." It buys the oil at the present time. There are two refineries there, one at Neodesha, owned by the Standard Oil Company of Kansas; one at Kansas City, owned by the Standard Oil Company of Indiana, and there is another at Whiting, Ind., owned by the Standard Oil Company of Indiana. The Standard Oil Company, instead of having the Prairie Oil and Gas Company buy the oil, as it does now, can have the Standard Oil Company of Kansas or the Standard Oil Company of Indiana buy the oil, and transport it, on such terms as it may make, through the pipe line owned by the Prairie Oil and Gas Company, and under the provisions of this bill this can be done. They will not be seriously affected by the proposed legislation.

The protests that have come to me have come from the oil producers of Kansas, Indian Territory, and Oklahoma, and, like the protests that have come from Ohio and other States, are from those who are engaged in the production of oil and who understand the business. They are not connected with and have no relation to the Standard Oil Company, so far as I know.

The people of Kansas finally came to the conclusion that the best way to injure the Standard Oil Company was by the erection of independent refineries and the construction of independent pipe lines. They came to that conclusion only after much excitement and much discussion. In the midst of that discussion there came to our State a woman who has given much consideration to the oil question, and who has written books and articles of great value on the subject. I refer to Miss Ida M. Tarbell, who came to Kansas and in an interview made a suggestion which deeply impressed the people of that State. She said:

So it seems to me that the real solution of the transportation problem for the Kansas oil men is a pipe line of their own to the sea.

In a letter that she wrote to a convention of the oil producers of Kansas, dated March 17, 1905, she said:

It seems to me the time has come for oil men in Kansas, dissatisfied with the way the Standard Oil Company is handling their oil, to take a lesson from the Standard itself. You have your legislation; you are backed up by a resolute governor, by an honest legislature, and by a sympathetic State. Now, the time has come for you to study the oil problem as the Standard Oil Company studies it, to find out the exact relation of your oil production to the oil market of the world; then, by means of independent pipe lines, to reach those markets.

The people of our State followed these suggestions because they are sound. They are based on right principles.

The Senator from South Carolina [Mr. TILLMAN] stated that he did not know of any independent pipe lines. I wish to call the attention of the Senator to the fact that although there may be no independent pipe lines in South Carolina, yet there are independent pipe lines in this mid-continent field, which are the result of the discussion following the agitation in our State.

By referring to the report of Mr. Garfield on the transportation of petroleum you will find a list of the independent refineries in this country. There was only one independent refinery in our State when the agitation began. This list now gives seven. There is another one building, and still others are projected. I refer to independent refineries, separate and distinct from the Standard Oil Company. There is an independent refinery at Cherryvale, close to the State line on the south. It has a pipe line extending from Bartlesville, in Indian Territory, to the refinery at Cherryvale. That pipe line is projected to Atchison, in our State, and then to St. Joseph, in the State of the Senator from Missouri [Mr. WARNER]. That is an independent concern. The pipe line is owned by the refinery. It never would have been built except in connection with the refinery, and yet by this legislation, if enacted, unless the change is made, as reported by the committee of conference, this independent refinery can not transport its own oil through the pipe line that it built for that purpose.

This is the present situation in Kansas. There has been at all times ever since this agitation began the hope that capital could be sufficiently interested—and progress has been made along that line—to build a pipe line from this field to the Gulf of Mexico. Money has been partially subscribed, and it will be an independent pipe line. It will come in direct competition with the Standard Oil Company, and yet, under this bill, if that pipe line is built, the company owning it can not buy oil and transport it through its own pipe line.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Florida?

Mr. LONG. Certainly.

Mr. MALLORY. With reference to the independent pipe

lines in Kansas, can the Senator say whether they transport oil for the public generally or simply transport their own oil from the wells to the refineries?

Mr. LONG. They transport their own oil. They buy oil from the producers at the wells and transport it through their pipe lines to the refinery.

Mr. MALLORY. In fact, they are not public carriers.

Mr. LONG. This bill makes all pipe lines common carriers, without any exception.

Mr. MALLORY. Yes; this bill says that, but this bill can not make a common carrier out of a line that is not a common carrier.

Mr. LONG. That will be for the courts to determine. What I am insisting upon is that Congress shall not approve a proposition like this and leave it to the courts to determine. The mere fact of saying they are common carriers will retard the construction of independent pipe lines until the question is finally determined in the courts.

Mr. CLAY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Georgia?

Mr. LONG. Certainly.

Mr. CLAY. Does the Senator think that this amendment makes such a pipe line as he describes a common carrier? Now, let us see.

Mr. LONG. I will say to the Senator——

Mr. CLAY. One minute.

Mr. LONG. I will say to the Senator it attempts to do so.

Mr. CLAY. Let us see.

> That the provision of this act shall apply to any corporation or any person or persons engaged in the transportation of oil or other commodity, * * * who shall be considered and held to be common carriers within the meaning and purpose of this act.

Now, this proposed act is intended to deal with common carriers—railroads. You take a pipe line built by a private company, which bought its own right of way, put down its own pipes, and is engaged in transacting its own business. It is not a common carrier under the provisions of this act. Would such a pipe line be held to be a common carrier by the Interstate Commerce Commission or by any court?

Mr. LONG. The attempt is made by this language to make all pipe lines common carriers.

Mr. CLAY. I do not think so. It strikes me——

Mr. LONG. The Senator from Massachusetts [Mr. LODGE] if he were present——

Mr. CLAY. The Senator from Massachusetts said it was the intention of the amendment, but I can not see how the amendment could be construed in that way. It strikes me that it is intended to apply to pipe lines that are common carriers, doing business for the public, and not to a pipe line where the company has bought its own right of way, laid down its pipe line, and is transacting its own individual business.

Mr. LONG. The Senator construes it one way. The other view was taken yesterday by the Senator from Texas [Mr. BAILEY], who believed that while this section was somewhat inartistically drawn, yet it made all pipe lines common carriers. But the Senator further qualified his position by stating that while it attempted to do that, yet he doubted very much whether pipe lines, which were not in fact common carriers, which had not exercised the right of eminent domain, could be made common carriers by legislation. The Senator expressed that doubt.

Mr. CLAY. If this amendment includes a private pipe line put down for the private business of a company not engaged in transporting oil for the public, clearly, to my mind, such a line ought not to be denied the privilege of transporting its own oil.

Mr. LONG. That is what I say; and I want to state clearly in the legislation that this "commodity" amendment does not apply to pipe lines. That is what I am contending for.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. LONG. Certainly.

Mr. TILLMAN. Will the Senator from Kansas yield to me for a moment?

Mr. LONG. Certainly.

Mr. TILLMAN. The Senator a little while ago said that the pipe line which it is proposed to build from Kansas to the Gulf would buy the oil and then want to carry its own oil. If that would not constitute a monopoly in the Kansas field, with no one allowed to ship oil except the owner of the pipe line, then what would it do? Secondly, if that monopoly should be created by not making it a public carrier, what becomes of the local producer who has to take just whatever he can get?

Mr. LONG. The Senator, if he should come to the oil fields of Kansas, Indian Territory, and Oklahoma, might reform their methods of doing business, but the way the business is transacted there now, and the way it is transacted in West Virginia is that the producer sells his product at the well. There is no reason why he should transport it to the Gulf or anywhere else, for it must be refined somewhere in order to be merchantable. So he prefers to sell at the well, and under the present methods the producers sell to the company which owns the pipe line.

Mr. TILLMAN. The Standard Oil, for instance.

Mr. LONG. The Standard Oil when it is the Standard Oil Company pipe line, and the independent pipe line when it is independent. The independent pipe line, extending from Bartlesville, in Indian Territory, to Cherryvale, Kans., purchases oil in the same way that the Standard Oil Company does. It purchases it from the producer, and the pipe line owns the oil.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. LONG. Certainly.

Mr. FORAKER. I rise to call the attention of the Senator from Kansas to the fact that when a few moments ago he was calling particular attention to the report made by Mr. Garfield, showing the number of independent oil companies, and was doing it, as he stated, for the special benefit of the Senator from South Carolina [Mr. TILLMAN], the Senator from South Carolina was engaged; some one was at his desk; I noticed that. I do not think he heard the statement that there were seven independent oil companies in the State of Kansas; there are seven in Ohio; there are thirty-two in——

Mr. TILLMAN. Do they transport oil across the State line?

Mr. FORAKER. And according to Mr. Garfield's report in the State of Pennsylvania there are thirty-two.

Mr. TILLMAN. I say, do they transport oil across the State line?

Mr. LONG. They do; most of them.

Mr. FORAKER. Most of them.

Mr. TILLMAN. Some of them.

Mr. LONG. Some of them.

That is what we desire. We want an opportunity for more independent refineries and more independent pipe lines to be constructed, and this legislation, which is directed specially against the Standard Oil Company, will go wide of the mark and not injure it, but it will injure the development of the oil industry and prevent the construction of independent refineries and independent pipe lines in the midcontinent field. The producers in that field, who have learned by experience the exactions of the Standard Oil Company in the business they transact with it, not only look forward to the time when an independent pipe line may be constructed to the Gulf, but also to securing an independent pipe line to St. Louis.

Does anyone suppose that an independent pipe line to St. Louis will be constructed by people who will do so for the purpose of carrying oil for hire; who will go into the field and offer to producers there to transport their oil to St. Louis for so much per barrel? Producers do not want their oil in St. Louis. They would be at the mercy of the refiner there. What they want to do is to sell it at the well, and the pipe line to St. Louis will never be constructed unless it is constructed by the producers of the oil in that field, or some refinery located in St. Louis. Under this provision as it passed the Senate, that pipe line could not be used either by the producers, if they owned it, or by the refinery, if it owned it, to transport oil owned by them.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from West Virginia?

Mr. LONG. Certainly.

Mr. SCOTT. The Senator from Kansas is a lawyer, and I should like to ask him a question. If the pipe lines are made common carriers, and a pipe line buys my oil at the well, it immediately becomes its oil, and then under this construction it can not carry the oil. Is that right?

Mr. LONG. That is the purpose of the legislation.

Mr. SCOTT. Then, while it is being contested in the courts, the common carrier, not being able to carry its own oil, would refuse to buy oil, and that would stop production in your State and mine and in the entire country.

Mr. LONG. Certainly. This legislation is directed against the Standard Oil Company, but it will operate against the interests of independent refineries and independent pipe lines in the fields that are now being developed. The Standard Oil Company, as I understand from Mr. Garfield's report, has an arrangement in the East which is not going to be injured seriously by this legislation.

On pages 46 and 47 of the report there is a list of refineries owned by the Standard Oil Company in the different States. It shows the refineries that are owned by the Standard Oil Company of New Jersey, by the Standard Oil Company of New York, by the Standard Oil Company of Indiana, by the Standard Oil Company of Kansas, but there is no showing here that the National Transit Company owns any refineries. What is the National Transit Company? The report shows that the National Transit Company is a company controlled by the Standard Oil Company, which owns all the trunk pipe lines in the East, from the refinery at Whiting, Ind., to the seaboard.

Under this provision the oil can be purchased by the Standard Oil Company of New Jersey or the Standard Oil Company of New York or the Standard Oil Company of Indiana, and transported through the lines of the National Transit Company and not violate the law. So the effect of it simply is to stop production. Independent projects will wait to see how this law will finally be construed by the courts; whether the contention of the Senator from Georgia [Mr. CLAY] is correct, or whether the contention of the Senator [Mr. LODGE] who prepared the amendment is correct; whether it applies to all pipe lines or whether to such pipe lines only which are in fact common carriers. If it applies only to pipe lines that are in fact common carriers, that offer to transport oil for hire, then, of course, it is not so objectionable.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Ohio?

Mr. LONG. Certainly.

Mr. FORAKER. Will the Senator allow me to interrupt him?

Mr. LONG. Certainly.

Mr. FORAKER. He will remember that when this matter was under consideration in the Senate there was an effort made, not only once, but two or three different times, to restrict this language to pipe lines that were carrying for the public, and that was undertaken by offering an amendment, in one instance, to insert "such pipe lines as are carrying for the public," and in another instance to insert the words "such pipe lines as are carrying for hire." But the Senate each time refused so to amend the bill. All this was pointed out then——

Mr. LONG. The Senator offered those amendments, and I supported them.

Mr. FORAKER. I know the Senator did, and a number of other Senators did, but a majority of the Senate insisted that this provision should apply, as the Senator from Massachusetts contended it should, to all pipe lines, without regard to whether they were carrying for the public or not, his contention being that such a qualification would destroy the effect of what he was trying to accomplish.

Mr. LONG. I will say to the Senator that at the time the Senate voted that way I believe it was because it was unfamiliar, or many Senators were, with the manner in which the oil business is carried on. I supported both of these amendments. I voted to make pipe lines common carriers. I voted for the commodity amendment. When they were both adopted, at different times, and we found out what we had done, I of course expected that the conference committee would correct the mistake and so amend one that this absurdity would not be in the law.

I had no thought that the conference committee would deliberately refuse to do this. The first report did not correct it, the attention of the committee not having been directed to it. In this report the committee corrected it, and this modification should stand.

What astounds me is that, coming as I do from a State where we are alleged to be extreme, where we are supposed to sit up nights trying to think of things to do to the Standard Oil Company, I should find in the Senate of the United States a proposition like this seriously contended for; that Senators should insist that this law should be passed, with this injustice in it, that will work a hardship on many persons who are endeavoring to compete with the Standard Oil Company.

Of course if it applies only to pipe lines that are transporting oil for hire, and does not apply to pipe lines that have been constructed by refineries or persons for their own use, then it is not so objectionable. Pipe lines that are engaged in the transportation of oil for hire—which are, in fact, common carriers—should have their charges regulated by the Interstate Commerce Commission, the same as sleeping-car companies and express companies.

Mr. President, I do not want to weary the Senate in this discussion, but I desire to call attention to extracts from some letters that I have received.

I wish first to call attention to an extract from a recent editorial in the Kansas City Star, one of the leading papers in this country. In discussing this proposition it has this to say:

> It is probable, however, that pipe lines will not be forbidden to own and sell commodities carried by them. There is after all—

I wish to call the attention of Senators directly to this:

> There is after all a large difference between a pipe line and a railway in this particular. In a good many instances it might be desirable for producers of oil to build and operate pipe lines primarily for the transportation of their own products.

I will say that is the case in the majority of instances.

> And in some cases it might be necessary to provide some such outlet for private holdings of oil. But so long as pipe lines, once chartered and put in operation, must ship the products of others as well as their own oil, and at rates satisfactory to the Interstate Commerce Commission, there will be no possibility of the abuses that lie in the present system of monopoly established and maintained by Standard Oil.

I will say that the reason why this legislation will fall with such telling effect on my State is that independent refineries are being constructed along the southern border of Kansas. The richest and best oil is in Indian Territory and Oklahoma. They are constructing pipe lines from the independent refineries, sometimes 25 miles, sometimes 50 miles, in length, from those fields up into Kansas, and they will come directly under the effect of this legislation, if it is valid. Here is what a producer from Independence, Kans., has to say in a letter, and I read it to the Senate because I think it has some very good, sensible suggestions:

> I have no objection to being a common carrier, as I would cheerfully allow some one else to pump oil through my pipe lines. I have my own individual lines to the railway switch to load tank cars, and the bill would deprive me of this privilege.

He is willing that somebody else should use his pipe lines; he is willing to be a common carrier; he is willing that the Interstate Commerce Commission shall fix his charges; but this man, strange as it may seem, who built a pipe line to transport his own oil to the railway switch, wants to have the privilege still of using the pipe line that he constructed. He is willing that other people shall use it, but under these two amendments other people can use his pipe line for the transportation of oil and he can not use it himself for the transportation of his own oil.

> I am also interested in a concern that is now building here and which is now laying 25 miles of pipe for its own use to bring the oil from the field to the plant, and while they will have no objection to transporting somebody else's oil through their line, they want to own and control their own transportation facilities.

Has it come to this, that Congress is going to prohibit persons from doing this? What great public necessity is there for saying to this producer of oil that he shall not use the pipe line he has constructed to transport his own oil from the field to the railroad switch?

Here is another letter, from a producer in Indian Territory. He says:

> I have just wired you as follows: "Pipe-line clause in rate bill prohibiting common carriers from purchasing or having any interest, either directly or indirectly, in the oil carried or shipped will, in my judgment, paralyze the oil industry of the mid-continent field." I think that the idea of making pipe lines common carriers in this western field is impracticable and can not be done, and would simply put the pipe lines out of business, for the reason that our oil in this mid-continent field is very uneven in quality, some of it being of very low gravity and some of it being of high gravity. For instance, you take oil of 28 degrees gravity. It is designated as "fuel oil," and is only worth, at the present time in this field 35 cents per barrel, while oil of 32 degrees gravity is worth 52 cents per barrel. It would be impracticable to transport the different grades of oil through the same line, for the reason that the pipe-line company could not deliver 28-degree gravity oil and 32-degree gravity oil at the terminal from the same line. If the clause in the rate bill, as I understand it, prohibits the pipe-line company from purchasing this oil or being interested in it, we will not have any market for our production, and if it had to be shipped in tank cars to the seaboard the freight charges would consume the price of the product.

As the Senator from West Virginia [Mr. SCOTT] well knows, it does not pay to transport crude oil by railway, because the Standard Oil Company transports its oil through pipe lines, and the only way you can compete with the Standard Oil Company is to have an independent pipe line to transport the crude oil.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Texas?

Mr. SCOTT. If the Senator will permit me——

Mr. LONG. I am willing to yield to either Senator.

The VICE-PRESIDENT. The Chair will first recognize the Senator from Texas and will then recognize the Senator from West Virginia.

Mr. BAILEY. I was going to suggest to the Senator that he seems to overlook the fact that the same law which would compel the independent producer to ship by rail would compel the Standard Oil Company to do the same thing, and therefore the competition would still be even.

Mr. LONG. The Senator must remember that the Standard Oil Company is established. As I said a while ago, in the East its pipe lines are owned by one corporation and the refineries are owned by other corporations. So it could operate the pipe lines and not violate this law.

Mr. BAILEY. Mr. President, I heard the Senator's statement on that. I hardly think the attorneys of the Standard Oil Company would advise them to attempt that course of business, because if they did they would be very sure to fall into trouble. But if they can escape the law by owning separate corporations, then the independent producer could do precisely the same thing. There is no rule proposed in this bill applicable to the independent that is not applicable to the Standard, or applicable to the Standard which is not also applicable to the independent.

Mr. LONG. In that respect the Senator——

Mr. BAILEY. To suggest that it would destroy the independent and still leave the Standard to prosper, is hardly, I think, fairly justified by anything in the bill.

Mr. LONG. In that respect the Senator is mistaken, because some of these lines are owned by individuals. There are lines owned by individuals, like this one of which I read. He could not buy the oil in the fields and transport it through his own pipe line if that pipe line happened to cross the State line, as many of these lines do.

Mr. BAILEY. Mr. President, the Senator from Kansas is unduly alarmed about that. If these lines belong to any man who constructed them for the purpose of carrying his own oil, and if he did not invoke and exercise the great right of eminent domain, the Federal Congress can no more make a common carrier out of him than it could make a common carrier out of any individual citizen engaged in the business of carrying to market what he produces. That is true whether they cross State lines or not. Of course, anyone——

Mr. LONG. That is the Senator's opinion, and I agree with the Senator. But the intention of this amendment, as the Senator will admit, is to take in all pipe lines. There are no exceptions, and it will take a decision of the court to determine whether the Senator and myself are right on that proposition.

Mr. BAILEY. Mr. President, that is not an open question.

Mr. LONG. In the meantime, as the Senator from Ohio [Mr. FORAKER] suggests to me, who will run the risk of investing money in the construction of an independent pipe line in the future?

Mr. BAILEY. In view of the fact that men run risks in deliberately violating the plain provisions of the law, I hardly think you will find anybody hesitating in a matter so plain upon the other side as this. As for my part, I do not believe that it is a debatable question. I hardly think there is a lawyer in this body who will affirm the power of Congress to make either an individual or a corporation a common carrier when they do not transport for hire the commodities of others and do not exercise the power of eminent domain.

Mr. LONG. Let me ask the Senator——

Mr. BAILEY. Will the Senator permit me to make this suggestion? Suppose a citizen living in Kansas carried his wheat raised on his own farm over to the Missouri part of Kansas City, does the Senator suppose that the Federal Congress could have the right to say to that Kansas farmer: "Because you carry your own wheat in your own vehicles for your own account, you must perform the same service for your neighbors?

Mr. LONG. I had not so thought until this legislation was proposed and earnestly supported here.

Mr. BAILEY. I do not think anybody supports this legislation upon that theory.

Mr. LONG. Then let us make it plain, so that it is clearly understood that it applies only to pipe lines that are common carriers in fact, and not to all pipe lines, as in this amendment.

Mr. BAILEY. Mr. President, that would be a very proper suggestion if we were drawing the provision, and in order to make that question freer from doubt, if doubt exists, I expressed yesterday a preference for the provision as reported by the first conference. I will never agree, and no kind of clamor could compel me to agree, that any government has a right to say that because a man or a corporation performs a given service for himself, he must perform that same service for everybody else who desires it. The only exception I would make to that would be in the case of a man or a corporation who had invoked and exercised the sovereign right of eminent domain. I would apply it to those who invoke and exercise that great right, purely because it can neither be invoked nor exercised for a private purpose, and when any man takes another man's property under a condemnation proceeding, he impresses upon his enterprise a public, or quasi public, character.

Mr. LONG. I will say to the Senator that in Kansas and in the oil fields in Oklahoma and Indian Territory the power of eminent domain was not exercised and has not been invoked by these companies in laying their pipe lines, so far as I know. Even the Standard Oil Company in the construction of its lines under the name of the "Prairie Oil and Gas Company," from Kansas City to this field, did not, as I understand it, exercise the right of eminent domain.

Mr. BAILEY. Well, Mr. President, if that is true, then——

Mr. LONG. Neither does that company hold itself out as a common carrier of oil for hire. It transports its own oil; it buys it in the field.

Mr. BAILEY. If that is true, then neither the first nor the fifth amendment can reach that. If that is generally true—my information is that it is not—but if it is generally true that these pipe lines have been constructed through or under land, and that the easement was acquired by private negotiation and paid for without legal proceeding, then of course the whole matter is beyond the jurisdiction of Congress.

Mr. LONG. I agree with the Senator on that proposition.

Mr. BAILEY. Then it can do no harm.

Mr. LONG. But the producers of oil in this territory are alarmed over this provision. They are under the impression that when Congress says that pipe lines shall be common carriers and makes no exceptions, Congress means what it says, and it will take the decisions of the courts to determine that Congress did not have that power. In the meantime no one will put money in the construction of independent pipe lines extending from one State to another until that question is determined, although the Senator from Texas is confident as to the legal question, and even though I may agree with him, as I do.

But it arrests development. That is the effect of this amendment. While we have the power, I want the Senate to make plain what is intended, and that is that we do not intend to make pipe lines common carriers unless they are in fact common carriers.

Now, I wish to read further from this letter:

> The idea is all right so far as railroads are concerned, for the reason that the oil is shipped in tank cars, and if high-gravity oil is shipped in a tank car the same car will carry it to its destination and the identical oil would be delivered to the consignee.
>
> I hope that you will use your efforts in having this modified so as to allow pipe lines to purchase the oil, as I feel that if they are not allowed to do so and are subject to the restrictions placed in the rate bill it will virtually ruin the oil industry in this field and cause the small producer to be squeezed out of the business.

Here is a letter from another producer in which he uses the same illustration that has just been used by the Senator from Texas. This producer in addition to being an oil producer is a good lawyer, and it shows how good lawyers, one in Kansas and the other in Texas, will agree upon the same proposition, their minds running along the same line. He says:

> If it is competent for Congress to compel a person or corporation engaged only in the transportation of its own property to become a common carrier, which may well be doubted, it would be competent for Congress to provide that a Kansas farmer could not haul his own grain to market in an adjoining State, and to provide that he must haul his neighbors' grain at a price to be fixed by Congress or some commission created by it.

That is practically the same illustration that the Senator from Texas has just used. He also says:

> Several independent refining companies—

I want to call the special attention of the Senator from South Carolina to this part of the letter, for while he is willing to do everything he can to restrict the Standard Oil Company in its operations, as I am, and make it obey the law, yet he does not want to injure the independent producer who is endeavoring to get from under the domination of the Standard Oil Company. This producer says:

> Several independent refining companies which produce and refine oil in this State have built and are engaged in building pipe lines for the transportation of their own products to market, and it is proposed that some of these lines will extend from Kansas into Missouri and the Indian Territory. If the proposed amendment hereinbefore referred to becomes a law and is valid, it will prevent these oil producers and refiners from marketing their own products through their own pipe lines.
>
> The Standard Oil Company has expended many millions of dollars in the construction of pipe lines for the private transportation of crude and refined oil. Other companies have done the same. It seems to me that the proposed measure will practically destroy the value of such property. No oil producer seriously believes that it is feasible to make a pipe-line company a common carrier. Petroleum is not all of equal value. Some has a very low specific gravity, and is consequently of small value, while higher grades are of greater value.
>
> A pipe line must be kept constantly full of oil. It is obviously impracticable to empty a long pipe line in order to receive and transmit the oil of a given corporation or individual unmixed with the oil of others shippers. No regulation is provided by these amendments by which the pipe-line company may be compelled to take the oil of any given person or corporation and deliver to him or it like oil at some other place, and I doubt if it is competent for Congress to make any such regulation. A common carrier can be compelled to receive specific freight of a shipper and transport that freight over its line and deliver it to the consignor or as he may direct. I do not care

to go into details respecting the many objections which can be urged against making a pipe-line company a common carrier; and while the provision making pipe-line companies common carriers may be invalid, the other provision forbidding a pipe-line company to transport its own products from one State to another might possibly be held valid, the practical effect of all this will be to destroy the value of all property invested in pipe lines and demoralize the business of producing and transporting petroleum and its products by pipe lines.

But conceding, for the purpose of the argument, that that may be done, there can be, it seems to me, no good reason why a corporation which has constructed a pipe line for the transportation of its own oil and not for the transportation of oil for the public shall be compelled to carry oil for the public at a price to be fixed by the public and be prevented from carrying its own oil. It is certain that no useful purpose will be served by such harsh and unreasonable legislation.

The same objections and the same reasoning apply to many other enterprises where producers and manufacturers have found it necessary to provide transportation for their own products without in any manner engaging in the carriage of commodities for the public.

As a producer of oil in considerable quantities, I am interested in the keeping of all available markets open, and am sure that the proposed legislation would greatly injure oil producers in Kansas and Indian Territory, without conferring any corresponding benefits on anyone.

I will not detain the Senate longer. If Congress has the power to make a common carrier out of a pipe line that is owned by a corporation which is using it to transport its own product, and does so in this law, it should except pipe lines in the commodity section and not prevent the owner of a pipe line that crosses a State line from transporting his own oil in his own pipe line.

As I stated, I am not satisfied with the pass amendment. If this bill goes back to conference, I hope the conference committee will again report an amendment to the commodity section excepting pipe lines, and so not injure the oil-producing industry of Kansas, Oklahoma, Indian Territory, and other portions of the United States, but will permit the independent refiners, independent producers, and independent pipe lines that are now competing with the Standard Oil Company further to extend and expand, for it is in the interest of all the people of the whole country that this should be done.

Mr. CLAPP. Mr. President, I do not expect to occupy much of the time of the Senate. I should dislike very much to support legislation that injured any industry, and especially in that portion of the country where we are seeking to develop industries; but I can not see how the independent oil companies can be any worse off under this legislation than the greater company which the legislation was evidently aimed at, and it may be some relief.

Nor do I share in the genuineness of all the protests that have come up from that section of the country. I have a letter here, written by a gentleman whom I have known for a great many years, in which he says he was invited by the Standard Oil Company into the office and asked to sign one of these telegrams and send it here to the Member or Senator with whom he might be acquainted. I shall take the liberty of asking that the letter be read at the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested by the Senator from Minnesota.

The Secretary read as follows:

MINNEHOMA OIL COMPANY,
Bartlesville, Ind. T., June 21, 1906.

DEAR SENATOR: I received your kind favor of the 7th instant, for which please accept my thanks.

There is another matter here which is causing a great deal of agitation among the oil producers. I refer to the provision in the rate bill regarding making pipe lines common carriers and forbidding them to carry their own oil after May 1, 1908.

The Standard Oil Company and its subsidiary companies are very active in opposing these measures, and they are whipping all the oil producers into line that they possibly can, and telegrams are being sent and letters written in great numbers. I myself was invited in one of the offices of the Standard Oil Company and was talked to regarding the measure and asked to send telegrams and letters to any Senators or Members of Congress I may know, and a form of telegram was shown me and the cost of telegram was to be paid for me.

As you doubtless understand, the Standard Oil Company has subsidiary companies, and it has a large number of operators who, for one reason or another, are subservient. Then they try to control others through promises, threats, fears, and all other ways. A letter has been prepared purporting to come from the Mid-Continent Oil Producers' Association, and this is addressed to the "Honorable Senators and Representatives composing the Congress of the United States." In the first place, the Mid-Continent Oil Producers' Association represent only a small part of the producers, and, in the second place, this letter was not authorized by the Mid-Continent Oil Producers' Association itself, but comes through the executive committee, and is opposed by some of the directors even, and was prepared, it appears, as far as I can learn, by two men—practically one man only. A great deal more would be said by operators if they were not afraid of being punished by the Standard.

The fact is, conditions here now in the oil business are bad, and it is hard to see how they can be made much worse. In the first place, the Standard Oil Company is paying a ridiculously low price for the oil, and, in the second place, they are only taking a small part of the production and they are fighting all competition. An analysis of this oil has just been handed me, which was made by an expert at Oil City, Pa. This analysis shows 14 per cent gasoline, 10 per cent water-white oil, 35 per cent export oil, 12 per cent lubricating, and 15 per cent paraffin. The balance, heavy production, can be utilized for vaseline, axle grease, etc., for the most part. The oil is considered by competent persons who ought to know, and I think do know, to be better than the Indiana oil, better than the Illinois oil, very much better than the Texas oil, at least equal to the Ohio oil, and nearly as good as the Pennsylvania oil, and yet the price here is only 52 cents per barrel for the best grade of oil. The price is hardly a third of what it ought to be. The Indian, therefore, is being robbed; the Government is his guardian, and is apparently standing by and seeing him robbed by the Standard Oil Company. If this method of handling the oil, as proposed by the rate bill, will bring in competition and better conditions, it will certainly be a good thing for the Indian owner of the lands and for the oil producers.

I am not prepared to advise, but I believe that Congress will act wisely in this matter.

If the Standard was driven out of the producing business and its monopoly taken away, the business would probably be adjusted along the lines of other business, and I believe it would result in better conditions.

Kindly excuse me for trespassing so long upon your valuable time. I wish to remain,

Very sincerely,

GEO. F. GETTY.

Hon. MOSES E. CLAPP,
Senate Chamber, Washington, D. C.

Mr. CLAPP. Now, Mr. President, this letter throws some light at least upon the source and the inspiration back of some of the telegrams and protests that have been sent to members of the Senate. Under the bill as it stands I do not believe that a pipe line, unless it is engaged in carrying oil for others and has invoked the right of eminent domain, becomes subject to the law. It seems to me that proposition is too plain to admit of argument. If that be true, the passage of this act will not interfere with the independent oil companies of the Southwest.

Mr. LONG. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Kansas?

Mr. CLAPP. Certainly.

Mr. LONG. The Senator will admit that amendment No. 1 has no exceptions, and it makes all pipe lines common carriers. Has the Senator any objection to so stating the law as to show that Congress does not intend to make a pipe line a common carrier unless it is in fact a common carrier, or does the Senator object to modifying the commodity amendment, which is the main one, so as to relieve pipe lines from that amendment?

Mr. CLAPP. Mr. President, there would be no objection to that modification except that when we come to modify it in terms dealing with a problem that is difficult to deal with at the best, intrenched as it is intrenched, difficult as it is to reach through judicial process and investigation, we are liable to make a mistake.

While framing the law in this broad language, with the rights of these people under the Constitution, the limitation upon the power of Congress, beyond which it can not go, no matter how general its terms, I am not certain but it is safer perhaps to leave it as it is, although there would be no objection, so far as I would be personally concerned, if it could be sufficiently safeguarded in modification.

Now, Mr. President, there is one other question. It is no small matter to reject a conference report, and especially in the closing days of a session; but it seems to me that in this case it is my plain duty for one to vote against this report; and, independent of the oil question, I should vote against it upon the pass proposition.

We have been seeking here for years to legislate against discrimination and rebates, and yet, under this amendment, if the English language means anything at all, it means that a pass can be issued to any person who is not within the prohibited class. There is nothing in this provision that would draw the line between the individual out of the prohibited class who might be engaged in shipping commodities and the one who might not be so engaged. It is not only permissive of discrimination in the granting of passes to individuals primarily for passage, but it is permissive of discrimination between shippers of freight independent of passage of persons. As I stated yesterday, I believe that so far as a pass can be used as the instrumentality of rebate or discrimination, this is an absolute repeal pro tanto of existing legislation against discrimination and rebate.

Now, Mr. President, it is asked, How can this be best corrected? I have believed from the beginning, and believe now, that while possibly some of the amendments the Senate put in the bill improved the bill, yet in the main the bill was better when it came from the House than it would be in the form indicated by the conference report.

If we can not agree upon the details as to the pass provision, I believe we can leave the restrictions in regard to that matter as they are under existing law; and if there is any question as to the prohibition in the existing law being enforceable, that can be corrected in conference.

Mr. President, for these reasons I shall feel constrained to vote against the adoption of the conference report.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was disagreed to.

Mr. TILLMAN. I move that the Senate further insist on its amendments disagreed to by the House of Representatives, ask for a further conference with the House thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. TILLMAN, Mr. ELKINS, and Mr. CULLOM as the conferees on the part of the Senate.

MISSISSIPPI RIVER IMPROVEMENT.

Mr. HOPKINS. I am directed by the Committee on Commerce, to whom the subject was referred, to report a joint resolution, which I ask may be now read.

The joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend any portion of the balance now remaining to the credit of the improvement for the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River for the repair or completion of improvements already under way or for the construction of other works in accordance with general plans already made or approved: *Provided*, That such expenditures shall only be made for improvements which shall be useful for purposes of navigation.

Mr. CULLOM. I inquire of my colleague whether it would not be well for him to ask for the consideration and passage of that joint resolution at this time?

Mr. HOPKINS. Yes. I ask unanimous consent that the joint resolution may now be considered.

Mr. CULLOM. I think it important that it should be taken up and acted upon now.

The VICE-PRESIDENT. The Senator from Illinois [Mr. HOPKINS] asks unanimous consent for the present consideration of the joint resolution just reported by him. Is there objection?

Mr. TILLMAN. I do not want to object, Mr. President, but I want to know what has become of the new rule in regard to these matters? I thought it was out of order to introduce such matters under present conditions.

The VICE-PRESIDENT. The Senator from Illinois did not interrupt any Senator on the floor, but took the floor in his own right. He now asks unanimous consent for the present consideration of the joint resolution. An objection, of course, will carry it over.

Mr. TILLMAN. I have no objection to the Senator from Illinois having his joint resolution passed.

By unanimous consent the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MANAGEMENT OF PANAMA CANAL.

Mr. MORGAN. I ask leave to report, from the Committee on Interoceanic Canals, a bill which that committee has agreed upon this morning. The report, I will say, is unanimous. I ask that the bill may be read.

The VICE-PRESIDENT. The bill will be read.

The bill (S. 6539) to control the direction and management of the Panama Canal was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the Panama Railroad and all the property and rights thereof, or appurtenant thereto, is placed in the charge of the Isthmian Canal Commission, to be managed, used, controlled, and accounted for by said Commission, under the direction of the President of the United States, as other property of the United States connected with the isthmian canal is controlled, managed, directed, and accounted for.

Mr. MORGAN. I should ask for the present consideration of that bill by the Senate, but I do not wish to interfere with the matter which is now before the Senate. I wish, however, to say that, as soon as I get an opportunity, I shall ask leave to call it up.

WELLS C. M'COOL.

Mr. BURKETT. I ask unanimous consent for the present consideration of the bill (S. 1343) for the relief of Well C. McCool.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Claims with amendments, on page 1, line 6, before the initial "C." to strike out the name "Well" and to insert "Wells;" in line 11, before the initial C." to strike out the name "Well" and to insert "Wells;" and on page 2, line 3, before the initial "C." to strike out the name "Well" and to insert "Wells;" so as to make the bill read:

Be it enacted, etc., That there be, and hereby is, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of $542.50, the amount of the pay and allowances of Wells C. McCool as first lieutenant of Company I, Twenty-ninth Iowa Volunteer Infantry, from December 1, A. D. 1862, to April 30, 1863, to be paid by the proper officers of the United States to the said Wells C. McCool, his heirs, executors, administrators, or assigns, less any sum received by him during said period: *Provided*, That the same be accepted as in full of all claims against the United States for the military services of said Wells C. McCool down to the date of the passage of this act.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Wells C. McCool."

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 6444. An act authorizing the Wichita Mountain and Orient Railway Company to construct a railway through the Fort Sill Military Reservation, and for other purposes; and

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate.

The message also announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization; and

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California, at Eureka, Cal.

The message further announced that the House had passed the concurrent resolution of the Senate requesting the President to return the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

The message also returned to the Senate in compliance with its request the following bills:

S. 1304. An act for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.;

S. 5288. An act appropriating $5,000 to inclose and beautify the monument on Moores Creek battlefield, North Carolina; and

S. 5484. An act authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution, and they were thereupon signed by the Vice-President:

H. R. 7. An act to provide a seal for United States commissioners;

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;

H. R. 10074. An act in relation to contracts with the District of Columbia;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased;

H. R. 13190. An act to protect birds and their eggs in game and bird preserves;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo, Cal.;

H. R. 16013. An act providing medals for certain persons;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 19379. An act providing for the manner of selecting and

impaneling juries in the United States courts in the Territory of New Mexico;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone, to effect lands in the District of Columbia and other Territories; and

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. I move that the Senate proceed to the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin to take up the bill indicated by him.

Mr. McCUMBER. What is the bill, Mr. President?

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of the bill.

Mr. McCUMBER. Mr. President, I have petitions from my section of the country opposed to this bill without amendment. On account of the great distances there is it considered not to be in the interest of the employees on those western sections of the roads. I would therefore object to the present consideration of the bill as it stands. I have no objection to it going over under Rule IX, so that it may be taken up and disposed of after argument; but I would be opposed to taking the bill up until we can have more time than the five-minute rule allows to speak upon it.

The VICE-PRESIDENT. The Chair understood the Senator from Wisconsin to move to proceed to the consideration of the bill.

Mr. LA FOLLETTE. Yes, sir.

The VICE-PRESIDENT. The question is on that motion.

Mr. McCUMBER. Mr. President, let us have the bill read.

The VICE-PRESIDENT. The Secretary will read the bill for the information of the Senate.

The SECRETARY. The bill was reported from the Committee on Education and Labor with an amendment, to strike out all after the enacting clause and to insert:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

The VICE-PRESIDENT. The question is on agreeing to the motion made by the Senator from Wisconsin.

Mr. McCUMBER. Mr. President, before we vote upon the question of taking up the bill and making it practically, by taking it up, the unfinished business, I should like to have the bill explained. I have not the papers here that have been sent to me, but those that were sent were in opposition to the provisions of the bill.

The VICE-PRESIDENT. The motion to take up the bill is not debatable, unless by unanimous consent.

Mr. McCUMBER. I hope the Senator from Wisconsin will explain to the Senate the scope and object of the bill. I have not yet examined it thoroughly.

Mr. LA FOLLETTE. Can I be recognized to make an explanation of the bill, Mr. President?

The VICE-PRESIDENT. Only by unanimous consent. The question is on the motion of the Senator from Wisconsin.

Mr. McCUMBER. I suggest the want of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Carter	Hansbrough	Penrose
Ankeny	Clapp	Hopkins	Perkins
Bacon	Clark, Wyo.	Kittredge	Piles
Benson	Clay	La Follette	Scott
Berry	Daniel	Lodge	Smoot
Beveridge	Dryden	Long	Spooner
Blackburn	Elkins	McCreary	Stone
Brandegee	Flint	McCumber	Sutherland
Bulkeley	Foraker	Mallory	Taliaferro
Burkett	Foster	Martin	Warner
Burnham	Gallinger	Millard	Warren
Burrows	Gamble	Morgan	Wetmore
Carmack	Hale	Nelson	Whyte

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum is present. The question is on the motion of the Senator from Wisconsin. [Putting the question.] By the sound, the "noes" seem to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. SPOONER. Mr. President, what is the question?

The VICE-PRESIDENT. The question is on the motion of the Senator from Wisconsin to proceed to the consideration of Senate bill 5133.

Mr. BERRY. What is the title of the bill?

The VICE-PRESIDENT. The Secretary will state the title of the bill.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. LA FOLLETTE. I will ask to have the bill read. It is not very long, and so many Senators have come in since it was read that I do not believe they can vote intelligently upon it without hearing it read.

The VICE-PRESIDENT. The Secretary will again read the bill.

The Secretary again read the substitute reported by the Committee on Education and Labor.

The VICE-PRESIDENT. The Secretary will call the roll.

Mr. CARTER. Mr. President, before proceeding with the call of the roll——

The VICE-PRESIDENT. The Chair will state to the Senator that this is not a debatable question. The Secretary will call the roll.

Mr. HALE. I rise to a point of order.

The VICE-PRESIDENT. The Senator from Maine will state his point of order.

Mr. HALE. The point of order is that if the bill is taken up, being in the morning hour, it will only run until 2 o'clock. I hope the Senate will bear in mind that there are appropriation bills——

Mr. LA FOLLETTE. Mr. President, the statement which the Senator is making is plainly in the nature of an argument. If an opportunity to make a statement with respect to this bill is denied to one Senator here, I think it should be denied to all Senators.

Mr. HALE. Well, I shall make the point of order.

The VICE-PRESIDENT. The Senator from Maine rose to a point of order, and the Chair will hear him.

Mr. LA FOLLETTE. Then, after stating the point of order, the Senator proceeded to suggest the importance of the consideration of other bills over this bill; and the yeas and nays have been ordered.

The VICE-PRESIDENT. The Chair will state that no debate is in order.

Mr. HALE. Undoubtedly.

Mr. TILLMAN. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Maine will first state his point of order.

Mr. HALE. The roll call has not commenced; but I am content with suggesting the point of order, that if the Senate votes to take this bill up, it will only proceed until 2 o'clock.

The VICE-PRESIDENT. The Senate having met at 11 o'clock to-day, the Chair is of the opinion that the morning hour expired at 1 o'clock under the rule.

Mr. TILLMAN. That is what I wished to call attention to.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KITTREDGE (when his name was called). I have a general pair with the junior Senator from Colorado [Mr. PATTERSON]. In his absence I withhold my vote.

Mr. LONG (when his name was called). I have a general pair with the senior Senator from Idaho [Mr. DUBOIS]. In his absence I withhold my vote.

Mr. MALLORY (when his name was called). I have a general pair with the senior Senator from Vermont [Mr. PROCTOR], who is not present. If he were here, I should vote "yea."

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON].

The roll call was concluded.

Mr. CARMACK. I should like to inquire whether the senior Senator from Wisconsin [Mr. SPOONER] has voted.

The VICE-PRESIDENT. He has not.

Mr. CARMACK. I have a general pair with that Senator. I do not know how he would vote on this matter. I therefore withhold my vote. If at liberty to vote, I should vote "yea."

Mr. TILLMAN (after having voted in the affirmative). I have just been reminded that I have a pair with the junior Senator from Vermont [Mr. DILLINGHAM]. I voted inadvertently. I withdraw my vote, as he is not present.

Mr. FLINT (after having voted in the affirmative). As the senior Senator from Texas [Mr. CULBERSON] does not seem to be in the Chamber, I withdraw my vote.

Mr. GAMBLE (after having voted in the affirmative). I have already voted, but I did so inadvertently. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I therefore withdraw my vote.

The result was announced—yeas 29, nays 15, as follows:

YEAS—29.

Benson	Daniel	La Follette	Penrose
Berry	Dolliver	Latimer	Perkins
Blackburn	Foraker	Lodge	Stone
Brandegee	Foster	McCreary	Taliaferro
Burkett	Frazier	McLaurin	Warner
Burnham	Fulton	Martin	
Clay	Hansbrough	Nelson	
Cullom	Hopkins	Overman	

NAYS—15.

Allee	Clark, Wyo.	McCumber	Sutherland
Ankeny	Dryden	Millard	Wetmore
Bulkeley	Gallinger	Scott	Whyte
Carter	Hale	Smoot	

NOT VOTING—45.

Aldrich	Culberson	Kean	Piles
Alger	Depew	Kittredge	Platt
Allison	Dick	Knox	Proctor
Bacon	Dillingham	Long	Rayner
Bailey	Dubois	McEnery	Simmons
Beveridge	Elkins	Mallory	Spooner
Burrows	Flint	Money	Teller
Carmack	Frye	Morgan	Tillman
Clapp	Gamble	Newlands	Warren
Clark, Mont.	Gearin	Nixon	
Clarke, Ark.	Hemenway	Patterson	
Crane	Heyburn	Pettus	

The VICE-PRESIDENT. No quorum has voted. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Clay	Hopkins	Penrose
Ankeny	Cullom	Kittredge	Perkins
Bacon	Daniel	La Follette	Smoot
Benson	Dolliver	Latimer	Stone
Berry	Flint	Long	Sutherland
Blackburn	Foraker	McCumber	Taliaferro
Brandegee	Foster	McLaurin	Tillman
Bulkeley	Frazier	Mallory	Warner
Burkett	Gallinger	Martin	Wetmore
Burnham	Gamble	Millard	Whyte
Carmack	Hale	Morgan	
Carter	Hansbrough	Nelson	
Clark, Wyo.	Heyburn	Overman	

The VICE-PRESIDENT. Forty-nine Senators have answered to their names. A quorum is present. The Secretary will call the roll on the question of agreeing to the motion of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. GAMBLE (when his name was called). I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. As he is not present, I withhold my vote. If he were present, I should vote "yea."

Mr. KITTREDGE (when his name was called). I again announce my pair with the junior Senator from Colorado [Mr. PATTERSON].

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR].

Mr. MORGAN (when his name was called). I am paired with the senior Senator from Iowa [Mr. ALLISON].

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. As he is not here, I withhold my vote. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CARMACK (after having voted in the affirmative). As the senior Senator from Wisconsin [Mr. SPOONER] has not voted, I withdraw my vote.

Mr. CLAY (after having voted in the affirmative). When I voted I thought the senior Senator from Massachusetts [Mr. LODGE] was present. He not having voted, I withdraw my vote. I am paired with that Senator.

Mr. FULTON. I have a general pair with my colleague [Mr. GEARIN].

Mr. McLAURIN. I wish to announce that my colleague [Mr. MONEY] is paired with the Senator from Wyoming [Mr. WARREN].

Mr. TILLMAN. As it is evident that a quorum has not voted, and in order to enable the Senate to do business, I will vote. I vote "yea."

The result was announced—yeas 28, nays 12, as follows:

YEAS—28.

Benson	Cullom	Hansbrough	Nelson
Berry	Daniel	Hopkins	Overman
Blackburn	Dolliver	La Follette	Penrose
Brandegee	Elkins	Latimer	Perkins
Burkett	Foraker	McCreary	Stone
Burnham	Foster	McLaurin	Tillman
Carmack	Frazier	Martin	Warner

NAYS—12.

Allee	Hale	Millard	Sutherland
Bulkeley	Heyburn	Piles	Wetmore
Gallinger	McCumber	Smoot	Whyte

NOT VOTING—49.

Aldrich	Clay	Hemenway	Pettus
Alger	Crane	Kean	Platt
Allison	Culberson	Kittredge	Proctor
Ankeny	Depew	Knox	Rayner
Bacon	Dick	Lodge	Scott
Bailey	Dillingham	Long	Simmons
Beveridge	Dryden	McEnery	Spooner
Burrows	Dubois	Mallory	Taliaferro
Carter	Flint	Money	Teller
Clapp	Frye	Morgan	Warren
Clark, Mont.	Fulton	Newlands	
Clark, Wyo.	Gamble	Nixon	
Clarke, Ark.	Gearin	Patterson	

The VICE-PRESIDENT. The yeas and nays disclose the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Allee	Daniel	Kittredge	Perkins
Bailey	Dillingham	La Follette	Piles
Benson	Dolliver	Latimer	Proctor
Berry	Dryden	Lodge	Scott
Blackburn	Elkins	McCreary	Simmons
Brandegee	Flint	McCumber	Smoot
Bulkeley	Foraker	McLaurin	Stone
Burkett	Foster	Mallory	Sutherland
Burnham	Frazier	Martin	Taliaferro
Carmack	Fulton	Millard	Tillman
Carter	Gallinger	Morgan	Warner
Clark, Wyo.	Gamble	Nelson	Wetmore
Clay	Hansbrough	Overman	Whyte
Cullom	Hopkins	Penrose	

Mr. MORGAN. I wish to say that my colleague [Mr. PETTUS] is absent from the Senate under pressing duty.

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum is present. The Secretary will call the roll on the question of agreeing to the motion of the Senator from Wisconsin [Mr. LA FOLLETTE].

The Secretary proceeded to call the roll.

Mr. CLAY (when his name was called). I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE].

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from New Jersey [Mr. DRYDEN] and will vote. I vote "yea."

Mr. GAMBLE (when his name was called). As before stated, I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS]. I am assured, however, that if present he would vote "yea." Therefore I feel at liberty to vote. I vote "yea."

Mr. KITTREDGE (when his name was called). I again announce my general pair with the junior Senator from Colorado [Mr. PATTERSON], who is absent. Therefore I withhold my vote.

Mr. MORGAN (when his name was called). I am paired with the Senator from Iowa [Mr. ALLISON].

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

Mr. TILLMAN (when his name was called). In order to make a quorum I will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. WARREN. I am informed by the colleague of the Senator from Mississippi [Mr. MONEY], with whom I am paired, that I am at liberty to vote. I will therefore vote. I vote "nay."

Mr. SIMMONS. Unless it is necessary for me to vote in order to make a quorum, I wish to announce that I am paired.

The PRESIDING OFFICER (Mr. HOPKINS in the chair). The Senator's vote would not make a quorum.

The result was announced—yeas 30, nays 9, as follows:

YEAS—30.

Bailey	Cullom	Gamble	Overman
Benson	Daniel	Hopkins	Penrose
Berry	Dolliver	La Follette	Perkins
Blackburn	Elkins	Latimer	Stone
Brandegee	Flint	McCreary	Tillman
Burkett	Foraker	McLaurin	Warner
Burnham	Foster	Martin	
Carmack	Frazier	Nelson	

NAYS—9.

Bulkeley	Millard	Sutherland	Wetmore
Gallinger	Smoot	Warren	Whyte
McCumber			

NOT VOTING—50.

Aldrich	Clay	Hemenway	Patterson
Alger	Crane	Heyburn	Pettus
Allee	Culberson	Kean	Piles
Allison	Depew	Kittredge	Platt
Ankeny	Dick	Knox	Proctor
Bacon	Dillingham	Lodge	Rayner
Beveridge	Dryden	Long	Scott
Burrows	Dubois	McEnery	Simmons
Carter	Frye	Mallory	Spooner
Clapp	Fulton	Money	Taliaferro
Clark, Mont.	Gearin	Morgan	Teller
Clark, Wyo.	Hale	Newlands	
Clarke, Ark.	Hansbrough	Nixon	

The PRESIDING OFFICER. No quorum is present. The Secretary will call the roll.

Mr. SIMMONS. I will transfer my pair to the Senator from Mississippi [Mr. MONEY] and vote.

Mr. GALLINGER. The Senator can not do that.

The PRESIDING OFFICER. The Chair will state to the Senator that the result having been announced, it is too late to make a change. The Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allee	Daniel	La Follette	Smoot
Bacon	Dolliver	Latimer	Stone
Bailey	Dryden	McLaurin	Sutherland
Benson	Flint	Mallory	Taliaferro
Berry	Foraker	Martin	Tillman
Brandegee	Foster	Millard	Warner
Bulkeley	Frazier	Morgan	Warren
Burkett	Gallinger	Nelson	Wetmore
Burnham	Gamble	Overman	Whyte
Clark, Wyo.	Hemenway	Penrose	
Clay	Hopkins	Perkins	
Cullom	Kittredge	Simmons	

The PRESIDING OFFICER. Forty-five Senators having answered to their names, a quorum is present. The question recurs on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE]. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. KITTREDGE (when his name was called). I again announce my pair with the junior Senator from Colorado [Mr. PATTERSON], who is absent. Therefore I withhold my vote.

Mr. MALLORY (when his name was called). I again announce my pair with the senior Senator from Vermont [Mr. PROCTOR]. If he were present, I should vote "yea."

Mr. SIMMONS (when his name was called). I have a general pair with the junior Senator from Minnesota [Mr. CLAPP]. I transfer that to the Senator from Mississippi [Mr. MONEY] and will vote. I vote "yea."

Mr. TALIAFERRO (when his name was called). I am paired with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. MALLORY. I am paired with the senior Senator from Vermont [Mr. PROCTOR] and the senior Senator from Kansas [Mr. LONG] is paired with the Senator from Idaho [Mr. DUBOIS]. I understand the Senator from Kansas is willing to make a transfer, and I transfer my pair to the Senator from Idaho [Mr. DUBOIS] and will vote. I vote "yea."

Mr. CLAY. I again announce my pair with the senior Senator from Massachusetts [Mr. LODGE].

Mr. MORGAN. I am paired with the senior Senator from Iowa [Mr. ALLISON], but in order to make a quorum I will vote. I vote "yea."

Mr. LONG. I have a general pair with the senior Senator from Idaho [Mr. DUBOIS], but an arrangement has been made for the transfer of my pair, so he will stand paired with the senior Senator from Vermont [Mr. PROCTOR]. I will vote. I vote "yea."

Mr. TILLMAN. I again vote to make a quorum. I vote "yea."

The result was announced—yeas 31, nays 10, as follows:

YEAS—31.

Bacon	Carmack	Hopkins	Morgan
Bailey	Cullom	La Follette	Overman
Benson	Daniel	Latimer	Perkins
Berry	Dolliver	Long	Simmons
Blackburn	Foraker	McCreary	Stone
Brandegee	Foster	McLaurin	Tillman
Burkett	Frazier	Mallory	Warner
Burnham	Gamble	Martin	

NAYS—10.

Allee	Hale	Smoot	Whyte
Ankeny	McCumber	Warren	
Gallinger	Millard	Wetmore	

NOT VOTING—48.

Aldrich	Crane	Hansbrough	Patterson
Alger	Culberson	Hemenway	Penrose
Allison	Depew	Heyburn	Pettus
Beveridge	Dick	Kean	Piles
Bulkeley	Dillingham	Kittredge	Platt
Burrows	Dryden	Knox	Proctor
Carter	Dubois	Lodge	Rayner
Clapp	Elkins	McEnery	Scott
Clark, Mont.	Flint	Money	Spooner
Clark, Wyo.	Frye	Nelson	Sutherland
Clarke, Ark.	Fulton	Newlands	Taliaferro
Clay	Gearin	Nixon	Teller

The PRESIDING OFFICER. No quorum having voted, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allee	Cullom	Hale	Penrose
Bacon	Daniel	Hopkins	Perkins
Bailey	Dillingham	Kittredge	Simmons
Benson	Dolliver	La Follette	Smoot
Berry	Dryden	Long	Spooner
Blackburn	Elkins	McCumber	Sutherland
Brandegee	Foster	McLaurin	Taliaferro
Burkett	Frazier	Mallory	Warner
Burnham	Fulton	Morgan	Warren
Carmack	Gallinger	Nelson	Whyte
Clay	Gamble	Overman	

The VICE-PRESIDENT. Forty-three Senators have answered to their names. A quorum is not present.

Mr. HALE. Mr. President, I rise to a question of the order of business. It is evident that a pronounced majority of the Senate is in favor of taking up this bill, and I suggest to Senators, as it is not a party question, wherever it is possible by not announcing pairs that Senators vote upon the question, in order that the will of the majority of the Senate may have its way. I voted against taking up the bill, but the evident feeling of the Senate is the other way. The trouble is that we do not get an aggregate vote on both sides that is enough to make a quorum. I think Senators at this stage of the business of the Senate will see the necessity not only upon this matter, but upon other important matters that we shall have a quorum here. I suggest to Senators, because it not only comes up now, but it will come up on every important matter, that pairs be vacated under the stress of business in order that we may proceed with necessary legislation. It is not a flattering exhibition that at this stage, with important legislation——

Mr. CULLOM. And at this time of day.

Mr. HALE. And within so short a period of the time we hope will be the adjournment, and at this hour of the day, that there is not a voting quorum present. I should hope that absentees enough have come in to make a quorum, and that at the next vote upon the motion of the Senator from Wisconsin the roll will disclose a quorum, offsetting pairs, so that the Senate may proceed to the consideration of this bill, which a majority evidently favor. I ask the Chair what was the result of the last roll call?

The VICE-PRESIDENT. There were forty-three Senators answering to their names.

Mr. HALE. What number makes a quorum?

The VICE-PRESIDENT. Forty-five.

Mr. HALE. I ask unanimous consent, if any other Senators have come in, that they may be allowed to vote upon that roll call.

Mr. MORGAN. Mr. President——

The VICE-PRESIDENT. The Chair will state that all this debate is proceeding by unanimous consent.

Mr. HALE. Undoubtedly. I rose to a question of the order of business. It is entirely by unanimous consent.

Mr. MORGAN. The Senator has no right to control the private arrangements between Senators as to their pairs. So unanimous consent does not amount to anything——

Mr. HALE. I do not ask unanimous consent to vacate pairs. I am trying to get the Senate in a position to do business.

Mr. MORGAN. I suggest to the Senator in charge of the bill, he having got a majority in favor of taking it up, that he withdraw the call for the yeas and nays and let the bill be taken up by a viva voce vote.

Mr. HALE. We have to get a quorum first.

Mr. BERRY. Nothing is in order except a motion to adjourn or to request the attendance of absent Senators. Nothing else is in order when the lack of a quorum has been disclosed.

Mr. HALE. Does anybody object?

The VICE-PRESIDENT. The Senator from Arkansas is correct.

Mr. WARREN. Mr. President——

Mr. LODGE. Nothing is in order except a roll call.

The VICE-PRESIDENT. The third clause of Rule V reads:

> Whenever upon such roll call it shall be ascertained that a quorum is not present, a majority of the Senators present may direct the Sergeant-at-Arms to request, and, when necessary, to compel the attendance of the absent Senators, which order shall be determined without debate; and pending its execution, and until a quorum shall be present, no debate nor motion, except to adjourn, shall be in order.

Mr. HALE. Undoubtedly, Mr. President. Now, my only request is for unanimous consent that that be waived, and if two more Senators have come in in the meantime, that they be allowed to respond to the roll call.

Mr. CULBERSON. Mr. President, I desire to be recorded as present.

The VICE-PRESIDENT. The Secretary will call the name of the Senator from Texas.

Mr. CULBERSON responded to his name.

Mr. BERRY. I suggest that no unanimous consent can be given in the absence of a quorum.

Mr. HALE. Let us have the roll called, then. That will disclose, I hope, a quorum.

Mr. FORAKER. Mr. President, is my name recorded?

Mr. LODGE. I suggest that the Secretary call the absent Senators.

The VICE-PRESIDENT. The Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators, and the following Senators answered to their names:

Mr. ANKENY, Mr. BURROWS, Mr. FLINT, Mr. FORAKER, Mr. LODGE, Mr. MILLARD, and Mr. TILLMAN.

Mr. TILLMAN. I have been here all day, and I do not see how I came to be counted as an absentee.

Mr. WETMORE responded to his name.

Mr. FORAKER. Mr. President, before the call of the absentees was ordered, I came in from the cloakroom and addressed the Chair and asked to be allowed to answer to my name. I think I should be put on the regular roll call. I have been present at every roll call, but was unavoidably called out for a moment.

Mr. FLINT. I wish to make the same statement.

Mr. WETMORE. I have been present at every roll call, and I answered distinctly to my name on the first call.

Mr. CLAY. Have I been marked "present?" I have been present at every roll call.

The VICE-PRESIDENT. The Senator from Georgia is recorded as present.

Mr. CLARK of Wyoming entered the Chamber and answered to his name.

The VICE-PRESIDENT. Fifty-three Senators have answered to their names. A quorum is present. Without objection, the call of the names of absent Senators will be suspended.

Mr. HALE. Now, in the interest of the dispatch of business, I ask that the vote by which the yeas and nays were ordered be reconsidered, and that the vote on taking the matter up be a viva voce vote.

Mr. LA FOLLETTE. Upon that I demand the yeas and nays.

Mr. HALE. No.

Mr. LA FOLLETTE. I understand perfectly well——

The VICE-PRESIDENT. The Secretary will call the roll on the motion made by the Senator from Wisconsin [Mr. LA FOLLETTE].

Mr. HALE. My proposition practically brings what I am afraid of if we have another roll call, that Senators who have pairs will be compelled to announce them, and we shall not get a voting quorum. My proposition is to reconsider the vote by which the yeas and nays were ordered, and then let the vote be taken viva voce.

Mr. MALLORY. I rise to a point of order, Mr. President.

The VICE-PRESIDENT. The Senator from Florida will state his point of order.

Mr. MALLORY. The yeas and nays on the motion of the Senator from Wisconsin [Mr. LA FOLLETTE] were ordered; and that order having been made, nothing else is now in order until it shall have been executed.

The VICE-PRESIDENT. The Chair sustains the point of order made by the Senator from Florida. There is nothing in order but the calling of the roll.

Mr. HALE. Undoubtedly, Mr. President; but time and again, as the Chair will bear in mind, in order to get out of such a trouble as we are now in, the vote by which the yeas and nays were ordered has been reconsidered by unanimous consent.

Mr. MALLORY. I object, Mr. President.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BEVERIDGE (when his name was called). I have a general pair with the senior Senator from Montana [Mr. CLARK]. That Senator is not present, and I therefore withhold my vote.

Mr. FULTON (when his name was called). I have a general pair with my colleague [Mr. GEARIN], but I have authority, under my pair with him, to vote to make a quorum, and I shall therefore do so. I vote "yea."

Mr. MALLORY (when his name was called). The Senator from Kansas [Mr. LONG] is paired with the Senator from Idaho [Mr. DUBOIS]. I have a pair with the Senator from Vermont [Mr. PROCTOR]. We have arranged to transfer our pairs, and under that arrangement I am at liberty to vote. I vote "yea."

Mr. TILLMAN (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. KITTREDGE. I again announce my pair with the Senator from Colorado [Mr. PATTERSON].

The result was announced—yeas 38, nays 11, as follows:

YEAS—38.

Bacon	Clay	Fulton	Overman
Bailey	Culberson	Gamble	Penrose
Benson	Cullom	Hopkins	Perkins
Berry	Dillingham	La Follette	Simmons
Blackburn	Dolliver	Lodge	Spooner
Brandegee	Dryden	Long	Stone
Burkett	Flint	McLaurin	Tillman
Burnham	Foraker	Mallory	Warner
Burrows	Foster	Morgan	
Carmack	Frazier	Nelson	

NAYS—11.

Allee	Hale	Smoot	Wetmore
Ankeny	McCumber	Sutherland	Whyte
Clark, Wyo.	Millard	Warren	

NOT VOTING—40.

Aldrich	Daniel	Heyburn	Nixon
Alger	Depew	Kean	Patterson
Allison	Dick	Kittredge	Pettus
Beveridge	Dubois	Knox	Piles
Bulkeley	Elkins	Latimer	Platt
Carter	Frye	McCreary	Proctor
Clapp	Gallinger	McEnery	Rayner
Clark, Mont.	Gearin	Martin	Scott
Clarke, Ark.	Hansbrough	Money	Taliaferro
Crane	Hemenway	Newlands	Teller

So Mr. LA FOLLETTE's motion was agreed to; and the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. McCUMBER. Mr. President, as I have a conference committee meeting to attend, I should like to take about three minutes on this bill.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maine?

Mr. McCUMBER. I do.

Mr. HALE. I only desire to make a privileged motion. I move that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow. I should like to say that after this evening I believe we shall be obliged to have sessions every night. Without giving any formal notice, I state to Senators that, in order that we may get the appropriation bills, conference reports, and other important matters through, that will be necessary.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow.

Mr. BAILEY. Just one moment, Mr. President. I wish to

say to the Senator from Maine that I am not going to agree that we shall meet at 11 o'clock and then stay in the bad atmosphere of this Chamber all day and then a part of the night. I stay here as steadily as anybody, and I know how uncomfortable and how unhealthy it is. I am perfectly willing to come here at 11 o'clock; but when I work here seven hours in this Chamber, I am not going to agree to come here at night for three or four hours more.

Mr. HALE. The Senator from Texas did not understand me. Realizing the force of that idea, I stated that I should not ask for a night session to-night.

Mr. BAILEY. I know.

Mr. HALE. But only after to-night. I did not give any notice; and it will depend on the condition of business. I understand that many Senators come here at 9 o'clock and stay here until 6 o'clock, and it is very hard to come again in the evening; but we are under such stress of weather the last three or four days of a session that we may have to do that after to-night.

Mr. BLACKBURN. Will the Senator from Maine allow me to make a suggestion?

Mr. HALE. Certainly.

Mr. BLACKBURN. I think that most of the committees of the Senate, if not all of them, have held their last meeting and are through with their work.

Mr. CULLOM. Not all of them.

Mr. BLACKBURN. Why not name 10 o'clock instead of 11 o'clock in the morning for the Senate to meet in order to avoid night sessions? I do not know that it would expedite the business of the Senate for us to meet here at 10 o'clock instead of 12 o'clock, but it would afford more time to talk, and in that respect I doubt not it would please many Senators. Instead of having day sessions and night sessions, all of the committees having discharged their work and having held their last sessions, why not meet earlier?

Mr. CULLOM. All of the committees have not finished their work.

Mr. BLACKBURN. I am not a member of a single committee that intends to hold another session prior to adjournment.

Mr. CULLOM. I wish to inform the Senator that the Committee on Foreign Relations meets to-morrow morning at half past 10 o'clock, and will probably be detained in session until 12 o'clock.

Mr. BLACKBURN. Why not give them the privilege of meeting during the sessions of the Senate, and let us meet at 10 o'clock?

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. The Chair would suggest that this debate is proceeding by unanimous consent.

Mr. BAILEY. Let me suggest to the Senator from Maine that I am as anxious as anybody to get away from here; but there is no fixed day by which we must dispose of all these matters. If it was the 4th of March of a short session and the dissolution of Congress was approaching, or if we had already adopted a resolution fixing the day of adjournment, then there would be some reason for such a proposition. I sat here last night, and there were not twenty Senators present. It is very easy for Senators who do not intend to come to vote that others shall come and attend night sessions, but I do not intend that that shall be done with my consent.

Mr. HALE. Let us wait until to-morrow and see what will then be the condition of business, and we can then settle on the night sessions. I shall not move to have a session to-night.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine [Mr. HALE] that when the Senate adjourns to-day it be to meet at 11 o'clock to-morrow morning.

The motion was agreed to.

The VICE-PRESIDENT. The Chair recognizes the Senator from Wyoming [Mr. WARREN].

Mr. WARREN. The time has passed now. I wished to make an observation before the vote was taken.

The VICE-PRESIDENT. It was not a debatable question.

Mr. WARREN. I thought, perhaps, so long as it was all informal, I might make an observation. And the observation I desired to make was this: Some of the important committees continue to hold meetings. The Committee on Public Buildings and Grounds has before it a bill involving some twenty-odd millions of dollars which came here from the House of Representatives only a few moments ago, and that committee has been called to meet to-morrow morning at 10 o'clock and will probably be obliged to remain in session until 12 o'clock. The Committee on Military Affairs has some hundreds of executive nominations before it, and that committee has a meeting on Thursday. I want to observe that, if the Senate should meet before 12 o'clock, the committees I have named will have to ask the privilege that they may be permitted to sit while the Senate is in session. I think it would be better policy to meet at the regular hour mornings and then have evening sessions when necessary, even if we should have to meet every evening until the close of the session.

Mr. BLACKBURN. Well, do that.

Mr. BAILEY. We can not get a quorum now.

Several SENATORS. Regular order, Mr. President.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. The Senator from North Dakota is entitled to the floor. Does he yield to the Senator from Ohio?

Mr. McCUMBER. I yield.

Mr. FORAKER. I was about to make an appeal to the Senator from Wisconsin [Mr. LA FOLLETTE], who has moved that we take up Senate bill 5133. He certainly must recognize that it is impossible to get a voting quorum. Some of us have been voting with him now quite a number of times. If we can get a quorum on the roll call, that is not a voting quorum, because the pairs make it impossible to secure a voting quorum.

Mr. BERRY. The bill has been taken up.

Mr. FORAKER. I beg pardon of the Senator from Wisconsin. I was misinformed. I congratulate him.

Mr. McCUMBER. Mr. President, I voted several times against taking up this bill now, for the reason that I felt that it ought to be taken up at a time when it could receive due and deliberate consideration. I doubt very much whether any hearings on it of any extended character have been accorded before the committee which reported it to the Senate, and I have letters requesting a hearing on this bill.

There are two important provisions in the bill. One provision is that no common carrier engaging in interstate commerce shall allow any employee to work more than sixteen hours. That looks reasonable, of course, upon its face. Another provision is that no employee shall be allowed to resume work unless he has had ten hours' rest.

Mr. President, I presume that, on the whole, the average number of hours of a conductor or fireman or brakeman will not exceed twelve in any run, and ordinarily, particularly in the Eastern States, it may not average more than six or eight hours without a change, but in the western section of the country, across the Great Plains, where you may run probably 200 miles without finding any place where it is desirable for the employee to live, it is necessary to run closely on time, and also to make extremely long runs in order to get from one important place to another important place, or such a place as any one of these employees would want his home to be.

The times and schedules are so arranged that on the whole there would be very little difficulty or very little danger of overrunning the sixteen hours, which is the limit prescribed by this bill. But we will suppose that on a westward run, say, from Billings, Mont., west to Spokane, the train would be belated, not by reason of what we would denominate a casualty, but because of the lack of steam or because in certain seasons the amount of freight traffic would be so heavy that the whole train crew would be delayed possibly one or two hours or even ten minutes and could not reach their destination within the sixteen-hour limit. Under the bill as it now reads, unless the delay were by reason of some unlooked-for accident or casualty the conductor could not run his train ten minutes longer to get home. The crew could not pull in the train to where it was to be made up or start again with a new crew, but it would be necessary to ship out another crew 15 or 20 or 50 miles, and the train would have to be held up at a way station that long in order to get another crew there to take the train from where it was; otherwise the penalty provided in the pending bill would apply. Then again suppose that on the average ten hours is given for a conductor to rest, but to-night on account of the fact that his train is an hour late he must start the next morning after only nine hours' rest. If the train were belated an hour in the evening so that the conductor and crew of the train were only able to get nine hours' rest, under the provisions of this bill they could not start out with their train again the next morning, and either would have to hold it an hour and not go on schedule time or else another train crew would have to be made up to carry the train westward or eastward, as the case might be.

Mr. President, on the eastern roads, where a conductor will run perhaps from Washington to Baltimore and from Baltimore to Philadelphia, and another from Philadelphia to New York, there would be little complaint, because they are all on short runs, and the train crews are only on duty a few hours at a time, but when you are crossing the continent to the westward you have to go over vast stretches of country, and in order that the railroad employees and their families may have

a livable place for their residence, they have got to make sometimes more than a twelve-hour run, and in that twelve-hour run, if the train should be delayed five hours by reason of the loss of steam or the extra amount of freight, or anything that does not amount to a casualty, the crew would not get to their homes that night, but would have to tie up or abandon the train out on the prairies somewhere.

I have not heard the slightest complaint on the part of the employees on those vast stretches of country that they were compelled to work too long hours. Ten hours is considered a run, and when they go more than ten hours they are paid extra for the extra time. Ninety per cent of them would rather spend the extra hours with the train, because their earning capacity is very much greater during that time. We must either deprive them of that benefit, or we must take the chances of the delays that are continually happening, especially in the fall of the year, when the roads are moving very long trains of freight.

I know of one road whose freight trains are always from five to ten hours late during the period of moving wheat. At other seasons of the year they are practically on time. It would be almost impossible to get another crew to take the place of the crew on a train out on the prairie simply because the first crew had been working ten minutes over the sixteen-hour period prescribed by this bill.

I might mention a great many objections, Mr. President, that trainmen themselves in the western section of the country have in being deprived of going through to their homes at the end of their journey, though they may be one hour or two or five or six hours late. Every one of them would prefer to do that, and especially on a passenger train. If a train, we will say, from Seattle to Spokane gets in late, and, instead of arriving there at midnight, it arrives some time after that hour, and the train is to go out again at 10 o'clock the next morning, the train could not afford to be tied up because it came in from the West an hour or so after midnight, but if this bill should pass you would, under such circumstances as those, have to delay your crew or hold the train at the station for another ten, fifteen, or twenty minutes, or even an hour.

It seems to me that there is no real demand for this character of legislation from the western section of the country. If the Senator from Wisconsin can point out that there is danger to life, or any other danger because of a train crew working a few minutes overtime on a run, of course there might be some occasion for the bill. Applied to anything east of the Mississippi River, it would be all right; applied to anything west of the Mississippi River for 100 or 150 miles, there might be no objection, but west of that territory, from there across the Rockies, and until we reach the western coast, it seems to me that this law would be inapplicable.

Mr. WARREN. Mr. President, to my mind there ought to be two questions properly understood before legislating on any subject. The first: Is there need of any legislation affecting the question at issue? The second is, If there is need of the legislation, is that proposed desirable, safe, and applicable?

This bill appears in its terms to befriend the railroad employee. That certainly is a worthy object. I hope everybody agrees with me that no class of employees on the face of the earth deserves better treatment, better care, better wages, and greater gratitude of all the people than do the railroad employees. I would be willing now, and I would be willing at any time, to do anything that is possible and practicable to relieve them in their duties and, in reason, to generously compensate them for their labors.

I have not so far heard complaint that the railroads have abused or misused their employees by asking them to work more than the regular hours. I think the best guard against that is the union of railroad managers and railroad employees and their mutual rules regarding the same. They have rules as to hours that are mutually agreed upon; they have their mode of payment by mileage, by the hour, or by day or month, and it seems to me that in consideration of the well-known fact that there are a great many contingencies and incidents and intricate details that come up in railroad business, impracticable to regulate by legislation, we ought to feel safe in leaving it all to the railroad employers and employees and let them continue to mutually arrange it so long as they are agreed and make no complaint here or elsewhere.

Mr. President, there may have been complaints along these lines, and that fact may develop in debating this bill, but I will say, so far as I am concerned—and I am rather close to and always in friendship with railroad men, having been once a railroad employee myself—I have not had made to me one single complaint, either oral or written, since I have been a member of this body, regarding the hours that railroad trainmen are compelled to work. So that, so far as I am concerned, the railroad men in my locality would be at fault if I stood here to-day in opposition to the bill, because I have heard nothing from them in support of the measure. But I am not going to oppose the principle or alleged purpose of the bill, but I do demand that the bill shall be radically changed, and in the interest of the trainmen themselves. I voted against taking the bill up, first, because I believed it uncalled for and unnecessary, and, second, because I believed it imperfect. I voted when the roll was called, however, so that we might have a quorum and that it might have its day in court, since the friends of the measure have assured me of their readiness to amend, and, it being now up, I am going to ask the Senator who moved it to notice section 1 and section 2 as they now read.

Section 1 provides that railroad employees shall not be on duty more than sixteen consecutive hours. They are seldom on duty that long at a time, and they ought not to be. It further provides that in case of accident or incident on the way that requires them to remain on duty longer than that, they can make still longer hours. That is good. If we are to have any legislation it should be properly guarded; but as I read further, and as I understand this bill, the other provision regarding the rest off duty of ten hours to the men is not properly guarded. After the section in which you carefully guard the sixteen-hour limit you say:

> Or to require or permit any such employee to go on duty without having had at least ten hours for rest.

There you stop and you do not provide for accidents or for extraordinary circumstances. As the Senator from North Dakota [Mr. MCCUMBER], who preceded me, has said, it may do on the short lines of road, but when you get out in the western country, with a line of road extending a thousand miles or more, running through a country a portion of which is thinly populated, where the wind whistles and the snow falls, you sometimes have the entire road tied up, and it is impossible to give every man ten hours' rest for every night in the year. In my State there is not one single town large enough where, when you take the railroad men regularly employed who are necessary to run the trains and who have their regular runs, you can find enough men left as "extras" to handle the trains for a single day. By that I mean men who have had experience and are able to make the runs. You might find two or three who would know how to run a train, but not a sufficient number. So when you come down to the end of the ten hours and the trains have been in snow or accident and the road is all tied up, you face this condition: You either have to take out on the road men who have had less than ten hours' rest or you have to hold the trains and get farther and farther behind and further demoralized, or try to get Tom, Dick, and Harry to help you, men who perhaps never have moved a train and to attempt to run one would be risking their own lives, the lives of the passengers, and greatly risking rolling stock and merchandise.

Mr. FORAKER. Mr President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. FORAKER. I was going to interrupt the Senator only to say that when I get the floor I intend to offer some amendments to this bill, and one of them has reference to that provision. If it does not interrupt the Senator, I will offer now the amendments which I intended to offer.

Mr. WARREN. If the Senator will wait a moment, I will yield.

Mr. FORAKER. Very well.

Mr. WARREN. We come on down then to the next section. After providing a limitation of sixteen hours it says:

> Or to require or permit any such employee to go on duty without having had at least ten hours for rest.

Again you provide no qualifications. But that is not the worst of it. You might leave it to the railroad employee and the railroad employer and say that they will know well when there is an accident or emergency, once or twice in a year perhaps, and will arrange matters accordingly. But in this bill you make both the road and the men liable to a fine—imprisonment perhaps. You even make it the duty of the district attorney to watch out for infractions of the law and to bring suits, and then you also make it the duty of the Interstate Commerce Commission to fully investigate, etc. In other words, you penalize it to the fullest extent. You give it no elasticity whatever. You inflict a danger and a hardship upon the faithful employee.

I say it is impracticable, in the interest of the railway men themselves, to pass such a law without proper amendment and some elastic provision. Take it at some point where all the men are in. The trains are there and are ready to go out. There is not a man on the entire line who has had ten hours'

rest. What are you going to do? Here are a half-dozen trains ready to go out, and they must go out without delay. Perishable fruit is spoiling, live-stock freight suffering for food and water, passengers demanding action, the United States mails delayed, and fines and penalties impending. Your men have been snowbound or delayed by some smashup or breakdown on the road. In these urgent contingencies the railroads ordinarily take the men first in and send them first out, though they may have had only three or four hours' rest. That relieves the congestion. The men, on the other hand, are only too glad to do it, because railway men always, or nearly always, have at heart the best interests of the road and of the public. Further than that, they are willing to do it because they get the extra pay for it; and, still further, regularity and regular running time are easiest accomplished this way. An engineer wants no other man to run his engine out, and a fireman wants no one to take his place who is not used to the business. Then, as I said before, the towns do not have among their inhabitants a lot of extra railroad men. The railroad must depend upon the regular men who have regular runs, and lengthen the hours of work and shorten the hours of sleep when they get in a tight place, which ought to seldom happen, and I think ordinarily does happen seldom.

Hence my opposition to taking up the bill unless proper amendment were foreshadowed. The railroad employees themselves would be the first ones to complain if we should pass this measure as it now stands. At least, so far as the long roads in the western part of the country are concerned, this would be true, and I believe it would be equally true of any section of the country.

Mr. BAILEY. Mr. President, I hope the bill will be amended by striking out "sixteen" and inserting "twelve;" so that no employee will be compelled to continue at this work steadily for more than twelve hours. The only basis upon which this legislation can be defended—and upon that basis it is not only defensible, but it is desirable—is that to work men too long in the operation of trains endangers the public safety. I think no man who has had much experience in travel will dispute the proposition that it unnecessarily exposes the lives and safety of all who are compelled to use railroads whenever their engineers, their brakemen, or other people concerned in the operation of their trains are compelled to work beyond the point of reasonable endurance. Surely when we permit in an extraordinary emergency the extension of the time limit, we ought to reduce it to twelve instead of sixteen hours.

Then my opinion further is that after reducing the time during which a man may continue to be employed in the operation of a train from sixteen to twelve hours, we ought to reduce the time when he must be at rest from ten to eight hours.

Generally I have no sympathy with any effort to interfere between employers and employees, abridging the right of contract. I resolutely and always vote against any law that assumes a guardianship over an American citizen and denies him the right and the freedom to deal with his own labor in his own way.

But that is not the question presented by this legislation. This is a very proper and a very sensible effort to preserve the public safety by requiring that overworked men shall not operate the trains upon which the public must ride. It is, in my judgment, more desirable legislation than was that which required safety couplers and other laws of that character.

I would suggest, also, to the Senator from Wisconsin [Mr. LA FOLLETTE] that out of an abundant caution after the word "carrier," in line 5, he insert the word "when;" so that it will read:

That it shall be unlawful for any common carrier when engaged in interstate commerce, etc.

I make that suggestion, because the jurisdiction of the General Government attaches only to a carrier when it is engaged in interstate commerce. All carriers at some time or another are engaged in interstate commerce. Carriers whose roads are sometimes less than 50 miles in length and lie wholly within the borders of a State engage—not only sometimes, but frequently—in interstate commerce. Whenever they take passengers or freight on any part of their line to be transported partly over their line and partly over another line from that State to another State, they are engaged in interstate commerce, and, therefore, it can be safely said that all carriers in the United States do engage in interstate commerce. But the jurisdiction of the Federal Government only attaches when each particular carrier is so engaged. In other words the jurisdiction of the Federal Government is only over the interstate transaction.

It is possibly true that if the word "when" did not appear the court in construing the law, if it ever shall be assailed in court, would say that as the Federal Government only has power to regulate the carrier when engaged in interstate commerce, that was all it was intended to do by this language. But the question would be saved by inserting the word "when;" and besides saving the doubt we would show that we only intend to exercise the power which clearly belongs to us and would set an excellent example for ourselves in future legislation or for future Congresses in all legislation of this kind.

Mr. FORAKER. Mr. President, I think sixteen consecutive hours' employment is long enough for anybody, especially for those who operate trains on which people are transported. However, I am not sure that any statutory limitation of that kind is necessary. According to my information, all of the well-managed railroads of the country, at least in this part of the country—certainly those with which I have any acquaintance—limit the hours of their employees to a less number than sixteen. I do not know of any railroad on which, as a rule, men are employed as long as sixteen hours. They are employed that long only in cases of emergency. It may be that there are some railroads in the country on which a different rule obtains. But however that may be, if there is to be any legislation on this subject, I have no objection to a statutory expression of this character.

But, Mr. President, when it comes to the clause immediately following that provision, which appears in the bill in the following language:

Or to require or permit any such employee to go on duty without having had at least ten hours for rest—

I think an amendment should be made. I do not think anybody would be kept on duty longer than sixteen hours except in case of casualty, and then, of course, he would have to be relieved as soon as possible, and after a reasonable time for rest I think he should be allowed to resume work——

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. As I understand the Senator from Ohio, he agrees that the practice generally is to give the men eight or ten hours on the road instead of sixteen, and oftentimes, as my colleague at my right says to me, only six or seven or eight hours. Is not that more nearly the rule? Are not eight hours and under the rule in running trains rather than over eight hours?

Mr. FORAKER. I think ten hours consecutively is as long as they are kept on duty on any railroad of which I have any knowledge.

Mr. WARREN. And the Senator agrees with me that ten hours for rest is unnecessarily long. In certain contingencies, too, there might be occasions where a man could have for perhaps one night only two to six hours' rest, and it would be in the interest of himself as well as of the railroad for him then to take out his train. This would be in the interest of making up or the correction of the loss of time and the regaining of normal conditions as soon as practicable.

Mr. FORAKER. I was about to say that I think the first provision prohibiting their employment for a longer period than sixteen consecutive hours is guarded by the exception of casualty, in cases of accident, where there is unexpected delay. I suppose that any kind of unexpected thing happening making necessary their employment for a longer time would come within this provision of the proposed statute; and with that I am satisfied. But I think there should be inserted in the provision which I read a while ago—

Or to require or permit any such employee to go on duty without having had at least ten hours for rest——

Mr. SMOOT. Mr. President——

Mr. FORAKER. After I give the amendment I will yield to the Senator.

The following words: "except in an emergency;" so as to read:

Or to require or permit any such employee, except in an emergency, to go on duty without having had at least ten hours for rest.

I think eight hours for rest, as suggested by the Senator from Texas [Mr. BAILEY], would be better, but I do not care about that if the employee who has been laid off can resume his employment in a case of emergency in less time than ten hours. I now yield to the Senator from Utah.

Mr. SMOOT. I should like to ask the Senator from Ohio if he thinks a heavy windstorm or a heavy snowstorm would be classed as a casualty under the provisions of the bill?

Mr. FORAKER. I am proceeding upon the theory that it would; that anything of that kind would be which would interfere with the running of the train and make it necessary for the

employee to continue on duty a longer period than sixteen hours. Therefore I move to amend it, and I call the attention of the Senator from Wisconsin to the fact, by inserting, after the word "employee," at the end of line 3, on page 4, the words "except in an emergency."

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. At the end of line 3, on page 4, after the word "employee," it is proposed to insert "except in an emergency."

Mr. FORAKER. And then, acting upon the suggestion of the Senator from Texas [Mr. BAILEY], given in his remarks a moment ago, I move to strike out the word "ten," in line 4, and to insert the word "eight."

The VICE-PRESIDENT. The Chair will put the question on the first amendment proposed by the Senator from Ohio.

Mr. FORAKER. I am simply offering the amendments. I am not asking for a vote upon them at this time. I want to debate them.

The VICE-PRESIDENT. The Secretary will state the second proposed amendment.

Mr. FORAKER. I am going to offer several amendments to the bill.

The SECRETARY. In line 4, before the word "hours," it is proposed to strike out the word "ten" and insert "eight;" so as to read:

Or to require or permit any such employee to go on duty without having had at least eight hours for rest.

Mr. FORAKER. I offer the following amendment: In line 15, page 4, after the word "employee," I move to insert "except in an emergency."

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. After the word "employee," in line 15, on page 4, it is proposed to insert "except in an emergency."

Mr. FORAKER. In line 16, I move to strike out the word "ten" and insert "eight."

The SECRETARY. In line 16, page 4, it is proposed to strike out "ten" and insert "eight."

Mr. FORAKER. The two amendments I have just offered are the same as the amendments I offered a moment ago. But the first paragraph to which the first amendments were offered is that which relates only to the Territories and the District of Columbia, while the second paragraph relates to all railroad common carriers engaged in interstate or foreign commerce.

Now, in section 2 I offer another amendment. Before I name it I will say that I agree fully with the Senator from Texas that we are to take into consideration here not only the employees of railroads, but the traveling public. What I want to know, when I take passage on a railroad train, is that the train is going to be operated by men who are in fit condition to do their duty. I do not want any man to be running the engine that pulls the train on which I am riding to have been on duty longer than sixteen hours. I would rather he had not been on duty longer than ten consecutive hours. That is as much as anybody ought to be required to endure. Sixteen hours is the limit. That is what we fix in this bill.

Mr. President, we owe it to the public to see that that kind of a provision is made effective. I believe every railroad in the country is anxious to limit the hours during which their employees shall be consecutively employed to a reasonable number of hours. The railroad companies are interested in limiting them in that way, because not only is their property at stake—the trains the men have in charge—but lives are at stake for which they will be responsible if lost in an accident. As I have already said, most railroads undertake to enforce that kind of a limitation. I happen to have knowledge, based on information on which I think I can rely, that, as a rule, these limitations are observed, but that it happens now and then, and too frequently, that men anxious to make overtime and get extra pay on account of it will make representations by which they procure themselves to be continued in employment longer than the rules of the company allow them to be continued in consecutive employment. I think that is an important matter.

I think it is all right to provide in this bill, as it does provide, that the carrier, in so far as it may be responsible for such overemployment, should be punished, and I think it is also important that we should put into the bill by an amendment, which I now propose to offer, a provision that will punish the employee who procures himself to be worked overtime through any misrepresentation of fact, or through any concealment of the fact as to the length of time he has been on duty.

I am told—I have letters to that effect—that sometimes it happens that men in the employment of a railroad conceal the fact that the time they are allowed, under the rules of the company, to be in continuous employment has been exceeded, and in that way they are continued in employment to the prejudice of the company and to the prejudice of all who are intrusted to the care of the company. Now, to provide against that sort of abuse I offer to amend section 2 of the bill by inserting after the word "act," at the end of line 18, the following:

Or any employee who by any false representation or concealment of fact procures himself to be employed in violation of this act.

That is the end of the amendment. Then in line 20, on the same page, before the words "one thousand dollars," I move to insert the words "not more than;" so that that clause if amended will read as follows:

That any such common carrier, or any of its officers or agents, violating any of the provisions of this act, or any employee who by any false representation or concealment of fact procures himself to be employed in violation of this act, is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of not more than $1,000.

The language of the bill is "shall be liable to a penalty of $1,000."

Mr. McLAURIN. Mr. President——

Mr. FORAKER. In a moment. That would be an unreasonable punishment to inflict upon the employee, but if the amendment which I have offered shall prevail, it provides that the penalty shall not be more than $1,000, and the court in imposing it could fix any penalty as a minimum that it might think the case justified.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. McLAURIN. I was going to suggest to the Senator that it would not be right to put so great a penalty upon the employee as upon the carrier.

Mr. FORAKER. No; it would not be.

Mr. McLAURIN. The proposed law certainly ought to take into consideration the relative ability of the persons fined to pay the penalty.

Mr. FORAKER. Certainly.

Mr. McLAURIN. There is another thing I would suggest.

Mr. FORAKER. If the Senator will allow me right here, that is exactly what I undertake to provide for.

Mr. McLAURIN. Yes.

Mr. FORAKER. It is all right to provide, if we leave the bill as it is, that the carrier violating the provision of the proposed act shall be punished by a fine of $1,000 in each case, but if the employee is to be included and his violation of the act is to be a misdemeanor for which he is punishable, $1,000 would be an unreasonable penalty, and therefore it ought to be within the judgment and discretion of the court to make it as moderate as the equity and justice of the case would seem to require.

Mr. McLAURIN. If the Senator will allow me, I will make another suggestion in reference to the amendment he proposes to offer. If that amendment is to be adopted, it seems to me that portion of it which imposes a penalty for the concealment by an employee should be so worded that it would be a willful and knowing concealment, and that the same should apply to any false representation.

Mr. GALLINGER. Let it be "knowingly."

Mr. CARMACK. I think the language as expressed by the Senator from Ohio carries the idea very clearly.

Mr. FORAKER. I think so. It is an affirmative action on the part of the employee, and he can not do it without knowing about it. It is not necessary to put in the word "willfully." That would simply defeat the execution of the statute.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Mississippi?

Mr. FORAKER. Certainly.

Mr. McLAURIN. The word "willfully" itself conveys an idea of criminal intention, and unless there is a criminal intention upon the part of any person in the concealment, I do not think there ought to be any penalty attached.

Mr. CARMACK. Will the Senator from Mississippi permit me?

Mr. McLAURIN. Certainly.

Mr. CARMACK. The language of the amendment of the Senator from Ohio is where by concealment he procures employment. The concealment is for a definite purpose, as expressed in the amendment, and it is very clear, I think.

Mr. McLAURIN. The fact that the employee does not state to the employer that he has been on duty within less than ten

hours might be a concealment, but not a willful concealment. There might be no intention on his part to deceive. I think that word ought always to be put in where there is to be any criminal penalty.

Mr. FORAKER. With equal propriety the Senator might suggest that the words "willfully or knowingly" should be inserted as to the carrier, because the carrier might continue a man at labor without having any knowledge of it.

Mr. McLAURIN. I think it ought to be inserted as to both, so far as that is concerned, but it surely ought to be inserted when there is a criminal penalty to apply to the concealment.

Mr. FORAKER. I think willfulness ought to be inferred from knowledge. If the Senator insists upon it, I will not object to the word "knowingly" being inserted, but I think it is sufficient just as it stands.

Now, Mr. President, I think with the mere statement of these amendments I have said all I need to say in support of them.

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. Amend section 2 as follows: After the word "act," at the end of line 18, insert:

Or any employee who by any false representation or concealment of fact procures himself to be employed in violation of this act.

In line 20, before the words "one thousand," insert "not more than."

Mr. DOLLIVER. Mr. President, this bill has at least two well-defined purposes. The first is to secure to those employed in the railway train service a reasonable limitation upon the hours of labor. That is regarded as important both from the standpoint of the welfare of the men themselves and from the standpoint of the public welfare and the public safety.

It is not necessary to overstate the abuse with which this proposed legislation deals. It is proper to say that the railway workmen are and have for many years been a well-organized industrial body, and that without the intervention of laws they have been able in a very large measure to secure not only their own rights, but the interest of the public, as both are involved in this limitation upon the hours of labor.

I have here a statement of the relations between the railway workers and many of the great railway corporations in the country. All the railway brotherhoods, as a rule, have an agreement with the railroads respecting this matter. I shall take the liberty to print this statement in connection with my remarks.

The statement referred to is as follows:

Name of road.	Time worked before being entitled to rest.	Hours allowed for rest.
Alabama and Southern	12 hours and completed runs	8
Atlantic, Knoxville and Northern	Conductors, 12 hours	8
Baltimore and Ohio	16 hours	8
Buffalo, Rochester and Pittsburg	do	8
Burlington, Cedar Rapids and Northern	do	10
Central Vermont	do	8
Chicago and Grand Trunk	do	8
Chicago, Milwaukee and St. Paul	Men to judge of their own condition.	
Chicago and Northwestern		8
Chicago, St. Paul, Minneapolis and Omaha		8
Cincinnati, New Orleans and Texas Pacific	16 hours	8
Cleveland, Cincinnati, Chicago and St. Louis	do	8
Cleveland Terminal and Valley	do	8
Colorado Midland Co	Men to judge for themselves	8
Colorado and Southern	16 hours	8
Denver and Rio Grande	Not required to go when they claim they need rest.	
Duluth and Iron Range		7
Duluth, Missabe and Northern		8
Duluth, South Shore and Atlantic		9
Erie	16 hours	8
Florence and Cripple Creek	Not required to go out when they need rest.	
Georgia Southern	12 hours	8
Grand Trunk	16 hours	8
Great Northern	14 hours	8
Gulf, Colorado and Santa Fe	16 hours	8
Houston and Texas Central	do	8
Illinois Central	do	8
International and Great Northern	do	8
Kansas City, Fort Scott and Memphis	do	8
Kansas City, Memphis and Birmingham	Conductors, 16 hours	8
Kansas City, Pittsburg and Gulf	16 hours	8
Louisville, Evansville and St. Louis	18 hours	
Louisville and Nashville	16 hours	8
Michigan Central	do	8
Minneapolis, St. Paul and Sault Ste. Marie		8
Missouri Pacific	16 hours	8
Missouri Pacific, St. Louis and Iron Mountain	do	8
Montana Central	14 hours	10
New Orleans and Northeasern	16 hours	8
New York, Chicago and St. Louis	do	8
New York, Ontario and Western	do	8
Norfolk and Western		10
Northern Pacific	16 hours	8
Ohio Southern	do	8
Omaha, Kansas City and Eastern	Men to judge for themselves	8
Oregon Railroad and Navigation Co.	16 hours	8
Oregon Short Line	do	8
Pere Marquette	12 hours	8
Pittsburg, Bessemer and Lake Erie.	16 hours	8
Pittsburg and Lake Erie	do	8
Pittsburg and Western	do	8
Rio Grande and Southern	Not required to go out when they claim they need rest.	
San Francisco and San Joaquin Valley.	16 hours	8
Santa Fe	do	8
Southern	18 hours	10
Southern California	16 hours	8
Southern Pacific	do	8
St. Joseph and Grand Island		8
St. Louis and San Francisco	16 hours	8
St. Louis Southwestern	do	
Texas Pacific	20 hours	8
Toledo and Ohio Central	16 hours	8
Union Pacific	do	8
Wabash	do	8
Wisconsin Central	Men to judge for themselves	8
Yazoo and Mississippi Valley	Conductors, 16 hours	8

The following is a table of the State laws, showing the maximum number of hours above which trainmen or enginemen should not be required to work, and the minimum number of hours allowed for rest:

State.	Maximum time above which employees shall not be required to work without rest.	Hours allowed for rest.
Arizona	16 hours	9
Arkansas	do	8
Colorado	do	10
Florida	13 hours	8
Georgia	do	10
Indiana	16 hours	8
Michigan	24 hours	8
Minnesota	20 hours [a]	a 8
	14 hours [b]	b 9
Nebraska	18 hours	8
New York	24 hours	8
Ohio	15 hours	8
Texas	16 hours	8

[a] Other than engineers and firemen.
[b] Engineers and firemen.

Mr. DOLLIVER. It will be seen by an observation of these agreements that the hours of labor when expressly agreed upon range all the way from twelve to twenty. In the case of the Alabama and Southern Railway the agreement with the railway brotherhoods limits the hours of labor to twelve, with a period of rest of eight hours.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. The Senator, I assume, means that the hours of labor are restricted hours, beyond which the men can not work.

Mr. DOLLIVER. Yes, sir; beyond which they shall not be required to work.

Mr. WARREN. I assume the Senator does not mean to say that the ordinary hours of work reach even the minimum number.

Mr. DOLLIVER. I do not know about that, and I do not undertake to say with any authority.

Mr. WARREN. Has the Senator any information on that line, as to the average hours that trainmen run on the roads?

Mr. DOLLIVER. I have no definite information about it, except that it varies very greatly in different parts of the country and at different seasons of the year.

Mr. WARREN. It is always below the minimum you have there, is it not?

Mr. DOLLIVER. I think not. In some cases the hours of labor are extreme even by these contracts. For example, the contract with the railway brotherhoods on the Southern Railroad puts a limitation of eighteen hours with ten hours' rest, and in the case of the Texas Pacific Railroad the limitation is twenty hours with eight hours' rest. But a careful investigation of these contracts made by the committee leads me to say

that the great mass of the contracts establish a limitation of sixteen hours as the extreme number of hours in which a man ought to be asked to work continuously.

I do not agree for many reasons with the suggestion made by the honorable Senator from Texas, that we ought to make a limitation of twelve hours; but no other objection need be stated than that which arises from the nature of this occupation. I think the judgment of these great railway brotherhoods as to what is fair and practicable in their employment ought to be followed. The limitation of sixteen hours is their suggestion, and I believe, taking into account all the peculiarities of the employment, it is a rational and proper limitation.

But it is not alone for the railway brotherhoods that this measure is necessary. I hold it to be very necessary from the standpoint of the safety of the traveling public and of the safety of all forms of property involved in interstate commerce. That view of it has been taken by very many States, including Arkansas, Colorado, Florida, Georgia, Indiana, Michigan, Minnesota, Nebraska, New York, Ohio, and Texas. In some of these States the limitation is so extreme as to amount to nothing, but I notice that sixteen hours of labor followed by ten hours of rest seems to be the rule that has governed the legislature in nearly all these States.

It is proper also for me to add that this legislation has long ago interested students of these questions in other countries, and that in practically all of the countries of Europe steps have been taken by law to put a limitation upon the hours of railway labor.

I have an idea, although I may not be correct about it, that that limitation has had a considerable influence in reducing the number of accidents and casualties in connection with the operation of trains in other countries. There is rather a startling exhibition made by our statistics of railway accidents. I believe that legislation of this character will tend toward the reduction of the number of these accidents.

I have before me a statement of personal injuries to employees, showing the causes of accidents, in connection with a statement of the hours of duty and the hours of labor as reported to the Interstate Commerce Commission. It is a very interesting study, not only in statistics, but in a peculiarly pressing aspect of the problem of railway operation in the United States.

I ask the leave of the Senate to print this statement, the number killed and the causes of the accidents, in connection with the hours of duty and the hours of rest. It is a very pathetic record. Let me read a few of the items in it.

First, "Cause of accident: Lying beside the track, sleeping; struck by the train. On duty twenty-one hours."

Again, "Asleep on track; struck by the train. Hours on duty, twenty-one."

Another—

Sat on track; went to sleep, and was struck by train. Hours of duty, twenty.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. DOLLIVER. Certainly.

Mr. GALLINGER. Will the Senator give the name of the corporations?

Mr. DOLLIVER. I can not from the memorandum which I have before me. But the memorandum is prepared from the reports of the Interstate Commerce Commission, and I have no doubt it would make very interesting study.

Mr. GALLINGER. It seems inconceivable that a corporation should require a trackman to work twenty-one consecutive hours, and that he should lie down beside the track and be killed.

Mr. DOLLIVER. This memorandum does not indicate that the workman was a trackman. He may have been a trainman. The memorandum, I think, deals only with accidents happening to men engaged in the train service. Let me give another:

Sent back to protect rear of the train—

That undoubtedly was a brakeman. He was sent back to the rear of the train to give some signal—

Fell asleep at side of track; struck by train. Hours of duty, twenty-one.

Here follows a list very considerable in number, which has made a very deep impression not only upon my judgment, but upon my sympathies.

The matter referred to is as follows:

Statement of personal injuries to employees, showing causes of accidents, hours on duty, and hours of rest, as reported to the Commission since July 1, 1901.

Cause of accident.	Killed.	Injured.	Hours on duty.	Hours of rest.
Lying beside track sleeping; struck by train	------	1	21	(a)
Asleep on track; struck by train	------	1	21	(a)
Sat on track; went to sleep, and was struck by train	------	1	20	(a)
Do	1	------	18	12
Sat on track; fell asleep; struck by train	1	------	25	4
Sent back to protect rear of train; fell asleep at side of track; struck by train	------	1	21	(a)
Sat on track; went to sleep; struck	1	------	15	(a)
Fell asleep while sitting on track; struck by train	1	------	17	7
Sat on track; went to sleep; struck by train	------	1	23	19
Engineman dropped crown sheet blowing out grates, ash pans, and connections	------	3	23	(a)
Asleep on track; struck by train	------	1	17	12
Sent out to flag train and fell asleep on track	------	1	15	8
Out flagging; went to sleep on track	1	------	16	22
Do	------	1	32	(b)
Supposed to have sat on track and gone to sleep	1	------	15	(c)
Lay down between main track and siding; fell asleep and was struck by engine	------	1	20	(a)
Out flagging; went to sleep and was struck by engine	------	1	d24	(a)
Out flagging; sat down on rail and is supposed to have gone to sleep	1	------	19	12
Out flagging; went to sleep on track	1	------	------	9

[a] Not given.
[b] Without proper rest.
[c] Had forty-eight hours' opportunity for rest.
[d] Length of time caused by congestion of freight that had to be moved.

Mr. DOLLIVER. I ask the leave of the Senate also to print, in connection with my remarks, a statement taken from the reports of the Interstate Commerce Commission of the personal injuries and the money lost incident to casualties, and in connection with each loss a statement of the hours that trainmen had been upon duty.

The matter referred to is as follows:

Statement showing train wrecks, with number of hours that train men were on duty, and hours of rest previous to going on duty, as reported to the Commission since July 1, 1901.

Cause.	Collisions.	Personal injuries.		Damage to cars.	Hours on duty.	Hours of rest.
		Killed.	Injured.			
Crew falling asleep	1	------	2	$2,000	27	4
Engineman falling asleep	1	------	2	500	29	12
Do	1	1	1	700	16	19
Engineman and brakeman asleep	(a)	------	3	600	18	------
Overlooked train No. 11, mistaking it for No. 5	1	------	3	1,300	29	1½
Running down grade too fast	1	------	1	3,050.00	18	13
Running at high rate of speed	1	------	1	1,036.00	18½	17
Train not under proper control	1	------	2	6,656.00	22	13
Snowplow ran into rear of caboose	1	1	2	1,350.00	------	------
Let engine run out at other end of switch and fouled main track	1	1	2	1,800.00	18	(b)
Engine crew of freight train forgot passenger train	1	2	3	3,064.00	19	10 to 20
Failed to wait prescribed time	1	------	22	600.00	15	12
Head-on collision of freight and extra	1	------	1	2,300.00	21	14,24
Failure to flag train	1	------	1	1,800.00	15	48
Overlooked open switch	1	------	4	5,100.00	20	(c)
Engineman asleep	1	2	1	7,000.00	9½	3
Conductor not being out on train	1	1	------	284.00	20	------
Crew asleep	1	------	1	1,487.00	24	------
Engineman failed to have engine under control	1	------	1	230.00	20	------
Carelessness of engineman	1	1	------	2,600.00	17	9
Brakeman; improper flagging	1	------	1	1,285.00	30	15
Misplaced switch	1	1	1	1,700.00	20	------
Misunderstanding of signals	1	------	1	2,000.00	18	10
Crew not taking proper precaution	1	------	2	505.00	24	24
Engineman disobeyed orders	1	1	11	2,050.00	15	10
Flagman asleep	1	1	------	5,900.00	16½	14½
Engineman; train getting away	1	1	1	4,905.00	17	4
Conductor failed to give signal	1	3	1	14,500.00	15	25
Disobeyed signals	1	1	8	1,800.00	48,47½	------

[a] Derailment. [b] Full rest. [c] Several days.

Statement showing train wrecks, etc.—Continued.

Cause.	Collisions.	Personal injuries.		Damage to cars.	Hours on duty.	Hours of rest.
		Killed.	Injured.			
Overlooked passenger train	1	1	.....	$600.00	17	(a)
Mistook red signal for green	1	.....	3	2,200.00	21	.....
Did not keep lookout	1	.....	1	125.00	17½	18
Engineman and brakeman asleep	1	1	2	1,300.00	16	8
Flagman and conductor asleep	1	.....	3	600.00	18	11
Flagman failed to get back proper distance	1	1	3	5,000.00	17½	18½
Not properly equipped with flagging signals	1	1	13	30,350.00	18	8
Running at too high rate of speed; foggy weather	1	.....	4	210.00	17	12
Brakeman threw switch without instructions and fell asleep	1	.....	1	1,500.00	18	32
Engineman not seeing flagman in time on account of smoke	1	4	1	5,365.40	20	14
Engineman of freight pulled out ahead of passenger train	1	.....	4	2,500.00	17	20
Improper flagging	1	.....	4	8,000.00	16	(b)
Disobeyed rule respecting open switch	1	1	3	.....	20	(b)
Engineman responsible; not keeping proper lookout	1	1	2	400.00	22	5
Approaching station at too high rate of speed to stop after seeing signal	1	.....	.....	2,632.00	17	(c)
Not protected by flag	1	1	.....	1,000.00	15	11
Carelessness of engineman	1	.....	.....	3,500.00	18	40
Flagman did not have flag out far enough	1	1	.....	400.00	17	24
Disobeyed rule 99 in not properly protecting train	1	1	.....	500.00	22	5
Conductor and brakeman at fault in moving train before track was clear	1	.....	.....	500.00	15	(d)
Brakeman failed to go to far end of car to see that they had cleared	1	.....	3	883.00	18	10
Engineman pulling down main track instead of taking siding as ordered	1	.....	.....	400.00	21	24
Failure of engineman to control train after passing green signal	1	.....	.....	200.00	26	23
Slow signal disobeyed	1	.....	.....	400.00	18	(e)
Flagman not out far enough to protect his train. Discharged	1	.....	1	700.00	16	24
From not being properly protected	1	2	8	4,000.00	23	36
Engineman was asleep. Discharged	1	.....	.....	425.00	38	17
Brakeman lost control of cars	1	.....	.....	400.00	23	12
Conductor failed to set switch for siding; brakeman also failed to make proper effort to stop train	1	.....	.....	1,100.00	19	11
Conductor and flagman were asleep in caboose; train had no protection	1	1	1	400.00	21	5
Brakeman failed to turn switch; train ran in on siding	1	.....	6	1,000.00	19	36
Crew went to sleeep	1	.....	.....	390.00	24	(b)
Disobeyed rule 17, train taking siding not being in the clear	1	.....	3	2,300.00	(f)	.....
Engineman at fault; in going back, struck cars	1	.....	.....	350.00	20	(b)
Work train fouled main track without due protection. Rule: "An inferior train must keep out of the way of a superior train."	1	.....	.....	500.00	(g)	(h)
Failed to protect train	1	.....	3	1,700.00	24	6
Conductor at fault for not having flagman out to protect train	1	2	.....	994.00	25	(b)
Engineman at fault for not stopping when semaphore was against him and not having train under control	(i)	.....	.....	2,200.00	19	(b)

[a] Ample rest.
[b] Not given.
[c] Three days.
[d] Two hours' intermission.
[e] Sufficient rest.
[f] Two days.
[g] More than 15 hours.
[h] Less than 7 hours.
[i] Derailment.

Mr. DOLLIVER. Mr. President, I insert these statements in the RECORD for the purpose of showing that while in a general way the train service of the United States has been greatly improved, and while the workingmen connected with the movement of trains have been able through their labor unions to limit the extreme hours of service, there still remains here and there throughout the railway service of the country certain negligence in respect to this matter. I think it would not be out of the way either if I added that it is a thing for which the railways are not altogether responsible, for there is in all these railway brotherhoods a minority who regard this as an unnecessary interference with their rights, and with their liberties; and it can not be denied that this limitation strictly adhered to will in some cases require the readjustment of train schedules and may in some cases reduce at least temporarily the earning power of the workmen.

But considerations of that character, it appears to me, ought not to stand in the way of our recognition of the fact, so effectively stated by the Senator from Ohio [Mr. FORAKER], that no man who has worked continually sixteen hours without rest is qualified, either from the standpoint of his own interest or of the public interest, to any further engage without rest in the responsible work of the train service.

It is the object of this bill to bring to a legal responsibility not only the carrier, but the workmen themselves, so that we may have a rule binding upon all that will put an end to the practice in so far as it now prevails in the United States of overworking these railway employees.

I doubt very much the wisdom of some of the suggestions which the Senator from Ohio has made. It is a very difficult thing to get an effective law if the exceptions are made so elastic as to impair or at least render ambiguous and uncertain the application of the statute.

I believe that a strict prohibition, reasonably administered by the Interstate Commerce Commission, would operate within a very short time to reduce to the minimum the remaining abuses of which the railway workmen throughout the United States have through their brotherhood complained to the Congress.

Mr. CARMACK. Mr. President, this, it seems to me, is not alone a question between the railroads and their employees. The fact that the railroad companies and their employees have come to an agreement as to what shall be the proper hours of labor is not by any means and should not be by any means conclusive upon us in legislating upon this matter. It is conceivable, and I have no doubt is true, that the employees of the railroad companies, many of whom work by the hour, are willing to do more work and to labor for longer hours than they ought to do from the consideration of the public.

I can not conceive that a man who has been engaged for sixteen consecutive hours in a laborious employment, one which requires his mind to be constantly alert, requiring of him not only physical vigor, but that his mind shall be constantly awake, is capable of the greatest vigilance. It seems to me that the hours fixed in the bill are extreme, and that the measure will have very little effect, for I do not believe there are many cases in which railroad employees are required to work more than sixteen consecutive hours.

I think, Mr. President, I shall offer an amendment to strike out the word "sixteen," in line 25 on page 3, and insert "twelve."

Mr. LA FOLLETTE. Mr. President, as I am very desirous of securing a vote upon the pending bill this afternoon, I shall take time to say just a word with respect to it.

Senators have questioned in the course of the debate the necessity for this legislation. I think a sufficient answer to all such argument or suggestion is to be found in the reports of the killed and injured furnished by the railroads.

During the last three months of 1905 there were killed upon the railroads of this country 686 men, and the injured numbered 12,817. In round numbers, 50,000 men are killed and injured annually on the railroads of the United States.

The figures cited by the Senator from Iowa [Mr. DOLLIVER], and printed in connection with the committee report as a table, disclose that a large percentage of the accidents is due to the excessive hours of continued service required of the men employed in running trains, operating switches, and guarding tracks.

No Senator who has given any attention to the reports of railway accidents compiled by the Interstate Commerce Commission, and the causes of such accidents assigned by the railroads themselves, can have any doubt as to the absolute necessity of legislation limiting the hours of service of the men moving railway trains and caring for railway tracks. The public safety demands this legislation. The slaughter of the faithful, courageous men who serve the railroads and the public appeals to us for its prompt enactment. It is a sad commentary on representative government that it should require a protracted struggle in this Senate to secure consideration of a measure of such undisputed merit and supreme importance. This bill should be strengthened, it should not be weakened by amendment.

That this is a matter which can be safely trusted to contract or arrangement between the employees and the railway companies is answered by the petitions upon my desk, and which I shall submit to the Senate at the conclusion of my remarks.

Those petitions come from 193 divisions of the International Brotherhood of Locomotive Engineers, located in forty-three States of this Union.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. Certainly.

Mr. HEYBURN. I do not desire to interrupt the Senator in his remarks or to speak on the subject under consideration, but I wish to call attention to the fact that the hour has arrived when, by unanimous consent, the Senate agreed to go into executive session. Personally, if the Senator from Wisconsin is nearly through, I will of course not urge it until he has finished his remarks; but if he contemplates extending them, then I would ask him to yield for that purpose.

Mr. LA FOLLETTE. I did not remember that such unanimous-consent agreement had been made. I am obliged to the Senator for calling my attention to it; and if I conclude now, I will inquire whether the question may be taken at once upon the passage of the bill?

Mr. GALLINGER. There will be further debate on the bill, I can assure the Senator; quite a little.

Mr. LODGE. Mr. President——

Mr. LA FOLLETTE. Then, Mr. President——

Mr. HEYBURN. I rose more to inquire the pleasure of the Senator from Wisconsin.

Mr. LA FOLLETTE. I wish to make a parliamentary inquiry. Will this bill come up as the unfinished business?

The VICE-PRESIDENT. It remains the unfinished business.

Mr. LODGE. The unanimous-consent agreement is self-operative.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House insists upon its disagreement to the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and has appointed Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed a bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 15333) for a division of the lands and funds of the Osage Indians of Oklahoma Territory, and for other purposes, and it was thereupon signed by the Vice-President.

STATISTICS RELATIVE TO LIVE STOCK.

Mr. WARREN. I give notice that to-morrow morning, under the call for resolutions or after the routine morning business is closed, I will call up for consideration Senate resolution No. 156, now on the Calendar, being a resolution calling on the Census Bureau to prepare and submit to the Senate statements showing the number and value of cattle, sheep, horses, and swine in the United States, the number, etc., exported and imported, etc., for the purpose of submitting some remarks thereon.

HOUSE BILL REFERRED.

H. R. 20410. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

EXECUTIVE SESSION.

Mr. HEYBURN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 4 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, June 27, 1906, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 26, 1906.

MEMBERS OF BOARD OF CHARITIES.

John Joy Edson, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906. This is a reappointment.

George M. Kober, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906, vice S. W. Woodward, retired.

MARSHAL.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri. A reappointment, his term expiring June 30, 1906.

PROMOTIONS IN THE NAVY.

Lieut. Commander John L. Gow to be a commander in the Navy from the 13th day of May, 1906, vice Commander Nathan Sargent, promoted.

Lieut. Commander George R. Clark to be a commander in the Navy from the 26th day of May, 1906, vice Commander James H. Bull, promoted.

Lieut. Commander William P. White to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law), vice Commander Greenlief A. Merriam, promoted.

Lieut. Commander George E. Burd to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law), vice Commander John B. Milton, promoted.

Ensigns James C. Kress and William V. Tomb to be lieutenants (junior grade) in the Navy from the 1st day of July, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade.

Lieutenants (Junior Grade) James C. Kress and William V. Tomb to be lieutenants in the Navy from the 1st day of July, 1905 (subject to the examinations required by law), to fill vacancies existing in that grade on that date.

The following-named ensigns to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade:

Byron A. Long.
Alfred G. Howe.
Raymond S. Keys.
Ernest A. Brooks.
Clarence E. Landram.
Adolphus Andrews.
Frederick L. Oliver.
Thomas R. Kurtz.
Harold E. Cook.
Merlyn G. Cook.
John M. Enochs.
Benyuard B. Wygant.
Manley H. Simons.
Roger Williams.
Ivan E. Bass.
William S. Pye.
Burrell C. Allen.
Charles L. Bruff.
Edward E. Spafford.
Walter N. Vernou.
Lewis S. Cox, jr.
Frank R. McCrary.
Orie W. Fowler.
Percy W. Foote.
John F. Green.
George F. Neal.
Frank McCommon.
Theodore A. Kittinger.
William H. Allen.
Guy Whitlock.
John Downes, jr.
Joseph L. Hileman.
Owen H. Oakley.
John J. Hannigan.
Jesse B. Gay.
Guy W. S. Castle.
Garrard P. Nightingale.
William W. Galbraith.
John V. Babcock.
Rufus F. Zogbaum, jr.
John J. Fitzpatrick.

The following-named lieutenants (junior grade) to be lieu-

tenants in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:

Byron A. Long.
Alfred G. Howe.
Raymond S. Keys.
Ernest A. Brooks.
Clarence E. Landram.
Adolphus Andrews.
Frederick L. Oliver.
Thomas R. Kurtz.
Harold E. Cook.
Merlyn G. Cook.
John M. Enochs.
Benyuard B. Wygant.
Manley H. Simons.
Roger Williams.
Ivan E. Bass.
William S. Pye.
Burrell C. Allen.
Charles L. Bruff.
Edward E. Spafford.
Walter N. Vernou.
Lewis S. Cox, jr.
Frank R. McCrary.
Orie W. Fowler.
Percy W. Foote.
John F. Green.
George F. Neal.
Frank McCommon.
Theodore A. Kittinger.
William H. Allen.
Guy Whitlock.
John Downes, jr.
Joseph L. Hileman.
Owen H. Oakley.
John J. Hannigan.
Jesse B. Gay.
Guy W. S. Castle.
Garrard P. Nightingale.
William W. Galbraith.
John V. Babcock.
Rufus F. Zogbaum, jr.
John J. Fitzpatrick.

Ensigns Caspar Goodrich and Wallace Bertholf to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service in that grade.

Lieuts. (Junior Grade) Caspar Goodrich and Wallace Bertholf to be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date.

The following-named midshipmen to be ensigns in the Navy from the 2d day of February, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:

William P. Sedgwick, jr.
Chandler K. Jones.
John P. Hart.
John J. McCrackin.

P. A. Surg. John M. Moore to be a surgeon in the Navy from the 1st day of January, 1905 (subject to the examinations required by law), vice Surg. Nelson H. Drake, promoted.

P. A. Surg. Richmond C. Holcomb to be a surgeon in the Navy from the 17th day of December, 1905 (subject to the examinations required by law), vice Surg. James E. Gardner, promoted.

P. A. Surg. Edward G. Parker to be a surgeon in the Navy from the 10th day of May, 1906 (subject to the examinations required by law), vice Surg. Frederick J. B. Cordeiro, retired.

The following-named assistant surgeons to be passed assistant surgeons in the Navy from the dates set opposite their names (subject to the examinations required by law), upon the completion of three years' service in that grade:

James P. De Bruler, from January 3, 1906.
Ransom E. Riggs, from January 19, 1906.
Frederick W. S. Dean, from January 26, 1906.
Benjamin H. Dorsey, from March 2, 1906.
Clarence F. Ely, from March 6, 1906.
James R. Dykes, from April 18, 1906.
Albert J. Geiger, from May 6, 1906.
William W. Verner, from May 25, 1906.
Perceval S. Rossiter, from May 25, 1906.
Wesley H. Rennie, from May 25, 1906.
Walter S. Hoen, from June 2, 1906.
Wallace B. Smith, from June 2, 1906.
Charles C. Grieve, from June 2, 1906.
John D. Manchester, from June 10, 1906.
Paul T. Dessez, from June 10, 1906.
James S. Woodward, from June 10, 1906.
John A. Randall, from June 26, 1906.
Charles E. Ryder, from June 26, 1906.
Allen D. McLean, from June 29, 1906.
Harry L. Brown, from June 29, 1906.
Theodore N. Pease, from July 10, 1906.
Frederick G. Abeken, from July 10, 1906.

Asst. Paymaster Arthur S. Brown to be a passed assistant paymaster in the Navy from the 10th day of February, 1906 (subject to the examinations required by law), vice P. A. Paymaster Walter A. Greer, promoted.

Asst. Paymaster John R. Hornberger to be a passed assistant paymaster in the Navy from the 17th day of February, 1906 (subject to the examinations required by law), vice P. A. Paymaster Cecil S. Baker, promoted.

Asst. Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy from the 18th day of March, 1906 (subject to the examinations required by law), vice P. A. Paymaster Donald W. Joseph W. Nesbit, promoted.

Asst. Civil Engineer Joseph S. Shultz to be a civil engineer in the Navy from the 2d day of February, 1906 (subject to the examinations required by law), vice Civil Engineer Leonard M. Cox, resigned.

Asst. Civil Engineer Carl A. Carlson to be a civil engineer in the Navy from the 2d day of March, 1906 (subject to the examinations required by law), vice Civil Engineer Charles A. Wentworth, resigned.

Boatswain Aaron B. Ireland to be a chief boatswain in the Navy from the 31st day of August, 1905 (subject to the examinations required by law), upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

The following-named boatswains to be chief boatswains in the Navy from the dates set opposite their names (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904:

Percy Herbert, from January 25, 1906;
Arthur Smith, from March 1, 1906; and
John M. A. Shaw, from March 24, 1906.

Gunner Frank A. McGregor to be a chief gunner in the Navy from the 10th day of April, 1905 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Stephen Donely to be a chief gunner in the Navy from the 10th day of March, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter Herbert G. Elkins to be a chief carpenter in the Navy from the 10th day of January, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Commander Sidney A. Staunton to be a captain in the Navy from the 12th day of June, 1906 (subject to the examinations required by law), vice Capt. William P. Day, promoted.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 12th day of June, 1906 (subject to the examinations required by law), vice Commander Sidney A. Staunton, promoted.

Asst. Paymaster Clarence A. Holmes to be a passed assistant paymaster in the Navy from the 14th day of June, 1905 (subject to the examinations required by law), vice P. A. Paymaster Rishworth Nicholson, promoted.

Asst. Paymaster Philip J. Willett to be a passed assistant paymaster in the Navy from the 4th day of May, 1906 (subject to the examinations required by law), vice P. A. Paymaster John S. Higgins, promoted.

Passed Assistant Paymaster Ignatius T. Hagner to be a paymaster in the Navy from the 11th day of May, 1906 (subject to the examinations required by law), vice Paymaster Samuel McGowan, promoted.

Lieut. Col. Harry K. White to be a colonel in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law), vice Col. Littleton W. T. Waller, who became an additional number by the provisions of the act of Congress approved June 16, 1906, extending the benefits of the act approved March 3, 1901, to all officers advanced under the provisions of sections 1506 and 1605 of the Revised Statutes.

Maj. Constantine M. Perkins to be a lieutenant-colonel in the Marine Corps from the 16th day of June, 1906 (subject to the

examinations required by law), vice Lieut. Col. Harry K. White, promoted.

Capt. William N. McKelvy to be a major in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law), vice Maj. Constantine M. Perkins, promoted.

First Lieut. Richard P. Williams to be captain in the Marine Corps from the 16th day of June, 1906, vice Capt. William N. McKelvy, promoted.

Second Lieut. Robert B. Farquharson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906, vice First Lieut. Richard P. Williams, promoted.

Capt. John H. Russell to be a major in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law), vice Maj. John T. Myers, who became an additional number by the provisions of the act of Congress approved June 16, 1906, extending the benefits of the act approved March 3, 1901, to all officers advanced under the provisions of sections 1506 and 1605 of the Revised Statutes.

First Lieut. Lee B. Purcell to be a captain in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law), vice Capt. John H. Russell, promoted.

Second Lieut. Charles R. Sanderson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law), vice First Lieut. Lee B. Purcell, promoted.

Sidney S. Lee, a citizen of Virginia, and Joy C. Ross, a citizen of Michigan, to be second lieutenants in the Marine Corps from the 16th day of June, 1906, to fill vacancies existing in that grade on that date.

PROMOTIONS IN THE ARMY.

Col. Clarence R. Edwards, United States Army, Chief of the Bureau of Insular Affairs of the War Department, to be Chief of said Bureau, with the rank of brigadier-general, for a period of four years from the date of his appointment, unless sooner relieved.

To be placed on the retired list of the Army, with increased rank from the date on which they shall be retired from active service, respectively:

Col. John Pitman, Ordnance Department, with the rank of brigadier-general.

Capt. Noble H. Creager, quartermaster with the rank of major.

APPOINTMENTS IN THE ARMY.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

Cadet Harold Storrs Hetrick.
Cadet William Albert Johnson.
Cadet James Josephus Loving.
Cadet Frederick Blundon Downing.
Cadet Edmund Leo Daley.
Cadet Henry Abercrombie Finch.
Cadet Edward Dahl Ardery.
Cadet Frederic Erastus Humphreys.
Cadet Charles Kellogg Rockwell.

Artillery Corps.

Cadet George Milburn Morrow, jr.
Cadet James Wilson Riley.
Cadet Lloyd Patzlaff Horsfall.
Cadet Charles Gearhart Mettler.
Cadet Charles Bhaer Gatewood.
Cadet Joseph Halley Pelot.
Cadet Morgan Lewis Brett.
Cadet Henry Walter Torney.
Cadet Forrest Estey Williford.
Cadet James Syer Bradshaw.
Cadet Earl McFarland.
Cadet Joseph Andrew Green.
Cadet Alexander Garland Pendleton.
Cadet John Cleves Henderson.
Cadet Harold Wood Huntley.
Cadet Walter Marantette Wilhelm.
Cadet Edward White Wildrick.
Cadet Walter Edward Donahue.
Cadet Alexander Garfield Gillespie.
Cadet Edwin De Land Smith.
Cadet John Sedgwick Pratt.

Cavalry Arm.

Cadet Richard Coke Burleson.
Cadet Jonathan Mayhew Wainwright.
Cadet Frederick Thibaut Dickman.
Cadet Walter Stephen Sturgill.
Cadet Adna Romanza Chaffee, jr.
Cadet Roy F. Waring.
Cadet Dawson Olmstead.
Cadet George W. De Armond.
Cadet John George Quekemeyer.
Cadet Frank Maxwell Andrews.
Cadet Harry Dale Ross Zimmerman.
Cadet Cortlandt Parker.
Cadet Joseph Choate King.
Cadet Ralph McTyeire Pennell.
Cadet Pierre Victor Kieffer.
Cadet George Leroy Converse, jr.

Infantry Arm.

Cadet Arthur Dean Minick.
Cadet Charles Alexander Lewis.
Cadet Paul Revere Manchester.
Cadet Byard Sneed.
Cadet Oscar Westover.
Cadet Hally Fox.
Cadet Martyn Hall Shute.
Cadet Matt Enright Madigan.
Cadet William Edward Lane, jr.
Cadet Fred Alden Cook.
Cadet George Gordon Bartlett.
Cadet Henry Black Clagett.
Cadet Clyde Rush Abraham.
Cadet Harry Albert Schwabe.
Cadet John Conrad Maul.
Cadet George Harris Paine.
Cadet Donald Allister Robinson.
Cadet René Edward De Russy Hoyle.
Cadet George Engelman Turner.
Cadet Philip Mathews.
Cadet Richard Herbert Jacob.
Cadet Ralph Allen Jones.
Cadet Calvert Lloyd Davenport.
Cadet Horace Fletcher Spurgin.
Cadet Robert Nelson Campbell.
Cadet Howard Kendall Loughry.
Cadet Hugo Daniels Schultz.
Cadet Max Akin Elser.
Cadet George Rivers Byrd.
Cadet William Torbert MacMillan.
Cadet Marcellus Hagans Thompson.
Cadet William Watts Rose.

SURVEYOR-GENERAL.

John Frank Cone, of Hamilton, Mont., to be surveyor-general of Montana, vice Edward W. Beattie, term expired.

RECEIVER OF PUBLIC MONEY.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont., his term having expired May 21, 1906. (Reappointment.)

REGISTER OF LAND OFFICE.

Daniel Arms, of Montana, to be register of the land office at Missoula, Mont., to take effect July 18, 1906, when his term expires. (Reappointment.)

CONSUL.

E. Scott Hotchkiss, of Wisconsin, now consul at Brockville, for promotion to be consul of the United States of class 9 at Calgary, Alberta, Canada, to fill an original vacancy.

MARSHAL.

Ruel Rounds, of Idaho, to be United States marshal for the district of Idaho. A reappointment, his term expiring June 30, 1906.

INDIAN AGENT.

Samuel G. Reynolds, of Montana, to be agent for the Indians of the Crow Agency in Montana, his term having expired May 14, 1906. (Reappointment.)

INDIAN INSPECTOR.

William H. Code, of Arizona, to be an Indian inspector (chief irrigation engineer) to take effect June 28, 1906, when his term expires. (Reappointment.)

COLLECTOR OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina. (Reappointment.)

POSTMASTERS.

COLORADO.

Calvin L. McPherson to be postmaster at Holly, in the county of Prowers and State of Colorado. Office becomes Presidential July 1, 1906.

ILLINOIS.

William T. Bedford to be postmaster at La Salle, in the county of Lasalle and State of Illinois, in place of William T. Bedford. Incumbent's commission expires July 1, 1906.

George E. Dexter to be postmaster at Tiskilwa, in the county of Bureau and State of Illinois, in place of David H. Baker, resigned.

Daniel E. Keen to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in place of Daniel E. Keen. Incumbent's commission expired May 21, 1906.

INDIANA.

Albert H. Coles to be postmaster at Warren, in the county of Huntington and State of Indiana, in place of David L. Elliott. Incumbent's commission expired March 15, 1906.

IOWA.

Frederick W. Meyers to be postmaster at Denison, in the county of Crawford and State of Iowa, in place of Frederick W. Meyers. Incumbent's commission expired January 20, 1906.

Walter A. McClure to be postmaster at Greene, in the county of Butler and State of Iowa, in place of Wesley L. Booton. Incumbent's commission expired April 22, 1906.

Elmer E. Schrack to be postmaster at Parkersburg, in the county of Butler and State of Iowa, in place of John Bird. Incumbent's commission expired March 12, 1906.

KANSAS.

Robert M. Armstrong to be postmaster at Council Grove, in the county of Morris and State of Kansas, in place of Robert M. Armstrong. Incumbent's commission expired January 16, 1906.

Thomas E. Dittemore to be postmaster at Eureka, in the county of Greenwood and State of Kansas, in place of Thomas E. Dittemore. Incumbent's commission expired March 15, 1906.

William H. Ellet to be postmaster at Eldorado, in the county of Butler and State of Kansas, in place of William H. Ellet. Incumbent's commission expires June 27, 1906.

Robert M. Hamer to be postmaster at Emporia, in the county of Lyon and State of Kansas, in place of Robert M. Hamer. Incumbent's commission expires June 30, 1906.

Thomas E. Hurley to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas, in place of Thomas E. Hurley. Incumbent's commission expires June 27, 1906.

Charles B. Spencer to be postmaster at Iola, in the county of Allen and State of Kansas, in place of Henry L. Henderson. Incumbent's commission expires June 27, 1906.

MICHIGAN.

William M. Beekman to be postmaster at Charlotte, in the county of Eaton and State of Michigan, in place of William M. Beekman. Incumbent's commission expired March 5, 1906.

PENNSYLVANIA.

Frank E. Hollar to be postmaster at Shippensburg, in the county of Cumberland and State of Pennsylvania, in place of Frank E. Hollar. Incumbent's commission expired February 5, 1906.

Lynn G. Thomas to be postmaster at Canton, in the county of Bradford and State of Pennsylvania, in place of Lynn G. Thomas. Incumbent's commission expires June 27, 1906.

TEXAS.

Robert T. Bartley to be postmaster at Ladonia, in the county of Fannin and State of Texas, in place of Robert T. Bartley. Incumbent's commission expires June 30, 1906.

VIRGINIA.

James M. McLaughlin to be postmaster at Lynchburg, in the county of Campbell and State of Virginia, in place of James M. McLaughlin. Incumbent's commission expired June 24, 1906.

WASHINGTON.

Noah O. Baldwin to be postmaster at Pomeroy, in the county of Garfield and State of Washington, in place of Noah O. Baldwin. Incumbent's commission expires June 27, 1906.

WITHDRAWALS.

Executive nominations withdrawn June 26, 1906.

Henry B. Wardman, of Pennsylvania, to be consul of the United States of class 9 at Aguascalientes, Mexico.

William H. Underwood to be postmaster at Washington, in the State of Pennsylvania.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 26, 1906.

CONSUL.

Lester Maynard, of California, to be consul of the United States of class 7 at Sandakan, British North Borneo.

UNITED STATES ATTORNEY.

Hiram E. Booth, of Utah, to be United States attorney for the district of Utah.

PENSION AGENT.

Selden Connor, of Maine, to be pension agent at Augusta, Me.

POSTMASTERS.

IDAHO.

Francis M. Winters to be postmaster at Montpelier, in the county of Bear Lake and State of Idaho.

INDIAN TERRITORY.

J. F. Long to be postmaster at Stigler, district 14, Indian Territory.

IOWA.

W. A. McClure to be postmaster at Greene, in the State of Iowa.

F. W. Myers to be postmaster at Denison, in the State of Iowa.

KENTUCKY.

Thomas F. Beadles to be postmaster at Fulton, in the county of Fulton and State of Kentucky.

George W. Bury to be postmaster at Clinton, in the county of Hickman and State of Kentucky.

L. W. Key to be postmaster at Mayfield, in the county of Graves and State of Kentucky.

Edna J. Kirk to be postmaster at Paintsville, in the county of Johnston and State of Kentucky.

Ludlow F. Petty to be postmaster at Shelbyville, in the county of Shelby and State of Kentucky.

Orrin A. Reynolds to be postmaster at Covington, in the county of Kenton and State of Kentucky.

Perry Westerfield to be postmaster at Sebree, in the county of Webster and State of Kentucky.

MICHIGAN.

Miles S. Curtis to be postmaster at Battle Creek, in the county of Calhoun and State of Michigan.

Frank L. Irwin to be postmaster at Albion, in the county of Calhoun and State of Michigan.

Scott Swarthout to be postmaster at Lakeview, in the county of Montcalm and State of Michigan.

HOUSE OF REPRESENTATIVES.

TUESDAY, *June 26, 1906.*

The House met at 11 o'clock a. m

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

EVENING SESSION.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent that to-night, at not later than 6 o'clock, the House take a recess until 8 o'clock, remaining in session until not later than 11 o'clock, for general debate only on House bill 19750.

The SPEAKER. The gentleman from New York asks unanimous consent that at not later than 6 o'clock the House take a recess until 8 o'clock, and remain in session until not later than 11 o'clock, for general debate only on the customs administrative bill.

Mr. WILLIAMS. Mr. Speaker, I believe it was indicated in the request yesterday, but the request does not indicate it this morning (I may be mistaken about yesterday, but I should like the gentleman to include it as a part of his request) that the time be equally divided between the two parties, half of it to be controlled by him and half of it by me.

Mr. PAYNE. I prefer to leave the time in the hands of the Chairman of the Committee of the Whole. Of course it will be divided equally. That is always the custom of the House.

Mr. WILLIAMS. Well, it is generally customary to state that, too.

Mr. PAYNE. Oh, no.

Mr. WILLIAMS. Last night, the gentleman will remember, I was put in a rather delicate situation at one time, because of a request for unanimous consent to go beyond half the time on your side.

Mr. PAYNE. It is a very unusual performance. If the speeches were all one-hour speeches, you could not divide the time equally, three hours in one evening. I think we can get along without any difficulty and let the Chairman of the Committee of the Whole divide the time.

Mr. WILLIAMS. If it is understood that the Chairman of the committee will divide it equally between the two parties.

Mr. PAYNE. Well, that is the general custom. That is all I

can say. I have no control over the Chairman of the Committee of the Whole.

Mr. WILLIAMS. Then I shall make no objection, with that understanding—that the general custom is to be followed.

The SPEAKER. What is the request?

Mr. WILLIAMS. I said, Mr. Speaker, that with the understanding that the general custom as stated by the gentleman is to be pursued, I shall make no objection.

The SPEAKER. Is there objection?

There was no objection.

PRESERVATION OF NIAGARA FALLS.

Mr. BURTON of Ohio. Mr. Speaker, I call up the conference report on the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, and I ask unanimous consent that the reading of the report be dispensed with and that the statement of the House conferees be read.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18024) for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 6.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, and 5, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: Strike out the said amendment numbered 1 and insert in lieu thereof the following: "or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company, or corporation as aforesaid a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies, or corporations as aforesaid an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand six hundred cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries in the State of New York."

Also insert in line 13, after the word "act," the following: "under the limitation relating to time above set forth."

T. E. BURTON,
R. P. BISHOP,
J. H. BANKHEAD,
Managers on part of the House.

H. C. LODGE,
JOHN T. MORGAN,
Managers on part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House recedes from amendments of the Senate Nos. 2, 3, 4, and 5. The Senate recedes from amendment No. 6.

The amendments Nos. 2, 3, 4, and 5, are, for the most part, verbal changes, and do not affect the substance of the bill.

Amendment No. 6, from which the Senate recedes, is a provision that nothing contained in the bill shall be construed to hold or concede that the waters of Lake Michigan, or other lakes or rivers wholly within the territory of the United States, are subjects of international negotiations.

Amendment No. 1, as passed by the Senate, enlarged very materially the list of individuals, companies, or corporations which might receive permits for the diversion of water from the Niagara River and seemed to create an element of uncertainty in designating those to whom such permits might be issued. The Senate amendment is stricken out and in its place an amendment is inserted which fixes the aggregate amount for which the Secretary of War may issue permits for diversion of water from Niagara River at 15,600 cubic feet per second. As the bill passed the House, it was anticipated that the aggregate would be 13,200 cubic feet per second. As agreed upon in conference the diversion of 15,600 cubic feet is allowed, but no permits for further diversion shall be granted until after the effect of the diversion of this approximate amount shall have been noted for a period of not less than six months.

It is to be noted that in the bill water may be withdrawn from Niagara River for the creation of power upon permits issued by the Secretary of War. By section 5 of the bill all permits granted shall terminate at the expiration of the operation of the act, to wit, three years from and after date of its passage, and the Secetary of War is authorized to revoke at any time any or all permits granted by him. In form, however, these permits are to be of two classes. In the first class is to be included an amount approximately the same as that now in use. These permits are not in form revocable. The second class of permits are to be made expressly revocable, and are only to issue in case the diversion shall not injure or interfere with the navigable capacity of the Niagara River or its integrity and proper volume as a boundary stream or the scenic grandeur of Niagara Falls.

In the amendment as agreed upon, while the amount which may be diverted under the first class of permits is increased from 13,200 to 15,600 cubic feet, it is provided as a partial equivalent for this concession that none of the second or revocable permits shall be issued until the approximate amount of 15,600 cubic feet per second shall have been diverted for a period of not less than six months. The whole intention of the bill is to prevent the diversion of waters for the creation of power in case such diversion shall interfere with navigability or the integrity of the river as a boundary stream or the scenic grandeur of Niagara Falls, and permits of the second class are to be issued only in case they shall not interfere with the objects named.

T. E. BURTON,
R. P. BISHOP,
J. H. BANKHEAD.

Mr. BURTON of Ohio. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

RIVER AND HARBOR IMPROVEMENTS.

Mr. BURTON of Ohio. Mr. Speaker, another conference report. I desire to call up the conference report on the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906, and I also ask unanimous consent that the reading of the conference report be dispensed with, and that the Clerk read the statement.

The SPEAKER. Is there objection?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20266) to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May sixteenth, nineteen hundred and six, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: That the second section of said bill be stricken out, so that the bill may read as follows:

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That an act entitled 'An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations,' approved May sixteenth, nineteen hundred and six, be amended so as to read as follows:

"'That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of charge, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining, and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement,

and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of Way may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced.'"

T. E. BURTON,
R. P. BISHOP,
J. H. BANKHEAD,
Managers on the part of the House.

S. R. MALLORY,
KNUTE NELSON,
J. H. GALLINGER,
Managers on the part of the Senate.

The statement was read, as follows:

STATEMENT.

The Senate amendment adds certain material enlarging the description of the purposes for which lands or easements may be acquired under the act. Attention has been called to objects other than those included in the bill in the form in which it passed the House, and this addition is regarded as desirable. Accordingly the House concur, but it is recommended that section 2 of the act be stricken out.

T. E. BURTON.
R. P. BISHOP.
J. H. BANKHEAD.

Mr. BURTON of Ohio. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 4235. An act granting an increase of pension to Daniel Sullivan;

S. 6259. An act granting an increase of pension to Oakley Randall;

S. 4174. An act granting an increase of pension to J. P. Garland;

S. 4695. An act granting an increase of pension to John H. Mullen;

S. 4365. An act granting an increase of pension to Mathew Kerwin;

S. 5547. An act granting an increase of pension to Hillary Beyer;

S. 6339. An act granting an increase of pension to James Dearey;

S. 6148. An act granting an increase of pension to James S. Whitlock;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4345. An act granting an increase of pension to J. Dillon Turner;

S. 488. An act granting a pension to Emma K. Tourgee;

S. 6359. An act granting an increase of pension to F. D. Garnsey;

S. 5042. An act granting an increase of pension to Josephine S. Jones;

S. 5104. An act granting a pension to Ellen Bernard Lee;

S. 6367. An act granting an increase of pension to Joseph Johnston;

S. 752. An act to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862;

S. 6151. An act granting an increase of pension to Mark Ham;

S. 5637. An act granting an increase of pension to Margaret Himmel;

S. 6205. An act granting a pension to Hansford G. Gilkeson;

S. 6197. An act granting an increase of pension to Charles E. Henry;

S. 4991. An act granting a pension to Lycurgus D. Riggs;

S. 2225. An act granting an increase of pension to Samuel White;

S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh;

S. 6283. An act granting an increase of pension to Clara A. R. Devereux;

S. 6228. An act granting a pension to Betsey Hattery;

S. 2880. An act granting an increase of pension to James C. Coad;

S. 5994. An act granting an increase of pension to John Dickey;

S. 5081. An act granting an increase of pension to Lucy Florette Nichols;

S. 6381. An act granting an increase of pension to John McDonough;

S. 4366. An act granting an increase of pension to Henry B. Willhelmy;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6082. An act for the relief of Stephen A. West;

S. 265. An act to correct the record of discharge of Amos Dahuff;

S. 6492. An act to correct the military record of James Devlin; and

S. 5402. An act granting an increase of pension to Jerome Lang.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.; the bill (S. 5288) appropriating $5,000 to inclose and beautify the monument on the Moores Creek battlefield, North Carolina, and the bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; the matters covered by the said bills having been included in the Army appropriation bill approved June 12, 1906.

The message also announced that the Senate had receded from its amendment No. 13 to the bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 12892. An act granting an honorable discharge to Seth Davis;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 9238. An act for the relief of William Saphar;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;

H. R. 19364. An act granting an increase of pension to Anna Ring;

H. R. 4599. An act to remove the charge of desertion from the record of Wakeland Heryford;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 18713. An act to validate certain certificates of naturalization; and

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;

H. R. 8903. An act granting an increase of pension to John W. Dawes;

H. R. 6510. An act granting an increase of pension to Richard A. Roberts;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 19068. An act granting an increase of pension to William Adams;

H. R. 19262. An act granting an increase of pension to John Wickline;

H. R. 19305. An act granting an increase of pension to Almus Harrington;

H. R. 3222. An act granting an increase of pension to George Merrill;

H. R. 6190. An act granting an increase of pension to John J. Schneller;

H. R. 6914. An act granting an increase of pension to John Hecker;

H. R. 7589. An act granting an increase of pension to Robert A. Scott;
S. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
H. R. 8140. An act granting a pension to Lucy A. Thomas;
H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 14345. An act granting an increase of pension to Peter Noblet;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
H. R. 18165. An act granting an increase of pension to Jacob Stauff;
H. R. 18125. An act granting an increase of pension to Wilhelm Griese;
H. R. 17528. An act granting an increase of pension to Edgar Slater;
H. R. 1294. An act granting an increase of pension to George W. Van de Bogart;
H. R. 6900. An act granting an increase of pension to John Rawling;
H. R. 19217. An act granting an increase of pension to William H. Burns;
H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;
H. R. 1689. An act granting an increase of pension to William A. Bailor;
H. R. 3238. An act granting an increase of pension to Samuel Hartley;
H. R. 3724. An act granting an increase of pension to Samuel Likens;
H. R. 4885. An act granting an increase of pension to James Hennon;
H. R. 4887. An act granting an increase of pension to John F. Brown;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18324. An act granting a pension to Charles H. Lunger;
H. R. 18732. An act granting a pension to James J. Christie;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18956. An act granting an increase of pension to Joseph Scattergood;
H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
H. R. 19025. An act granting an increase of pension to Milton McFarland;
H. R. 19351. An act granting an increase of pension to William C. Mankin;
H. R. 13058. An act granting an increase of pension to Thomas J. Baum;
H. R. 13631. An act granting an increase of pension to James H. Morrill;
H. R. 14558. An act granting an increase of pension to Martha L. Wood;
H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
H. R. 15674. An act granting an increase of pension to Susan Campbell;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 19009. An act granting an increase of pension to La Fayette H. McClung;
H. R. 19121. An act granting an increase of pension to Isaac Overton;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 17102. An act granting a pension to Katherine Studdert;
H. R. 18235. An act granting a pension to Ida M. Warner;
H. R. 13998. An act granting an increase of pension to John C. Barnwell;
H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
H. R. 18609. An act granting an increase of pension to Henry Delong;
H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 19120. An act granting a pension to Eliza E. Whitley;
H. R. 19128. An act granting a pension to Alexander McAlister;
H. R. 19220. An act granting an increase of pension to Calvin Corsine;
H. R. 19272. An act granting an increase of pension to Alice Morrill;
H. R. 19408. An act granting an increase of pension to Elisha Brown;
H. R. 18523. An act granting an increase of pension to Hugh Reid;
H. R. 2053. An act granting an increase of pension to Annie A. Townsend;
H. R. 2759. An act granting an increase of pension to Daniel Eaton;
H. R. 4647. An act granting an increase of pension to David C. Austin;
H. R. 6893. An act granting a pension to Augusta C. Reichburg;
H. R. 8291. An act granting an increase of pension to Daniel S. Chase;
H. R. 10280. An act granting an increase of pension to James Spencer;
H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;
H. R. 11100. An act granting an increase of pension to John Browne;
H. R. 11422. An act granting an increase of pension to George B. True;
H. R. 13609. An act granting an increase of pension to Charles H. Guile;
H. R. 17809. An act granting a pension to William Barrett;
H. R. 18384. An act granting an increase of pension to James F. Young;
H. R. 19179. An act granting an increase of pension to Eliza A. Smith;
H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;
H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;
H. R. 19457. An act granting an increase of pension to Charles H. Prince;
H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;
H. R. 4397. An act granting an increase of pension to John M. Byers;
H. R. 6336. An act granting a pension to Elizabeth A. Ames;
H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;
H. R. 6423. An act granting an increase of pension to Levi A. Canfield;
H. R. 13466. An act granting an increase of pension to Albert H. Bradish;
H. R. 13652. An act granting an increase of pension to William O. Tobey;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 7763. An act granting an increase of pension to James S. King;
H. R. 8920. An act granting an increase of pension to Andrew J. Lane;
H. R. 18631. An act granting an increase of pension to Daniel Whalen;
H. R. 10356. An act granting an increase of pension to Martin B. Doty;
H. R. 10902. An act granting an increase of pension to James Holderby;
H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
H. R. 14323. An act granting an increase of pension to Thomas Thornton;
H. R. 14798. An act granting a pension to Lucinda Brady;
H. R. 11072. An act granting an increase of pension to William T. Hosley;

H. R. 12531. An act granting a pension to Charles Collins;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 1420. An act granting a pension to John Nay;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 16620. An act granting a pension to Jackson Adkins;
H. R. 14544. An act granting an increase of pension to William A. Carroll;
H. R. 7683. An act granting an increase of pension to James Ross;
H. R. 5707. An act granting an increase of pension to John P. Veach;
H. R. 7635. An act granting a pension to Delia Gibbs;
H. R. 10808. An act granting an increase of pension to Michael Kearns;
H. R. 8660. An act granting a pension to William Mabery;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;
H. R. 10394. An act granting an increase of pension to John Behymer;
H. R. 11655. An act granting an increase of pension to Theodore Cole;
H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;
H. R. 13967. An act granting a pension to Sophie M. Staab;
H. R. 14554. An act granting an increase of pension to John Welch;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 19026. An act granting an increase of pension to Mary Navy;
H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;
H. R. 1206. An act granting an increase of pension to Allen Crow;
H. R. 1238. An act granting a pension to Susan R. Stalcup;
H. R. 7539. An act granting an increase of pension to David H. Hair;
H. R. 7543. An act granting an increase of pension to Prior M. Pavy;
H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;
H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;
H. R. 15105. An act granting an increase of pension to Jacob Sheil;
H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
H. R. 19099. An act granting an increase of pension to Columbus Cox;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 18997. An act granting an increase of pension to Josephine Hardester;
H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;
H. R. 2223. An act granting an increase of pension to John A. Blanton;
H. R. 2229. An act granting an increase of pension to Lytle McCracken;
H. R. 7554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;
H. R. 8285. An act granting an increase of pension to Daniel Sharpley;
H. R. 10031. An act granting an increase of pension to Martin Haley;
H. R. 10474. An act granting an increase of pension to Lewis F. Davis;
H. R. 14505. An act granting an increase of pension to John L. Clifton;
H. R. 15502. An act granting an increase of pension to Harmon Houck;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 18905. An act granting an increase of pension to Samuel H. Davis;
H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
H. R. 19222. An act granting an increase of pension to Catherine Warnock;
H. R. 5567. An act granting an increase of pension to Sanford Weaver;
H. R. 9159. An act granting an increase of pension to John S. McClary;
H. R. 11780. An act granting an increase of pension to Charles Stair;
H. R. 11811. An act granting an increase of pension to John Kamerer;
H. R. 13032. An act granting an increase of pension to Stewart McKeney;
H. R. 16613. An act granting an increase of pension to William C. Fox;
H. R. 17003. An act granting an increase of pension to George E. Yager;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 19242. An act granting an increase of pension to Anthony W. Miller;
H. R. 2714. An act granting an increase of pension to Charles H. Charles;
H. R. 4891. An act granting an increase of pension to George W. Swadley;
H. R. 6181. An act granting an increase of pension to Fayette E. Ford;
H. R. 12347. An act granting an increase of pension to Samuel Palmer;
H. R. 14107. An act granting an increase of pension to Isaac Maines;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18656. An act granting an increase of pension to George W. Gordon;
H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
H. R. 19279. An act granting an increase of pension to Peter Cramer;
H. R. 609. An act granting an increase of pension to Horace H. Sickels;
H. R. 19053. An act granting an increase of pension to John T. Heaney;
H. R. 18901. An act granting an increase of pension to John E. English;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18587. An act granting a pension to Catherine Bausman;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 14774. An act granting an increase of pension to Levi M. Hall;
H. R. 14705. An act granting an increase of pension to Alva Beebe;
H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 16571. An act granting an increase of pension to Mary L. Overley;
H. R. 17780. An act granting an increase of pension to Caroline E. Perry;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;

H. R. 18462. An act granting an increase of pension to Samuel Dailey;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;
H. R. 10998. An act granting an increase of pension to Helen G. Powell;
H. R. 1507. An act granting an increase of pension to Henry D. Jordan;
H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;
H. R. 2867. An act granting an increase of pension to Leah Bedford;
H. R. 7910. An act granting an increase of pension to Nicholas Karns;
H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;
H. R. 11217. An act granting an increase of pension to Jordan H. Banks;
H. R. 12013. An act granting a pension to Emma Fox;
H. R. 7226. An act for the relief of Patrick Conlin;
H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 5834. An act granting an increase of pension to Ethan A. Willey;
H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18623. An act granting an increase of pension to John H. Bradberry;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 19255. An act granting an increase of pension to John Bradford;
H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;
H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
H. R. 1143. An act granting an increase of pension to Ephraim D. Achey;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 2789. An act granting an increase of pension to Merrill Johnson;
H. R. 2772. An act granting an increase of pension to Eli Cero;
H. R. 15856. An act granting a pension to Gordon A. Thurber;
H. R. 7546. An act granting a pension to Edna Buchanan;
H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
H. R. 6944. An act granting an increase of pension to David P. Kimball;
H. R. 130. An act authorizing the extension of Kalorama road NW.;
H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;
H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;
H. R. 1148. An act granting an increase of pension to Marion F. Halbert;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 15945. An act granting a pension to Cynthia A. Compton;
H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 19237. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 2212. An act granting a pension to John B. Johnson;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 17600. An act to grant authority to change the name of certain sailing vessels;
H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;
H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;
H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;
H. R. 7254. An act granting an increase of pension to Isum Gwin;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 13318. An act granting an increase of pension to Odom Butler;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17452. An act to provide for the payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;
H. R. 1572. An act for the relief of Thomas W. Higgins;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 4967. An act granting an increase of pension to Joshua Holcomb;
H. R. 19245. An act granting an increase of pension to William C. Hoover;;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 9101. An act granting an increase of pension to James W. Loomis;
H. R. 10267. An act granting an increase of pension to David W. Farington;
H. R. 8214. An act granting an increase of pension to Joseph Slagg;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 4659. An act granting an increase of pension to John F. Morris;
H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.;
H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across the Yazoo River, Mississippi;
H. R. 7871. An act granting an increase of pension to Jerome L. Brown;
H. R. 7652. An act granting an increase of pension to Charles W. Timms;
H. R. 11888. An act granting an increase of pension to Heman A. Harris;
H. R. 8215. An act granting an increase of pension to Ira Palmer;
H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;
H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, of township No. 26 north, of range No. 1 west of the Indian meridian, in Kay County, Okla.;
H. R. 1549. An act granting an increase of pension to Louis H. Gein;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18606. An act granting an increase of pension to Maria A. Maher;
H. R. 18911. An act granting an increase of pension to Frances Becker;
H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
H. R. 19047. An act granting an increase of pension to Susan C. Smith;
H. R. 19130. An act granting an increase of pension to Larsey Bolt;
H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;

H. R. 19221. An act granting an increase of pension to Emma Byler;
H. R. 19253. An act granting an increase of pension to Charles B. Thompson;
H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 6201. An act granting an increase of pension to George W. Laking;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;
H. R. 18432. An act granting an increase of pension to David Dirck;
H. R. 675. An act granting an increase of pension to Daniel Morrissey;
H. R. 19100. An act granting an increase of pension to Asa G. Brooks;
H. R. 2014. An act granting an increase of pension to Enoch McCabe;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 16575. An act granting a pension to Taylor Bates;
H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;
H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18954. An act granting an increase of pension to John E. Minnick;
H. R. 19121. An act granting an increase of pension to Isaac Overton; and
H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6492. An act to correct the military record of James Devlin—to the Committee on Military Affairs.
S. 5402. An act granting an increase of pension to Charles M. Lyon—to the Committee on Invalid Pensions.
S. 5104. An act granting a pension to Ellen Bernard Lee—to the Committee on Pensions.
S. 5081. An act granting a pension to Lucy Florette Nichols—to the Committee on Invalid Pensions.
S. 5042. An act granting an increase of pension to Josephine S. Jones—to the Committee on Invalid Pensions.
S. 4991. An act granting an increase of pension to Lycurgus D. Riggs—to the Committee on Invalid Pensions.
S. 4880. An act granting an increase of pension to Emma K. Tourgee—to the Committee on Invalid Pensions.
S. 4695. An act granting an increase of pension to John M. Mullen—to the Committee on Invalid Pensions.
S. 4366. An act granting an increase of pension to Henry B. Willhelmy—to the Committee on Invalid Pensions.
S. 4365. An act granting an increase of pension to Mathew Kerwin—to the Committee on Invalid Pensions.
S. 4345. An act granting an increase of pension to J. Dillon Turner—to the Committee on Invalid Pensions.
S. 4235. An act granting an increase of pension to Daniel Sullivan—to the Committee on Invalid Pensions.
S. 4185. An act granting an increase of pension to George B. Barnes—to the Committee on Invalid Pensions.
S. 4174. An act granting an increase of pension to Joseph P. Garland—to the Committee on Invalid Pensions.
S. 2880. An act granting an increase of pension to James C. Coad—to the Committee on Invalid Pensions.
S. 752. An act to extend the United States pension laws to the participants in the battles of New Ulm and Fort Ridgely, Minn., in the Sioux war of 1862—to the Committee on Military Affairs.
S. 2225. An act granting an increase of pension to Samuel White—to the Committee on Invalid Pensions.
S. 6471. An act granting an increase of pension to Ella E. Kenney—to the Committee on Invalid Pensions.
S. 5547. An act granting an increase of pension to Hillary Beyer—to the Committee on Invalid Pensions.
S. 5637. An act granting an increase of pension to Margaret Himmel—to the Committee on Invalid Pensions.
S. 5710. An act granting an increase of pension to Samuel M. Daughenbaugh—to the Committee on Invalid Pensions.
S. 5994. An act granting an increase of pension to John Dickey—to the Committee on Invalid Pensions.
S. 6082. An act for the relief of Stephen A. West—to the Committee on Military Affairs.
S. 6148. An act granting an increase of pension to James S. Whitlock—to the Committee on Invalid Pensions.
S. 6151. An act granting an increase of pension to Mark Ham—to the Committee on Invalid Pensions.
S. 6197. An act granting an increase of pension to Charles E. Henry—to the Committee on Invalid Pensions.
S. 6205. An act granting a pension to Hansford G. Gilkeson—to the Committee on Pensions.
S. 6228. An act granting a pension to Betsey Hattery—to the Committee on Invalid Pensions.
S. 6259. An act granting an increase of pension to Oakley Randall—to the Committee on Invalid Pensions.
S. 6283. An act granting an increase of pension to Clara A. R. Devereux—to the Committee on Invalid Pensions.
S. 6339. An act granting an increase of pension to James Devrey—to the Committee on Invalid Pensions.
S 6367. An act granting an increase of pension to Joseph Johnston—to the Committee on Pensions.
S. 6381. An act granting a pension to John McDonough—to the Committee on Invalid Pensions.

CONFERENCE REPORT ON MILITARY ACADEMY BILL.

Mr. HULL. Mr. Speaker, I call up the conference report on the bill (H. R. 18030) making appropriations to support the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18030) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 4, 8, 12, 13, and 14.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 5, 6, 7, 10, 11, 17, and 20, and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amount proposed as the total sum to civilian employees at the Military Academy (page 15 of the bill) insert "fifty-seven thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 15: That the House recede from its disagreement to the amendment of the Senate numbered 15, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "fifty-three thousand nine hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 16: That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one thousand five hundred dollars;" and the Senate agree to the same.

Amendments numbered 18 and 19: That the House recede from its disagreement to the amendments of the Senate numbered 18 and 19, and agree to the same with an amendment as follows: In lieu of the amount covered by said amendments insert "thirty-four thousand nine hundred and forty-three dollars;" and the Senate agree to the same.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.
N. B. SCOTT,
J. A. HEMENWAY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The conferees on the part of the House on the bill (H. R. 18020) making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes, submit the following statement:

Amendments Nos. 1 and 2 promote instructor of ordnance and science of gunnery from major to lieutenant-colonel; and the Senate recedes.

Amendment No. 3 strikes out "instructor" and inserts the word "professor" of military hygiene; and the House recedes.

Amendment No. 4 strikes out the word "military" before "engineering;" and the Senate recedes.

Amendment No. 5 provides for extra-duty pay for one first sergeant of artillery; and the House recedes.

Amendment No. 6 relates to the totals; and the House recedes.

Amendment No. 7 is simply correcting the phraseology; and the House recedes.

Amendment No. 8 relates to pay of civilian instructor in gymnastics, etc.; and the Senate recedes.

Amendment No. 9 relates to the pay of master mechanic, and the House recedes from its disagreement and agrees to the Senate amendment with an amendment correcting the total.

Amendment No. 10 provides for contingent expenses not otherwise provided for in the department of natural and experimental philosophy; and the House recedes.

Amendment No. 11 increases the amount of pay for policing of barracks, etc.; and the House recedes.

Amendment No. 12 is intended to exempt cadets from any charge in policing of barracks; and the Senate recedes.

Amendment No. 13 provides for the purchase of table linen and equipment for cadet mess; and the Senate recedes.

Amendment No. 14 provides for the establishment of a children's school at the academy, and the Senate recedes.

Amendment No. 15 refers only to the totals.

Amendment No. 16 is for improving the grounds of the post cemetery, and the House recedes from its disagreement and agrees to the same with an amendment fixing the amount at $1,500 in place of $2,000, as provided in the Senate amendment.

Amendment No. 17 corrects the phraseology, and the House recedes.

Amendments Nos. 18 and 19 relate only to totals, and the House recedes from its disagreement and agrees to the same with a correct amount of totals.

Amendment No. 20 is the authorization for completing necessary improvements at West Point, and the House recedes.

J. A. T. HULL,
RICHARD WAYNE PARKER,
JAMES L. SLAYDEN,
Managers on the part of the House.

The conference report was agreed to.

JUDICIAL DISTRICT OF NORTH DAKOTA.

Mr. JENKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3433) to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890.

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890, be amended so as to read as follows:

"That the State of North Dakota shall constitute one judicial district.

"SEC. 2. That for the purpose of holding terms of the district court said district shall be divided into five divisions, to be known as the southwestern, southeastern, northeastern, northwestern, and western divisions. That portion of the State comprising the present counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and all the territory in said State of North Dakota lying west of the Missouri River and south of the twelfth standard parallel shall constitute the southwestern division, the court for which shall be held at the city of Bismarck. That portion of the State comprising the present counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division, the court for which shall be held at the city of Fargo. That portion of the State comprising the present counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division, the court for which shall be held at the city of Grank Forks. That portion of the State comprising the present counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division, the court for which shall be held at the city of Devils Lake. That portion of the State comprising the present counties of Ward and Williams and all that territory lying west of the Missouri River and north of the twelfth standard parallel in the State of North Dakota shall constitute the western division, the court for which shall be held at the city of Minot.

"SEC. 3. That the terms of the district court for the district of North Dakota shall be held at Bismarck on the first Tuesday in April in each year; at Fargo on the third Tuesday in May in each year; at Grand Forks on the first Tuesday in December in each year; at Devils Lake on the first Tuesday in February in each year, and at Minot on the second Tuesday in April in each year. And the provisions of law now existing for the holding of said court on the first Monday in April and November of each year is hereby repealed, and all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms provided in this act in the same manner and with the same effect as they would have had this act not been passed.

"SEC. 4. That all civil suits not of a local character now pending or which shall be brought in the district or circuit courts of the United States for the district of North Dakota in either of the said divisions against a single defendant, or where all the defendants reside in the same divisions of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this act, issued in either of said divisions, may be served and executed in either or all of said divisions. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

"SEC. 5. That the circuit court of the United States for said district shall be held at Bismarck on the first Tuesday in April in each year, at Fargo on the third Tuesday in May in each year, at Grand Forks on the first Tuesday in December in each year, at Devils Lake on the first Tuesday in February in each year, and at Minot on the second Tuesday in April in each year, and cases taken on appeal or writ of error from the district court shall be returnable to the circuit court held in that judicial subdivision from which the appeal was taken. When the circuit court or district court is held, as provided in this act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts.

"SEC. 6. That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies."

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. JENKINS, a motion to reconsider the last vote was laid on the table.

LICENSE OFFICERS OF VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6355) concerning license officers of vessels.

The Clerk read as follows:

Be it enacted, etc., That section 4438 of the Revised Statutes be, and is hereby, amended to read as follows:

"SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters and chief mates of sail vessels of over 700 gross tons and all other vessels of over 100 gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over 700 gross tons, or of any other vessel of over 100 gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of $100 for each offense."

With the following amendments recommended by the committee:

In line 9 strike out the words "and chief mates."

In line 13, after the word "engineer," insert the words "in charge of a watch."

The SPEAKER. Is there objection?

Mr. UNDERWOOD. Mr. Speaker, reserving the right to object, I would like an explanation.

Mr. GROSVENOR. Under the present statutes there is some discrepancy as to the license of engineers. This bill—it is recommended by both committees of the Senate and the House and by the Department of Commerce and Labor—is to simplify and rectify the present law. It is not a matter of great importance, but they want to pass a bill to get rid of licensing a number of engineers on small vessels.

Mr. UNDERWOOD. This exempts the smaller vessels that do not carry passengers?

Mr. GROSVENOR. Oh, no; they have to carry license officers, but not so many. I assure the gentleman that everybody is in favor of this bill.

Mr. UNDERWOOD. It has been considered by the Committee on Merchant Marine and Fisheries?

Mr. GROSVENOR. Yes; and was the unanimous report of both the Senate and House committees.

The SPEAKER. Is there objection?

There was no objection.

The amendments were agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

COMMENCEMENT OF LEGAL PROCEEDINGS UNDER ATTORNEY-GENERAL.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 17714) to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Attorney-General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney-General under any provision of law, may, when thereunto specifically directed by the Attorney-General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which district attorneys now are or hereafter may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

HARBOR AT SOUTH HAVEN, MICH.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 178, providing for the improvement of the harbor at South Haven, Mich.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend such sum as may be necessary, not exceeding $10,000, out of any appropriation heretofore made, for improving the harbor at South Haven, Mich., for the purpose of dredging said harbor to a depth of 16 feet in accordance with a report submitted in House Document No. 119, Fifty-eighth Congress, second session.

The SPEAKER. Is there objection to the present consideration of the joint resolution? [After a pause.] The Chair hears none.

The joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

IMPROVEMENT OF THE MISSISSIPPI RIVER.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 179, providing for the improvement of a certain portion of the Mississippi River.

The Clerk read the bill, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend any portion of the balance now remaining to the credit of the improvement for the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River, for the repair or completion of improvements already under way, or for the construction of other works, in accordance with general plans already made or approved: *Provided*, That such expenditures shall only be made for improvements which shall be useful for purposes of navigation.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There was no objection.

The House joint resolution was ordered to be engrossed and read a third time; was read the third time, and passed.

CHANGE OF REFERENCE.

Mr. CUSHMAN. Mr. Speaker, by direction of the Interstate and Foreign Commerce Committee, I ask that the reference of the following bill be changed to the Committee on Rivers and Harbors.

The SPEAKER. The Clerk will read the title to the bill.

The Clerk read as follows:

A bill (H. R. 15845) to declare a certain portion of the White River unnavigable.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

BRIDGE ACROSS THE MISSISSIPPI RIVER.

The SPEAKER laid before the House the bill (S. 6483) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa."

The Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874, be, and the same is hereby, so amended as to permit the owners of the said bridge to replace the present pontoon draw in the east or minor channel of the river at Prairie du Chien with and to maintain a suitable draw span with two openings each of not less than 160 feet in the clear at low water, and at a clear height of not less than 28 feet above low water, and at such point and with such proper ways and means for the safe passage through or under it of vessels or rafts as shall be prescribed by the Secretary of War.

The bill was ordered to be read the third time; was read the third time, and passed.

On motion of Mr. SIMS, a motion to reconsider the last vote was laid on the table.

CRUELTY TO ANIMALS IN TRANSIT.

Mr. MANN. Mr. Speaker, I call up from the Speaker's table the bill (S. 3413) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes, there being a similar bill on the House Calendar.

The SPEAKER. The gentleman from Illinois calls up a Senate bill from the Speaker's table, which the Chair lays before the House. The Clerk will report the same.

The Clerk read as follows:

Be it enacted, etc., That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.

SEC. 2. That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or, in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 1 of this act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor if he so desires.

SEC. 3. That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than $100 nor more than $500: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

SEC. 4. That the penalty created by the preceding section shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of the United States attorneys to prosecute all violations of this act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means.

SEC. 5. That sections 4386, 4387, 4388, 4389, and 4390 of the Revised Statutes of the United States be, and the same are hereby, repealed.

The SPEAKER. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent to lay on the table similar House bills (H. R. 20179 and H. R. 47) on the House Calendar.

The SPEAKER. Without objection, it will be so ordered.

There was no objection.

ALASKA SHORT LINE RAILWAY AND NAVIGATION COMPANY.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4256) for the relief of the Alaska Short Line Railway and Navigation Company's railroad, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time of the Alaska Short Line Railway and Navigation Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska is hereby extended as follows:

First. The time to file the map and profile of definite location of its second section of at least 20 miles with the register of the land office in the district of Alaska, as provided in said sections 4 and 5, is hereby extended to and including the 20th day of March, 1907.

Second. The time to complete the first section of at least 20 miles of its railroad, as provided in said section 5, is hereby extended to and including the 20th day of March, 1907, and such railroad and navigation company shall be entitled to all the benefits conferred upon it by the provisions of such act upon its due compliance with all the provisions thereof, excepting only the provisions thereof relating to the filing of the map and profile of definite location of its second section of not less than 20 miles of its road: *Provided*, That it shall have successively one year each after said 20th day of March, 1907, in which to file the map and profile of its definite location of the succeeding sections of not less than 20 miles each: *And provided further*, That it shall have five years in which to complete its entire line from Iliamna Bay to the Yukon River.

The SPEAKER. Is there objection?

Mr. MADDEN. Mr. Speaker, reserving the right to object, I would like to have some explanation of the purpose of the bill.

Mr. HUMPHREY of Washington. Mr. Speaker, the purpose of this bill is to give what is known as the "Alaska Shortline Railway and Navigation Company" additional time for making their surveys and for the completion of their railway. This railroad is one that is about 250 miles north of any other railway. It goes in from Cook Inlet across to the Yukon River, and there has been no one opposed to the bill. It does not conflict with any other railway, and I can see no reason in the world why this additional time should not be granted. The bill has the unanimous report of the committee in the House, as well as the committee in the Senate.

Mr. MADDEN. What are the conditions under which the railroad is authorized to build? What has it to do? What does the Government impose upon it?

Mr. HUMPHREY of Washington. It imposes upon it that it shall complete its first 20 miles of railroad in a given time—in a year—and they now ask a yearly extension.

Mr. MADDEN. How much of the railroad have they built now?

Mr. HUMPHREY of Washington. I do not know.

Mr. MADDEN. How long since the franchise was granted?

Mr. HUMPHREY of Washington. I don't know the exact date, but they were to complete it in 1906, and they now ask an extension until 1907.

Mr. HAMILTON. What is the name of the railroad?

Mr. HUMPHREY of Washington. The Shortline Railway and Navigation Company.

Mr. MADDEN. This road is proposed to be 250 miles long?

Mr. HUMPHREY of Washington. Yes.

Mr. MADDEN. And the company is required to build 20 miles within a given time?

Mr. HUMPHREY of Washington. Yes; each year.

Mr. MADDEN. It has not built any part of the first 20 miles? It has just made some surveys?

Mr. LIVINGSTON. I would suggest that an extension has been had once in this matter.

Mr. HUMPHREY of Washington. Not for this railroad.

Mr. MADDEN. Yes. This bill was sought to be taken up under suspension of the rules.

Mr. HAMILTON. No; this is not the railroad at all.

Mr. HUMPHREY of Washington. This road is 250 miles farther north than the road which the gentleman has in mind.

Mr. MADDEN. What does the Government do for the company?

Mr. HUMPHREY of Washington. Nothing whatever. The road does not ask any assistance of any kind.

Mr. HAMILTON. What are the termini of this road?

Mr. HUMPHREY of Washington. Cook Inlet and the Yukon River.

Mr. MADDEN. Mr. Speaker, it seems that nobody knows anything about this road, and I object.

The SPEAKER. The gentleman from Illinois objects.

BRIDGE ACROSS KENTUCKY RIVER AT BEATTYVILLE, KY.

Mr. HOPKINS. Mr. Speaker, I ask unanimous consent for present consideration of the bill (H. R. 20287) to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That George Hammons, Charles Vaunice, and F. A. Lyons be, and they are hereby, authorized to construct, maintain, and operate a foot, wagon, and railway bridge and approaches thereto across the Kentucky River, or either branch thereof, at Beattyville, in the State of Kentucky, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

BRIDGE ACROSS RED RIVER, NORTH DAKOTA.

Mr. MARSHALL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20409) to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Minneapolis, St. Paul and Sault Ste. Marie Railway Company, a corporation organized under the laws of the State of Minnesota, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Red River at or near section 34, township No. 163 north of range No. 51 west, Pembina County, N. Dak., in the States of North Dakota and Minnesota, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

WICHITA MOUNTAIN AND ORIENT RAILWAY COMPANY.

Mr. MILLER. Mr. Speaker, I desire to ask unanimous consent to take the bill S. 6444 from the Speaker's table, and ask for its immediate consideration.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6444) to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes.

Be it enacted, etc., That the Wichita Mountain and Orient Railway Company, a corporation created under and by virtue of the laws of the Territory of Oklahoma, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through Fort Sill Military Reservation, in the Territory of Oklahoma, upon such a line as may be determined and approved by the Secretary of War.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way 100 feet in width through said Fort Sill Military Reservation, and a right to take and use a strip of land in said reservation 200 feet in width, with a length of 3,000 feet, in addition to such right of way, for station, with the right to use such additional ground when cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding 100 feet in width on each side of the right of way, or as much thereof as may be included in said cut or fill: *Provided*, That no part of the lands herein authorized to be taken shall be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of such railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used such portion shall revert to the United States, from which the same shall be taken: *Provided further*, That the said railway company, its successors and assigns, shall fence its right of way and maintain the same, with suitable crossings, and provide suitable and sufficient side tracks at a station to be located upon said reservation, and shall construct and maintain sufficient stock pens and provide sufficient facilities for loading and unloading cattle and horses on the ground set apart for such station, all as the same may be designated and located and as required by the Secretary of War: *Provided further*, That the said Wichita Mountain and Orient Railway Company shall comply with such other regulations or conditions as may from time to time be prescribed by the Secretary of War.

The SPEAKER. Is there objection?

Mr. SLAYDEN. Mr. Speaker, reserving the right to object, I would like to have some explanation of that bill. All that I could obtain from the reading of the Clerk was that it is to construct a railroad across a military reservation.

Mr. MILLER. Mr. Speaker, this bill has already passed the Senate and has been unanimously reported by the Committee on Military Affairs, and has the approval of the Secretary of War as well. It simply provides for a right of way through the Fort Sill Military Reservation.

Mr. SLAYDEN. I understand it now. I could not hear before.

Mr. MILLER. Mr. Speaker, I ask to substitute the Senate bill for the House bill.

The SPEAKER. Oh, the unanimous consent runs with the Senate bill.

Mr. MILLER. All right.

The bill was ordered to be read a third time, was read the third time, and passed.

Mr. MILLER. Mr. Speaker, I move that the House bill lie on the table.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

COMMITMENT OF UNITED STATES PRISONERS TO REFORMATORIES OF STATES OR TERRITORIES.

Mr. PARKER. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 12869.

The SPEAKER. The Clerk will report the bill.

Mr. PARKER. It is a substitute, and I should like to have the Clerk read the substitute.

The SPEAKER. Without objection, the substitute will be read in lieu of the text of the bill.

The Clerk read as follows:

Be it enacted, etc., That section 5548 of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"SEC. 5548. Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose, or in any State reformatory within any State, the use of which is so authorized, and which is an institution accepted by the Department of Justice as a suitable place for the imprisonment and reformation of such convicted persons.

"And if by the laws of such State persons within certain limits of age may be committed to such reformatory for an indeterminate time and become entitled to be released upon parole under the authority and control of the State officers, and with obligation to report and to conform to regulations as to paroled prisoners, and subject to rearrest for breach of such parole, then and in such case persons within such age, convicted of offense in the United States courts, may, in the discretion of the court, be committed to such reformatory under an indeterminate sentence so that the imprisonment of such persons shall be upon like conditions as to release on parole, rearrest, confinement, and discharge as prisoners sentenced by the courts of said State to such institution: *Provided*, That the Attorney-General shall first approve any order for release of any such person on parole, or for his discharge in case he fulfills the conditions of such parole and is leading an honest and industrious life: *Provided further*, That in case such person shall fail to fulfill the conditions of such parole, the superintendent or warden of the reformatory to which he shall have been committed may revoke such parole and issue a warrant for the rearrest of such person, which warrant may be executed by any officer authorized by the law of said State to execute warrants, or by a United States marshal; and such person on arrest shall be promptly returned to the reformatory, where he may be retained for the remainder of the maximum term provided by law, after deducting his previous imprisonment.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The amendment in the nature of a substitute was agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time, and passed.

The title was amended so as to read: "A bill to revise and amend the United States statutes relating to the commitment of United States prisoners to reformatories of States."

GRAND LODGE OF THE INDEPENDENT ORDER OF ODD FELLOWS, DISTRICT OF COLUMBIA.

Mr. TIRRELL. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may be discharged from the further consideration of the bill S. 6448, and that there be immediate consideration thereof.

The SPEAKER. The Clerk will report the bill.

Mr. WILLIAMS. Mr. Speaker, that is rather an unusual request, with so many Senate bills——

The SPEAKER. The Clerk will report the title.

The Clerk read as follows:

An act (S. 6448) to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate.

Mr. WILLIAMS. I was about to say that this is a rather unusual request, in view of the fact that there are so many Senate bills that have passed through the House committees and are on the Calendar, and this is a request to discharge this committee from further consideration; but having heard the object of the bill, I shall not object.

The SPEAKER. Consent is given; and the Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia, a corporation created under and by virtue of an act of Congress approved June 12, 1860, be and hereby is authorized to sell and convey, for such sum as may be satisfactory to the several organizations hereinafter named as owners, those parcels of ground in the city of Washington, D. C., known and designated on the plat of said city as lot No. 11 and part of lot No. 10 in square No. 457, together with the buildings thereon known as "Odd Fellows' Hall," the title to which property is now held in trust by the said corporation for the following organizations, owners thereof, namely: The Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia; Columbian Encampment, No. 1, Independent Order of Odd Fellows; Central Lodge, No. 1, Independent Order of Odd Fellows; Washington Lodge, No. 6, Independent Order of Odd Fellows; Columbia Lodge, No. 10, Independent Order of Odd Fellows; Beacon Lodge, No. 15, Independent Order of Odd Fellows; Excelsior Lodge, No. 17, Independent Order of Odd Fellows, and Eastern Lodge, No. 7, Independent Order of Odd Fellows, the consent of each of said several organizations being evidenced by a written instrument bearing the seal and the signature of its executive officers, the proceeds of said sale to be applied to the payment and liquidation of an existing debt on said property, and the residue of said proceeds to be applied toward the purchase of other ground and the erection thereon of a building or buildings for like purposes as those for which the above-described property has been held, said ground to be purchased and the improvements to be held in trust for said above-mentioned organizations according to their respective interests in the net proceeds of said sale of said Odd Fellows' Hall, and for such other organizations of the Independent Order of Odd Fellows as may hereafter contribute to the cost of said ground and improvements according to the amount respectively contributed by each: *Provided*, That the purchaser or purchasers at said sale shall not be required to see to the proper application of said purchase money.

SEC. 2. That the said corporation shall be capable of taking and holding real and personal property in trust for said organizations to any value not exceeding the sum of $500,000, and shall have full power and authority upon a resolution or resolutions of each of said beneficiary organizations to, from time to time, encumber said ground so to be purchased and the improvements thereon, or any part thereof, in such manner, for such purposes, and in accordance with such regulations as may be prescribed by said resolution or resolutions.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

HELEN C. SANDERSON.

The SPEAKER. The Chair lays before the House the following Senate concurrent resolution, which the Clerk will report.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES, *June 25, 1906.*

Resolved by the Senate (the House of Representatives concurring), That the President be requested to return the bill (S. 3028) granting an increase of pension to Helen C. Sanderson.

The concurrent resolution was agreed to.

PUBLIC-BUILDINGS BILL.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That immediately upon the adoption of this order it shall be in order to consider the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, under all the conditions prescribed by the rules relating to suspension of the rules, except that the vote on suspending the rules and passing the bill shall be decided by a majority instead of two-thirds.

Mr. DALZELL. Mr. Speaker, the resolution relates to what is known as "the public-buildings bill," and simply makes it in order to consider that bill under a motion to suspend the rules, with this exception, that that motion requires for its passage only a majority and not two-thirds. I move the previous question.

The SPEAKER. The gentleman demands the previous question.

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 193, noes 21.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

Mr. BARTHOLDT. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The SPEAKER. The Clerk will read the bill.

The bill was read at length.

The SPEAKER. Is a second demanded?

Mr. PAYNE. Mr. Speaker, I demand a second.

Mr. Speaker, I ask unanimous consent that a second may be considered as ordered.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The gentleman from Missouri [Mr. BARTHOLDT] and the gentleman from New York [Mr. PAYNE] to have twenty minutes.

Mr. BARTHOLDT. Mr. Speaker, in presenting what is

known as the "Omnibus public-buildings bill" to the House for consideration and passage, permit me to say that this comprehensive measure represents the labor of many months and the diligent, conscientious, and, I believe I am justified in saying, the intelligent efforts of—barring the chairman, of course—every member of the Committee on Public Buildings and Grounds. More than 500 bills, calling for a total appropriation of nearly $60,000,000, were referred to that committee, and each one of them has been most carefully considered on its merits.

In preparing the bill the committee fixed a standard of population and postal receipts below which it refused to go except in cases presenting special features; that is, where the Internal-Revenue Service or the Customs Service called for special facilities.

The bill carries in round numbers $21,000,000. From what I have already stated, it is plain that in view of the growing needs of the country and the consequent demands upon Congress for more adequate facilities to transact the Government business, a bill twice the size of the one presented might easily have been prepared without exposing the committee to the charge of extravagance, but we preferred to hew to safe and conservative lines, and believe that the most urgent needs of the hour have been provided for, though many entirely just demands will have to be left to the consideration of a future Congress.

A new policy with respect to post-office buildings in the larger cities has been adopted by the committee, which policy we hope will receive the sanction of Congress and be strictly adhered to in the future. In those cities where Government buildings already exist, and where the facilities for the postal service are becoming inadequate, it seems to us to be the part of wisdom to authorize the erection of buildings for the postal business exclusiveiy. The health and comfort of the many clerks and carriers who have to do their work in these buildings demand that they should be constructed with a view to affording good ventilation and ample light, which is not the case in the monumental and artistic buildings heretofore constructed. Moreover, these post-office buildings should be located in the closest possible proximity to the union depots or railway stations, so that not only the expense of hauling the mails to and from the post-offices be saved, but also considerable time in the transmission of the mails. In other words, instead of monumental structures costing vast amounts of money, buildings in the nature of workshops should be erected at an expense in cities of the second class of not exceeding $500,000. This policy has been strictly adhered to in the present bill, excepting in the cases of New Orleans and Atlanta. In the former city the present building is unfit for occupancy by any offices other than those of the Customs Service, and in the case of Atlanta the old Government building has been declared unfit and unsafe and will consequently be sold and a new building for the accommodation of all governmental offices will be erected.

In this connection, permit me to explain that as to the sale of old Government buildings, the committee has carefully avoided previous mistakes by providing that in no case shall the old building be sold until the new one is completed and ready for occupancy, the proceeds of the sales to be turned into the Treasury.

The grand total of the bill has been considerably swelled by the provisions for the larger cities, whose just claims have been deferred from Congress to Congress until they could no longer be ignored. Consequently the committee recommends an authorization of $1,000,000 for Pittsburg, $900,000 for Boston, $500,000 for Grand Rapids, $500,000 for Des Moines, $450,000 for New York, and $400,000 for St. Louis, etc. In the cases of New Orleans, Atlanta, and Houston, Tex., a preliminary authorization is made to permit the Secretary of the Treasury to begin the construction of the new buildings, the limit of cost of which has been fixed in the bill at $1,300,000 in the case of New Orleans, $1,000,000 for Atlanta, and $350,000 for Houston.

Upon examination of the bill, Members of the House will find, and I believe they will do the committee the justice to say so, that the claims of all sections of the country have been fairly and impartially considered, and that each item in the bill can not only stand upon its own merits, but also that each case has been adjudged without any regard to party differences or individual representation in the House.

Referring briefly to the criticism of local papers, that the city of Washington had been left out in the cold, I desire to remind the House of the fact that ten monumental structures are now in process of construction in this city, calling for a total appropriation of $18,000,000, which is more than the whole country has had in the building line for the last four years. The committee is of the opinion that the park and other projects which have been brought to its attention by citizens of Washington may safely be left to the consideration of a future Congress.

As is known to all Members, the buildings herein provided for will be erected under the authority of the Secretary of the Treasury and under the supervision of Mr. James Knox Taylor, the proficient Supervising Architect of the Treasury Department.

Mr. RUCKER. Mr. Speaker, will my colleague from Missouri yield to one question?

Mr. BARTHOLDT. I will.

Mr. RUCKER. Referring to the item on page 25 of this bill, which carries an appropriation of $7,500 for the United States post-office building at Carrollton, Mo., in view of the misunderstanding, will the gentleman permit me to offer an amendment changing that to $10,000?

Mr. BARTHOLDT. Mr. Speaker, I regret to say that it will be impossible to accept an amendment to the bill at this time. If I should consent to that policy, there would possibly be a hundred amendments offered. I suggest that the gentleman leave this to the other side of the Capitol. I desire also to say, in connection with that item, that the necessity for an increased amount was called to the attention of the committee, and but for an error it would have been made.

Mr. PAYNE. Mr. Speaker, I demanded a second in order to give my friend the chairman of the committee a chance to make his speech, and having accomplished that, I have no further use for the time. I understand my colleague from New York [Mr. FITZGERALD] would like some time in opposition to the bill. Does the gentleman desire any time? I yield five minutes to my colleague.

Mr. FITZGERALD. Mr. Speaker, no Member of this House realizes better than I do the futility of opposing the passage of this bill. The time of this school is closing, and, following the universal practice of schools throughout this country, this great school is about to distribute its premiums. This bill illustrates as well as anything within my experience the "cohesive power of plunder." Here is a bill carrying $21,061,000, scattered indiscriminately throughout the country. Members can ascertain by examining this bill whether their conduct during their school term here has been such as gained the approbation of the authorities or whether they are among the "bad boys" of the House.

I think it is perfectly safe to assert that, outside of the members of the Committee on Public Buildings and Grounds, not a single Member has looked at any provision in this bill, excepting those that affect his own district, and the action of Members upon the bill will be determined very largely in accordance with how much of the sum total is allotted to their districts. Indeed, as this bill has been printed only since this morning, it has been impossible for anyone to examine its provisions carefully.

Mr. Speaker, it so happens that the public building in the city from which I come is located in my district, and I find in the bill an appropriation for its enlargement. As there are six Members from that locality, I assume that they will all enjoy more or less credit for the appropriation that is made in this bill. But I wish to enter my protest against this method of making great appropriations. [Applause.] I do not care whether a single dollar is appropriated for a public building in my city unless the bill in which it is carried receives the proper and the usual and the decent consideration to which it is entitled in this House. So far as that item is concerned, I am perfectly willing to have this bill brought in in such a way that any Member of the House might exercise his judgment and exercise his right, and compel the chairman to justify that appropriation, and, if he were unable to do it, to have it, in the good judgment of the House, stricken from the bill.

I regret that it appears that a great majority of the Members of the House are not willing to have the items for their districts placed upon an equal footing. Now, inasmuch as I have had an opportunity simply to express my condemnation of this method of appropriating great sums for any public purpose, I am content. I know that protest is futile. The unanimity, not to say the enthusiasm, with which this bill has been brought into the House and is being urged to its passage is the best evidence that the committee has, at least in the distribution of money, been able to please a great majority of the House. [Prolonged applause.] And I hope that those who have been overlooked, that those who have been slighted, that those who have for some occult reason incurred the enmity of "the powers that be" in this House and been overlooked in the distribution will be able to justify the speed with which this bill is railroaded, and to justify the failure to provide adequately for their districts equally as well as those adequately treated. [Applause.]

I know, Mr. Speaker, that there is no power on earth or probably any place else that will stop the passage of this bill. [Applause.] I have no keen desire to stop it. I would not deprive so many Members of the pleasure that they anticipate; but I think it proper to protest against a method of legislation which prevents the Members of this House from exercising their rights as Members, and prevents those items in which they are particularly interested having the same scrutiny and the same watchful care that have been given to other items in appropriation bills in which particular districts are not interested. [Applause.]

Mr. BARTHOLDT. Mr. Speaker, I do not regard the remarks of the gentleman from New York in a spirit of levity, and I will say to him seriously that if he is willing to consider this bill with me and with the House, I am ready to consider and discuss every item, provided he is willing to stay here until Christmas, as we should have to do.

Mr. BURLESON. Are you willing to have unanimous consent granted to do that?

Mr. FITZGERALD. I have made no application that this bill be passed in this way. I assume that the gentleman from Missouri [Mr. BARTHOLDT] applied for this rule to take it out of the ordinary category of bills, and even went so far, in order to secure its passage, as to require only a majority instead of a two-thirds vote. There may be some justification for that, and I commend the gentleman's keen shrewdness in making certain that this bill would go through and would not fail, to the disappointment of so many.

Mr. BARTHOLDT. Mr. Speaker, the "gentleman from Missouri" has merely followed a time-honored custom. Now, I ask unanimous consent, Mr. Speaker, to make a few clerical corrections in the bill.

On page 20, in line 8, after the words "post-office," strike out the words "and court-house."

The SPEAKER. Is there objection?

There was no objection.

Mr. HINSHAW. What item is that?

Mr. BARTHOLDT. That is where there is no court-house and the bill says "court-house." It is in South Carolina.

On page 20, in lines 12 and 13, transpose from section 3 one paragraph on page 8.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. On page 21, in line 9, after the word "court-house," strike out the words "and custom-house;" and after the word "post-office" insert the word "and."

The SPEAKER. If there be no objection, it will be so ordered.

There was no objection.

Mr. BARTHOLDT. On page 25, in line 5, after the word "Pontiac," strike out the word "city."

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. On page 12, after the word "dollars," in line 6, insert the following:

Of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

The SPEAKER. Is there objection?

There was no objection.

Mr. BARTHOLDT. Now, Mr. Speaker, I ask for a vote.

The SPEAKER. The question is on suspending the rules and passing the bill.

The question being taken, the rules were suspended and the bill passed.

RETURN OF BILLS TO THE SENATE.

The SPEAKER laid before the House the following:

IN THE SENATE OF THE UNITED STATES, *June 25, 1906.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 1304) for the construction of a driveway and approaches to the national cemetery at Salisbury, N. C.; the bill (S. 5288) appropriating $5,000 to inclose and beautify the monument on Moores Creek battlefield, North Carolina; and the bill (S. 5484) authorizing the Secretary of War to accept the tract of land at or near Greeneville, Tenn., where lie the remains of Andrew Johnson, late President of the United States, and establishing the same as a fourth-class national cemetery; the matters covered by the said bills having been included in the Army appropriation bill approved June 12, 1906.

The SPEAKER. If there be no objection, the request of the Senate will be granted.

There was no objection.

UNITED STATES COURTS IN NORTHERN DISTRICT OF CALIFORNIA.

The SPEAKER laid before the House the bill (H. R. 19550) establishing regular terms of the United States circuit and district courts in the northern district of California, with Senate amendments.

The Senate amendments were read.

Mr. JENKINS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

SPEED OF AUTOMOBILES IN THE DISTRICT OF COLUMBIA.

The SPEAKER also laid before the House the bill (H. R. 16384) to amend an act entitled "An act regulating the speed of automobiles in the District of Columbia, and for other purposes," with Senate amendments.

The Senate amendments were read.

Mr. SIMS. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

VALIDATING CERTAIN CERTIFICATES OF NATURALIZATION.

The SPEAKER also laid before the House the bill (H. R. 18713) to validate certain certificates of naturalization, with Senate amendments.

The Senate amendments were read.

Mr. BENNET of New York. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

PASSENGER TRAFFIC ON EUROPEAN AND AMERICAN RAILROADS.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent to have printed as a House document Senate Document No. 479, a statement of the comparative charges for passenger traffic on European and American railways.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Reserving the right to object, Mr. Speaker, what is this?

Mr. SHERMAN. A statement of the comparative charges for passenger traffic in the United States and in Europe.

Mr. WILLIAMS. Made by whom?

Mr. SHERMAN. By Mr. H. T. Newcomb to Senator LODGE.

Mr. WILLIAMS. Ah, Mr. Speaker, I shall object.

REPRINT OF A BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for the reprint of the bill H. R. 20153. It is exhausted in the document room.

The SPEAKER. Is there objection to the request of the gentleman from New York for the reprint of the bill referred to?

There was no objection.

GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of House bill 20403—the general deficiency appropriation bill.

Mr. WILLIAMS. Mr. Speaker, before that is agreed to, I understand that to this bill has been added an amendment by the Senate which was not germane to the bill. The Committee on Rules has adopted a rule this morning——

The SPEAKER. The gentleman is thinking of some other bill. This is the general deficiency bill, which is now up for consideration for the first time.

Mr. WILLIAMS. Oh, this is the general deficiency bill.

The motion of Mr. LITTAUER was agreed to; accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CRUMPACKER in the chair.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

Mr. WILLIAMS. Now, Mr. Chairman, it appears that I was right, and that this is the bill in which the Senate had inserted an amendment.

Mr. LITTAUER. This bill has never been in the Senate. This is the original general deficiency bill reported to the House yesterday for the first time.

Mr. WILLIAMS. Then you put the Senate bill upon this bill, did you not?

Mr. LITTAUER. I know of no Senate bill. There is included in this bill, on page 4, a provision in relation to the duties collected——

Mr. WILLIAMS. That is exactly what I was talking about a moment ago. When I wanted that information I was told I was mistaken. What I want to get at now is this: The Committee on Rules this morning held a meeting and drafted a rule to be submitted to the House to make germane to the bill the very provision of which I now speak.

Mr. LITTAUER. When that provision is reached, I had intended to ask the committee to pass it over without prejudice until all other items in the bill had been passed upon, that a full discussion might be had of this item. What I wanted to

do was to make a point of order on that provision, and I wanted to reserve points of order in case that provision was in the bill.

The CHAIRMAN. All points of order have been reserved on the bill.

Mr. WILLIAMS. Then that is all right.

The CHAIRMAN. Is there objection to the request of the gentleman from New York that the first reading of the bill be dispensed with? [After a pause.] The Chair hears none, and it is so ordered.

Mr. LITTAUER. Mr. Chairman, the specific estimates for deficiencies submitted for consideration to the Committee on Appropriations amounted, in round figures, to $17,000,000. The bill now before you for consideration in specific items carries recommendation for a total of ten millions and a quarter. This very substantial reduction was brought about by the elimination of a few very large items. The chief of these eliminations was three millions and a quarter that had been submitted to us in connection with the disaster at San Francisco and in California. We found that while at one time it was believed that a further appropriation of at least a half a million was necessary to take care of the emergencies in connection with the conflagration, that after examining into the details of the expenditure of two millions and a half appropriated so promptly and generously by Congress and carefully scrutinizing how much had been expended and for what purposes, that instead of a shortage of half a million dollars there is still unexpended of that two million and a half appropriated about $400,000. The various bureaus, particularly in the military department, incurred very severe loss to their accumulated stores in connection with the disaster at San Francisco, and they sought very large appropriations to make good and replenish the various stores destroyed there; but after a thorough examination into the various items they desired to restore your committee came to the conclusion that with the very ample provisions especially made for the conduct of the military department for the next fiscal year we could cut down the amounts so deemed necessary by very substantial figures and still take care in a proper fashion of the needs of the department and also take care of the gradual replenishment and restocking of the storehouses.

The Quartermaster-General himself said that there were among the stores destroyed of his department a very substantial amount which need not be replenished. He estimated that at about 30 per cent. Despite all the reductions made in the estimates, this bill carries, because of the San Francisco disaster, two millions and over. First, there is $1,300,000 for the replenishment of the military stores. Then there is $600,000 necessary to repair and replace the public buildings damaged by earthquake and fire to the condition they were in before the disaster, and $150,000 for the replenishment of stores of the Marine Corps. In addition to this large item of reduction, we were able to make others because of the long continuance of this session of Congress. The fiscal year ending this week permits those in charge of the various Departments who thought they needed deficiencies to carry on their work to draw upon the appropriations for the next year within a few days, and in consequence we were able to eliminate $2,000,000 submitted to us as deficiencies for "increase of the Navy," and $750,000 asked for for an additional supply of coal for the Navy.

I want to call most earnestly the attention of the committee to a very irritating state of affairs in connection with the accumulation of claims arising from governmental operations which are frequently presented to the Committee on Appropriations and which fill the docket of the Committee on Claims of this House. There is now need for some general legislation or else some change in the rules of this House which will permit the consideration of claims arising through unforeseen emergencies, through accident, through legislation which circumscribes expenditure within too narrow limits or within limitations too technical for the requirements in the various departmental services, passed upon and approved by the Department, and yet incurred without warrant of law, and consequently not to be included in the general appropriation bill under the rules of this House as they now stand. Year after year we are eliminating lump-sum appropriations. We find they have led to high salaries and general extravagance. We are drawing tighter every year our specification for appropriations, so that there must be some leeway found for the consideration of these unavoidable claims. They pile together in the Committee on Claims. Many of them are reported out to the House, but few are ever considered here until they are gathered together in some large omnibus claim bill, and, of course, in such a claim bill the righteous and the unrighteous all come here together. In fact, it is through the consideration of the very large claims, and often very questionable claims, with which are connected very earnest and active attorneys, that these large omnibus claim bills are brought before the House and passed.

Mr. GAINES of Tennessee. Will the gentleman tell the committee how much these claims are?

Mr. LITTAUER. Oh, I know of one batch of 231 claims presented to us by the Quartermaster of the War Department which amount to a little over $24,000.

Mr. GAINES of Tennessee. How long have they been pending, as a rule?

Mr. LITTAUER. I should say about five years.

Mr. GAINES of Tennessee. The gentleman from Georgia [Mr. LIVINGSTON] says some of them forty years.

Mr. LITTAUER. Those presented this year for immediate attention have been pending for about that extent of time. Every Member of the House and every citizen desires that the United States should pay its just debts and pay them promptly. Citizens of foreign nations enter their complaints through their embassies here that we give no attention to their just claims. The Secretary of State has communicated to Congress in reference to this matter during the present session. Above all, the claims of our own citizens, decided to be just and fair and meritorious, ought to have prompt and proper recognition by Congress. Your committee has had this matter under very serious consideration, but has suggested no legislation to take care of the situation. The members felt that they should follow the same course as was followed last year in connection with what are called "collision claims." In submitting the deficiency bill of last year the attention of the House was called to these collision claims. The regulations of the Navy, made under authority of law, require that in cases of collision of naval vessels with merchant or other vessels a court of inquiry shall be organized to determine the responsibility for the collision and the amount of damages occasioned thereby.

For many years the reports of these boards of inquiry were presented to Congress, and after a cursory examination were generally included in the deficiency bills, but with the growth of our Navy and the increases in the number of collisions, the committee refused to include many of the claims which seemed to them to be questionable. Last year twenty such claims were presented for action by the Committee on Deficiencies. They amounted to a total of $30,000, and the reason for the amounts awarded did not appear conclusive from the reports. The committee declined to recommend appropriations, but suggested that some legislation should be had in connection with such collisions that will clothe with necessary jurisdiction a proper court to ascertain and determine in each case that arose the responsibility therefor and the measure of compensation, if any, that should be made on the part of the United States. Congress having had attention called to this matter in last year's appropriation bill, took no action thereon. The number of collision claims continued to increase. Some of great importance were presented to us, and consequently in this bill we have submitted to the House legislation which will permit—

the owner or owners, citizens, or aliens, of any ship or vessel, foreign or domestic, to sue the United States in any United States district court sitting as a court of admiralty—

I am reading only an extract from the provision which will be found on page 4 of the report—

for any damage, loss or injury, attributable to mismanagement of any vessel owned by the United States or to the negligence or want of skill of those in charge thereof, by collision.

The provision inserted in the bill on page 75 was similar to a bill offered to this House, drawn, as we were advised, by eminent admiralty lawyers conversant with this class of cases so as to protect properly the interests of the Government, and I trust the House will give serious consideration when it is reached.

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. LITTAUER. Certainly.

Mr. ROBERTS. Are the provisions of your proposed legislation broad enough to allow private individuals compensation for other damages than collisions between Government vessels and private vessels?

Mr. LITTAUER. I do not think so.

Mr. ROBERTS. The gentleman is aware there are claims arising for damage to cables and piers and other property which do not arise from collisions.

Mr. LITTAUER. This legislation proposed is for "any damage, loss, or injury to such ship or vessel, or owner or owners, or to the owners of any cargo laden thereon, or to any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision;" so we think it covers only collision cases.

Mr. PARSONS. In the case of a war vessel where they admit the Government officers were at fault, and they, together with the owner of the vessel, agree on the amount of the damage, is it none the less necessary that the owner of the vessel should go to a court and sue?

Mr. LITTAUER. The character of the proceeding which the gentleman has just described is the usual one that prevailed in the past. It was customary, under Treasury regulations authorized by law, to hold a board of inquiry. The naval officers appointed on this board decide on the amount of the damage, also whether the responsibility for the damage was the cause of the action of the Government vessel. Such report was submitted to Congress. When these collisions were but few the Committee on Appropriations considered them; but they amount now to so many cases that the committee called the attention of Congress to this sort of settlement, and asked Congress to remedy this course of procedure by legislation. No action was taken thereon, and consequently we submit the present provision.

Mr. PARSONS. Why should the owner of the vessel be put to all the trouble of going to the courts when the officers of the Government and he agree the Government was at fault and they agree on the amount of damage?

Mr. LITTAUER. Then it would come before the Court of Claims, and you know what a graveyard that is. There is no provision whereby such claims can be paid under any authority of law; consequently such damage claims—collision claims—are submitted to our Committee on Claims for favorable Congressional action, if it can be had.

Mr. ROBERTS. Will the gentleman yield for a further question?

Mr. LITTAUER. Certainly.

Mr. ROBERTS. Does not the gentleman think it good policy to broaden this legislation a little more, so as to cover all claims that may arise from damage by naval vessels?

Mr. LITTAUER. I do not think so. I fear the provision we have inserted here may draw forth severe criticism. It was the very best that we knew how to formulate. It surely is a step in the right direction and makes provision for proper consideration. I hope that in another year we may successfully submit a much broader provision for the disposal of claims in general, wherein the Government, through its officers, after examination, reports to Congress its determination that we owe a just debt because of some emergency, and that this conclusion be framed with authority of law that it can be considered by the House without going through all the machinery of the Committee on Claims.

Mr. NEEDHAM. Will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. NEEDHAM. I take it that the provisions increasing the appropriation for the Internal-Revenue Service, referred to on pages 7 and 8, are because of the passage of the sweet-wine law?

Mr. LITTAUER. That is the reason.

Mr. NEEDHAM. That is the reason I asked the question

Mr. LITTAUER. I will state to the gentleman from California that the additional amounts inserted here were because of recommendations submitted by the Commissioner of Internal Revenue, who declared that these amounts would be necessary because of the passage of the law referred to, and that the additional provision here made is ample for the purpose.

Mr. NEEDHAM. It was his recommendation that there be $85,000. You have one provision here of $60,000.

Mr. LITTAUER. And another one of $25,000.

Mr. NEEDHAM. But you make no provision there as to the fiscal year. Ought there not to be a provision here for 1907? Ought not the provision in lines 15, 16, and 17, on page 8, refer to the fiscal year 1907, the same as the provision in lines 9 to 12, on the same page?

Mr. LITTAUER. If the gentleman will reserve that inquiry until the item is reached in the bill, I think I can give him a proper answer, while at the present I would not be able to do so definitely.

Mr. MANN. Will the gentleman yield for a question?

Mr. LITTAUER. Yes.

Mr. MANN. Will the gentleman have any objection to having an amendment to the bill carrying those items in the omnibus light-house bill which are not carried in the sundry civil bill to, at least, a reasonable amount of the authorization?

Mr. LITTAUER. I am not acquainted with the items. I know there were a number of items submitted to us for the repair and rebuilding of light-houses and keepers' houses that were omitted from this bill because they had been included in the sundry civil bill.

Mr. MANN. Mr. Chairman, there was an omnibus light-house bill passed through this House that became a law recently, carrying about nineteen hundred thousand dollars altogether, and a portion of those items were put in the sundry civil bill in the Senate, the sundry civil bill having passed the House before the light-house bill became a law. But a portion of those items, which are needed very much, were not put in the sundry civil bill in the Senate, which, instead of inserting those, inserted some not authorized by law.

Mr. LITTAUER. Are these authorized by law?

Mr. MANN. These are authorized by law.

Mr. LITTAUER. If authorized by law, why can not the gentleman submit an amendment at the proper time?

Mr. MANN. I propose to see that an amendment is submitted. But I ask the gentleman whether he had considered or whether he would resist such an amendment?

Mr. LITTAUER. I certainly would not if the gentleman would state his reasons therefor, and they are not subject to a point of order.

Mr. MANN. They are not subject to a point of order.

Mr. LITTAUER. Now, gentlemen, if you will return to the report submitted in connection with this bill, you will find the various totals of appropriation for each Department, and also the chief items thereunder. I called your attention to the fact that the bill carries specific items aggregating ten millions and a quarter, but that does not properly represent the total amount that this bill will withdraw from the Treasury of the United States, because included in this bill is a judgment of the Cherokee Nation of $1,111,284.70 rendered by the Court of Claims, affirmed by the Supreme Court of the United States, which carries with it interest at the rate of 5 per cent from June 12, 1838, which will require an additional expenditure of between $3,700,000 and $4,000,000. It is the consummation of neglect of Congress to pay what has been declared to be a just debt of the Government to the Cherokee Indians—a debt which has been permitted to run along year after year until in the very last days of the Fifty-seventh Congress action was taken which resulted in the decree which I have referred to, carrying such an enormous amount of interest.

Another item which it is proper I should refer to is one of $375,418.94, to reimburse the State of Texas in accordance with the provisions of the deficiency bill passed in the last day of the last Congress, approved March 3, 1905. The provision reads as follows:

> The Secretary of War is hereby directed to inquire and report to Congress for its consideration what sum or sums of money were actually expended by the State of Texas during the period of time between February 28, 1855, and June 21, 1860, for payment of State volunteers or rangers, called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

The Secretary of War, in accordance with the provision, reports to Congress the amount so expended was $375,418.94, and no evidence has been found showing that the State of Texas was reimbursed out of the Treasury of the United States for any of the expenditure included in that amount. Your Committee on Appropriations, considering the character of the legislation which called for this report, believed the insertion of this item in the bill was required.

Now, of the ten millions and a quarter submitted in this bill, three millions and a half is required to pay judgments and claims passed to us from the courts. Three million dollars is necessary to be added to the permanent annual appropriation for the administration of the customs laws. Gentlemen will remember that an annual appropriation is made in two semi-annual parts of $2,750,000. The Comptroller of the Treasury has declared that the appropriation for the second half is not available during the first half of the year, and consequently it is necessary to anticipate at this time an annual deficiency of $3,000,000. Add to these items $2,000,000 for the San Francisco disaster, and we have a total of eight millions and a half out of ten millions and a quarter carried in this bill.

Mr. PERKINS. If the gentleman will permit me.

Mr. LITTAUER. Certainly.

Mr. PERKINS. I did not understand the statement about the Cherokee claim. I see the appropriation for it is $1,134,000.

Mr. LITTAUER. And if the gentleman will read along a little further he will notice "and such claim for interest as may be found to be due in accordance with the decree of the court."

Mr. PERKINS. Is it not necessary in this appropriation bill to state the whole amount? The bill, then, is not merely for ten millions, but for fourteen millions?

Mr. LITTAUER. The bill will actually withdraw from the United States Treasury $14,250,000. The sum had to be left indefinite because the computation of interest had not yet been made. Moreover, the decree declares that interest shall run

until the amount is paid, and makes provision that the amount shall be paid to the Secretary of the Interior, who shall be its distributer and recognize certain claims of attorneys.

Mr. PERKINS. Is $14,000,000 really the total amount of the bill, or are there some other items that do not appear?

Mr. LITTAUER. There is one other item, an adjudicated claim in connection with the District of Columbia, of $66,000, that carries interest; but it is inconsequential in amount.

Mr. PERKINS. No other large item that does not appear?

Mr. LITTAUER. None other. Mr. Chairman, because of a recent decision of the United States Supreme Court, it has become urgently necessary to ratify and legalize the collection of duties, export and import, collected in the Philippine Islands by the provisional military government established by President McKinley, continued under President Roosevelt, prior to March 8, 1902, the date when Congress passed the first Philippine tariff act. Congress shortly thereafter passed a law, approved July 1, 1902, in which it was supposed that duties collected prior to March 8 of that year had been ratified. But before the passage of that act suit had been brought in the Court of Claims to cover duties paid between the ratification of the peace treaty, in April, 1899, and March, 1902, the date when the first Philippine tariff act was passed. The United States, in defending those suits, took the ground that a state of war existed which justified the imposition of these tariff duties as a military exaction, and that they were ratified by the act of July 1, 1902. But the Supreme Court, in a recent decision, has decreed that the act of July 1, 1902, did not ratify and confirm the duties collected between April 11, 1899, and March 8, 1902, because by its terms it only ratified duties collected in pursuance of the Executive order of President McKinley of July 12, 1898, the war provision, and its amendments. The language of this law was most unfortunate. The Supreme Court decreed that the order could be effective only during the war with Spain, and in consequence the amendments could apply only during the same period, so that duties collected after the treaty of peace could not be said to be collected in pursuance of that order and its amendments, and were therefore not by law within the ratification of the act of July 1, 1902.

There is grave danger that under this decision a myriad of claims, amounting to at least $15,000,000, not only for duties collected on goods going into the Philippine Islands from the United States, but from foreign countries, may be saddled onto the United States for payment, and to reimburse persons who had already reimbursed themselves for the duties they paid in the prices at which they sold their imported and exported merchandise. There is not the slightest equity in favor of these claims, and it is but right and just that Congress prevent such collection by curative legislation. The Supreme Court has expressly upheld the power of Congress to so ratify tariff duties originally collected without authority of law. The amendment proposed in this bill will ratify the duties collected. Of course it can not invalidate judgments already entered. It will affect pending causes, and will and ought to affect the myriad of claims that will be filed hereafter. Your committee were impressed with the belief that the proposed provision is valid in law; but if it is not valid, then the claims will not be affected injuriously by it. If, however, this provision is within the power of Congress, there is not the slightest doubt of our duty to protect the Government against such inequitable claims by some curative legislation.

Mr. PERKINS. Will the gentleman yield for another question?

Mr. LITTAUER. Yes.

Mr. PERKINS. I see that the bill provides for duties on goods imported into the islands, and also on goods exported. Are there export duties?

Mr. LITTAUER. There were.

Mr. PERKINS. On goods that were sent out from the Philippine Islands?

Mr. LITTAUER. There were.

Mr. PERKINS. At that time?

Mr. LITTAUER. At that time.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I desire to ask the gentleman from New York from what document he has been reading?

Mr. LITTAUER. I was reading an extract I had made from a document that had been submitted to me, reviewing the standing of these claims.

Mr. SULLIVAN of Massachusetts. Submitted by an officer of the Government?

Mr. LITTAUER. It was a private letter—I believe it would be so considered—a private letter from the Secretary of War to a Member of Congress, not to myself.

Mr. SULLIVAN of Massachusetts. I did not suppose there was anything confidential in it. That was why I asked the question. Now, may I ask whether it is the intention of the framers of this legislation to affect the interests of those who have already brought suit for a refund of these duties?

Mr. LITTAUER. It is. It would affect all pending suits. Of course it could not affect judgments already entered; and I will say to the gentleman from Massachusetts that if he will reserve discussion of this matter until the bill is finished—for I believe it will lead to a considerable discussion—it is my purpose to ask unanimous consent to pass it over without prejudice until it is reached on page 4, reserving the discussion until the bill has been completely read.

Mr. SULLIVAN of Massachusetts. I will say to the gentleman now that I shall object to its being passed over, so that the gentleman may understand that it will have to be considered when it is reached. But I think it is just as well to bring out in advance the scope of the proposed act. I take it that it is the purpose of this act to defeat the right to recover back taxes illegally paid, not only of those who have brought suits which have not been prosecuted to judgment, but also of those persons who have paid taxes and have not yet brought suits. Is that statement correct?

Mr. LITTAUER. That statement is unquestionably correct, and we believe it is based upon proper equity.

Mr. SULLIVAN of Massachusetts. I want to ask, further, if it is not a fact that only two suits have been brought for the refunding of these taxes, and whether other suits were not brought because of an agreement with the Solicitor-General that these two suits should be regarded as test cases, and therefore there would be no necessity of filing claims in the other cases?

Mr. LITTAUER. I never heard of any such agreement, nor do I know whether the Solicitor had a right to enter into any such agreement.

Mr. SULLIVAN of Massachusetts. There is no question about the right of the Solicitor to make such an agreement, it seems to me; but I asked the question simply because one of the attorneys for the claimants—John G. Carlisle—made a statement in his brief which indicates that such an agreement was made between these claimants and the Attorney-General's Department.

Mr. TAWNEY. Will the gentleman permit me an answer?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. TAWNEY. Has the Assistant Attorney-General or the Attorney-General himself the power and authority to enter into an agreement of that kind and thereby bind the Government of the United States?

Mr. SULLIVAN of Massachusetts. I think there is no question of his power to have certain cases treated as test cases. He could not compel the claimants to wait; but I think there is no question of his power to make an agreement that certain cases shall be treated as test cases, which cases involve the same principles and are on all fours with the other cases.

Mr. PERKINS. Does the gentleman claim that the Attorney-General or any attorney could make an agreement where an action had not been brought that would, for instance, waive the statute of limitations against the claimant?

Mr. SULLIVAN of Massachusetts. No; I do not think he would have that power; but I do not think any claimant would be foolish enough to allow the statute of limitations to dispose of his rights. I assume that if such an agreement were made before the statute operated as a bar the claimant would inform the Attorney-General and begin his action. I think it is within the gentleman's own experience that attorneys have agreed that certain cases should be test cases. The question is not whether his action should bind Congress; we know it could not; but there is a question involved in it that is a question of honor. If these claimants were given the understanding that the cases before the courts would be decisive of the other cases which later might be brought and judgment entered upon them without a trial, and then Congress should legislate so as to defeat the right of the claimant who thus waited, I should say that that would be a state of facts which might invite criticism and which Members of Congress ought to be apprised of.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. PARKINSON, its reading clerk, announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4403) to amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. LODGE, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Vice-President had appointed Mr. PENROSE, Mr. CARTER, and Mr. CLAY members of the joint committee on the part of the Senate, as provided for in the post-office appropriation bill of the present session, to investigate, consider, and report, by bill or otherwise, to Congress regarding mail matter of the second class.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

Mr. FITZGERALD. Mr. Chairman, I want to suggest this: Suppose a number of these cases were brought in the Court of Claims and the Solicitor-General and attorneys for the claimant agreed that one or two of them should be carried right through to the United States Supreme Court in order to establish the law. Suppose meanwhile the others should be held in abeyance, does not the gentleman from New York think that the Solicitor-General would have power to make that agreement?

Mr. PERKINS. Mr. Chairman, the answer to the gentleman is plain and familiar to any lawyer. Where actions have actually been brought—where, for instance, twenty claimants have brought twenty different suits and the attorney appears for the defendant in all the twenty actions, he, of course, has the power and often does agree that one case shall be tried, and by that trial shall the decision in the other nineteen actions that have been brought be decided. But to say that any lawyer for the Government or for any private party has the power to make an agreement where no action has been brought by the man at all, where there is no proceeding in court, where the party has not taken any step to secure his rights, to say to him, "You needn't sue, you needn't bring any action"—there is no attorney, no action—but some time in the future he says, "You may bring your suit and my client will not plead the statute of limitations or any other right he may have," is of course a claim that no client could make.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had further insisted upon its amendments to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

RAILWAY RATE REGULATION.

Mr. HEPBURN. Mr. Speaker, I call up the message from the Senate on the rate bill, and ask unanimous consent that the House consider it at this time and do further insist upon its disagreement to the amendments of the Senate and consent to the request of the Senate for a conference.

The SPEAKER. The gentleman from Iowa asks unanimous consent, without the Committee of the Whole formally rising at this time, to consider the bill referred to with the Senate amendments, and that the House do further insist on its disagreement to the Senate amendments and agree to the conference asked. Is there objection?

There was no objection.

The Chair announced the following conferees on the part of the House: Mr. HEPBURN, Mr. SHERMAN, and Mr. RICHARDSON of Alabama.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its sitting.

Mr. LIVINGSTON. Mr. Chairman, I want to ask the gentleman in charge of the bill if we can not go on now with the reading of the bill at this time?

Mr. LITTAUER. Mr. Chairman, I would think it most desirable that the committee proceed now with the reading of the bill, and I would state that when items requiring full discussion are reached we will not in any way try to limit debate.

Mr. LIVINGSTON. That is the understanding on this side of the House.

Mr. SHERLEY. Mr. Chairman, will the gentleman from New York yield?

Mr. LITTAUER. Yes.

Mr. SHERLEY. As long as the discussion has been brought up in regard to these Philippine claims, I desire to now read, if the gentleman will permit, a short statement in regard to the agreement or understanding that was had to the effect that two cases be considered as test cases for all the others. It will take only a minute or two to do so. I read from a brief touching the matter prepared by John G. Carlisle, counsel in said cases:

It so happens that only two cases were actually before the Supreme Court—the Warner Barnes case, which involves some $71,000, and the Lincoln case, which involves about $700. Following a well-established precedent with respect to all claims for the recovery of taxes unlawfully exacted, counsel filed all their claims in time to save the bar of the statute of limitations, and then by agreement with counsel for the Government took these cases to the Supreme Court as test cases. Counsel might otherwise have had judgments entered in all the cases dismissing the petitions, and then have appealed on all the cases to the Supreme Court and had that court reverse the judgments below in all the cases, and directed judgments to be issued in conformity with the opinion. This, however, would have thrown an utterly useless amount of labor both upon the Court of Claims and the Supreme Court. No practical good which counsel could have foreseen would have been accomplished by entering a hundred judgments in identical form, taking a hundred additional appeals, and entering a hundred judgments of reversal. The course which was followed has always been adopted and is the only reasonable and sensible course to pursue under similar circumstances; having been adopted in these cases by agreement with the Government's representative, good faith requires that the result should not be disturbed by legislative enactment.

While the other cases were not actually on the docket of the Supreme Court, yet the Attorney-General, upon the petition for rehearing in the statement to which we have alluded, told the court that the other claims pending in the Court of Claims, amounting to over $3,000,000, all depended upon the decision in the Warner Barnes case.

I think it important that that statement of the Government's agreement should go into the RECORD at this time.

Mr. LIVINGSTON. Mr. Chairman, with the understanding with the gentleman from New York [Mr. LITTAUER] in charge of the bill that when specific cases come up which our side or the gentleman's side wishes to discuss discussion may then be had, I think we better go on with the reading of the bill.

Mr. LITTAUER. There will be ample time given and no attempt made to limit debate on any matter in connection with items carried in this bill referred to by the gentleman from Georgia [Mr. LIVINGSTON].

Mr. WILLIAMS. Mr. Chairman, when the sundry civil appropriation bill was under consideration and the attempt was made to have some general debate on that bill, we were assured that if we would hurry through with it we would have time upon the general deficiency bill. My friend from Minnesota [Mr. TAWNEY] gave us that assurance. I do not want, if I can help it, to see general debate cut off in this manner. Several gentlemen on this side of the Chamber wish time, as, for instance, the gentleman from Texas [Mr. BURGESS] and the gentleman from Missouri [Mr. LLOYD], and several others. I hope the debate will be allowed to run on a while longer. I would be willing, if the gentleman will give me two hours on this side, to then close the general debate.

Mr. TAWNEY. Mr. Chairman, inasmuch as the gentleman from Mississippi [Mr. WILLIAMS] has referred to the statement that I made at the beginning of the consideration of the sundry civil appropriation bill, I will say that I did make the statement that when the general deficiency bill was reported to the House there would, in all probability, be ample time for general debate, for the reason that that bill would unquestionably be held in the House until the light of adjournment could be seen at the other end of the Capitol. At the present time I think every Member of the House is beginning to see the end of this session, provided we can proceed with the consideration of the appropriation bill that is now before the committee. I also stated at that time that following the sundry civil bill would be the amendment to the administrative tariff act, on which there would be general debate. That bill is now before the House——

Mr. WILLIAMS. With three hours at night.

Mr. TAWNEY (continuing). And general debate is being had on that bill, and I feel confident that ample time will be afforded to every man who wants to make a political speech during the consideration of that bill.

Mr. WILLIAMS. Mr. Chairman, the gentleman's confidence upon that question is misplaced. We will get three hours at night for general debate—one and a half hours to a side upon that bill. If we adjourn Friday or Saturday that means only that many nights—to-night, Wednesday and Thursday and possibly Friday—and that will not mean by any means the amount of debate that is absolutely necessary, if requests are complied with. Now, I ask the gentleman to permit the gentleman from Missouri [Mr. LLOYD] to have an hour now. I will not ask any other time to-day.

Mr. TAWNEY. Mr. Chairman, when the gentleman from Mississippi interrupted me, I was about to say, notwithstanding the statement I made and assurances I gave to the other side of the House as to the opportunities for debate in the remainder of the session, the gentleman from Mississippi refused to grant the consent that was asked for, and forced me to move that the committee rise and go into the House to close debate by motion; therefore if there was any statement made by me regarding the matter it was not accepted by the gentleman from Mississippi at that time. He is therefore not entitled to the consideration now that he otherwise would be entitled to had he accepted my statement.

Mr. WILLIAMS. In other words, because I did not make any bargain with the gentleman, then what the gentleman held forth as a promise to our ear does not go?

Mr. TAWNEY. No; in other words, because you then refused to accept the proposition which I then offered——

Mr. WILLIAMS. And it seems I have been justified in what I thought——

Mr. TAWNEY (continuing). You forced us to adopt the plan which deprives you of consideration now.

Mr. WILLIAMS. No; but "let the dead past bury its dead," in the words of a poet, who was not a philosopher, because the dead can never bury itself nor anything else. I ask now that the gentleman from Missouri [Mr. LLOYD] have an hour.

Mr. LITTAUER. Do you mean by that, when that hour has been exhausted the general debate on this bill shall end?

Mr. WILLIAMS. I am willing that all general debate shall then end, or the Republican side shall have an additional hour and then end.

Mr. TAWNEY. Mr. Chairman, I want to call the attention of the committee to the fact that the minority member, or minority members of the committee, reporting this bill did not ask this.

Mr. FITZGERALD. It was stated nobody wanted time, but gentlemen do want time.

Mr. TAWNEY. Do we want time to discuss the bill?

Mr. FITZGERALD. I suggest the gentleman give an hour to this side, and we will get through more quickly and happily.

Mr. LIVINGSTON. I want to say to the gentleman in charge of the bill I have had no application for time. I asked Mr. BRUNDIDGE, the other member, if he had, and he said no.

Mr. WILLIAMS. But they came to me, and I have applications for ten hours. The habit is to come to me for time for political debate.

Mr. LIVINGSTON. I agreed with the gentleman in charge of the bill that, providing discussion could be had on this side of the House on certain paragraphs in the bill, that we were ready to have the bill read. That is the agreement. But we get more than an hour; we get more than two hours under the arrangement we made.

Mr. TAWNEY. The gentleman from Mississippi should understand that an agreement has already been made between the minority member on the subcommittee in charge of the bill on his side of the House and the gentleman in charge of the bill on this side to close debate and go on with the reading of the bill. Now, does he desire to disturb that agreement?

Mr. WILLIAMS. I certainly do desire to disturb that agreement. As a Member of this House, under these circumstances I for one can not consent to the agreement. Now, I will again ask the gentleman to agree with me to give the gentleman from Missouri [Mr. LLOYD] an hour.

Mr. BRUNDIDGE. Let me make this statement for a moment. It is true I stated, as a minority member, to the gentleman from New York that I did not desire to discuss this subject, because it had been explained; but the gentleman will recall the fact that on yesterday I went to him and made the request for time for general debate, mentioning the name of the gentleman from Missouri [Mr. LLOYD] as one gentleman who desired to speak.

Mr. LITTAUER. Positively so; and my answer was we desired at this late day in the session not to have any general debate on this bill, but there would be opportunity in the evening sessions for general debate——

Mr. BRUNDIDGE. And for that reason the request was declined, and no time for debate on this bill would be allowed. It is true I have stated to the gentleman that so far as I was personally concerned I did not desire to discuss this bill.

Mr. LITTAUER. Our desire is to get through with this bill as rapidly as we can, and if the suggestion of the gentleman——

Mr. WILLIAMS. I can assure him that if he will give the gentleman from Missouri an hour, he will get through just as rapidly.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that general debate on this bill close in two hours, one hour to be controlled by the gentleman from Arkansas [Mr. BRUNDIDGE] and the other hour by myself, if I desire to occupy so much time.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] asks that general debate on the pending bill be closed in two hours, one hour to be controlled by himself and the other hour by the gentleman from Arkansas [Mr. BRUNDIDGE]. Is there objection?

There was no objection.

Mr. BRUNDIDGE. Mr. Chairman, I yield one hour, or so much thereof as he may desire, to the gentleman from Missouri [Mr. LLOYD].

Mr. LLOYD. Mr. Chairman, the tariff has always been a perplexing question to the people of the United States and a subject of contention between political parties. There are, and ever have been, two theories on the subject, differing in the purpose for which customs duties can be properly levied and the scope and rate of taxation. The Democratic party teaches the equality of tax burdens, and demands that the rates shall be fixed so as to produce the revenue necessary to meet the just demands of the Government. The Republican party insists that the customs duty should be laid primarily to protect the American manufacturer from the competition of foreign-made goods, and, at the same time, provide the Government's revenue. In effect, the Democratic party is for low tariff and the Republican party for a high tariff. One is an organization that would lay tribute upon certain industries and commodities to uphold the Government, and, to that extent, protect the manufacturer against his foreign competitor. The other party would protect the manufacturer against competitors from other countries and incidentally raise the revenue to meet the financial demands of the Government.

In nearly every address made thus far during this session by Republican speakers reference has been made to existing prosperity and an attempt has been made to create the impression that whatever of material advancement there may be it is due to Republican ascendency. The gentleman from Indiana [Mr. LANDIS], in his attractive address made several days since, compared present conditions with those of 1893 and then remarked that it had been his good fortune to travel all over New England in the last few years and that "it is now one continuous hive of industry." No prosperity is genuine that does not come to all the people. The census of the United States shows that, with one exception, the New England States were not worth as much in farms and farm values in 1900 as in the year 1880. This industry is the foundation of all others and the country can not be considered truly prosperous unless the farmer shares in that prosperity.

I submit herewith a table showing the value of all farm property, including the land, both in 1880 and 1900 in a number of the States:

Value of all farm property.

Maine:		
	1880	$123,805,039
	1900	122,410,904
	Decrease	1,394,135
New Hampshire:		
	1880	88,715,693
	1900	85,842,096
	Decrease	2,873,597
Vermont:		
	1880	130,811,490
	1900	108,451,427
	Decrease	22,360,063
Connecticut:		
	1880	135,185,834
	1900	113,305,580
	Decrease	21,880,254
Rhode Island:		
	1880	29,039,046
	1900	26,989,189
	Decrease	2,049,857
New Jersey:		
	1880	212,678,330
	1900	189,533,660
	Decrease	23,144,670
New York:		
	1880	1,216,637,765
	1900	1,069,723,895
	Decrease	156,913,870
Pennsylvania:		
	1880	1,095,405,324
	1900	1,051,629,173
	Decrease	43,776,151
Ohio:		
	1880	1,261,726,263
	1900	1,198,923,946
	Decrease	62,802,317

Does this look like extraordinary progress, when in the great manufacturing districts of the Northeast the farms are growing poorer instead of richer?

The gentleman from Indiana, with dramatic effect, told of the country being insolvent and bankrupt, with an empty Treasury and industries idle from 1893 to 1897, and of the visit of Coxey's army. It might be well now, instead of reference to the small Coxey army of May, 1894, to heed the demands of organized labor. It is here now, as every one knows, several millions

strong pleading for legislation through its representatives. It insists upon an anti-injunction law, pleading for an eight-hour law, and other important measures, but this House, under the powers that control, is prohibited from consideration of such bills and denied the right to vote thereon.

You may not be aware that in the decade from 1890 to 1900 there was less decrease by $225,000,000 in the territory heretofore alluded to than in the one from 1880 to 1890 in agricultural wealth. He did not inform you, but of course he knew it, that there was greater material development and general increase of wealth in the decade covering that period of horror and despair which he describes as "the Grover Cleveland period" than in the decade preceding. It is argued that money is plentiful, and that bank deposits are greater than ever before, that money can be found for investment on every hand; but has it occurred to the gentleman that with the growth of bank deposits there has been a corresponding increase of bank loans? In other words, that the indebtedness of the people is greater to-day than ever before. There was deposited in the banks of the United States in 1895 $4,921,267,817; in 1905 the sum of $11,350,000,000. I have been unable to secure a complete statement of all the moneys loaned by the various kinds of banks at both periods, but from the report of the Secretary of the Treasury the amount loaned by the national banks can be obtained.

There was deposited in the national banks in 1895 $1,736,022,007. In 1905 they had increased to $3,783,658,494, or about the same proportionate increase as in the deposits of all the banks of the country. There was loaned by the national banks in 1895 $2,016,639,536. In 1905 the loans amounted to the enormous sum of $3,899,170,328. The same per cent of the loans to the deposits would indicate that there is now loaned by the banks of the United States $11,690,000,000, an increase of debt to the banks since 1895 of $6,275,000,000, or twice the amount of indebtedness of 1895. This astounding fact led me to make inquiry of the banking conditions in Shelby County, Mo.—a purely agricultural district—the county in which I have the honor to reside. From the sworn statements of the officers of the banks made on April 3, 1895, and November 9, 1905, respectively, I found this condition: There was on deposit in the banks in 1895 $298,453.39, but in the later period it was more than three times as great. It had reached the sum of $1,022,140.79. If this be the test of prosperity, our people are abundantly blessed. On examination of the same statement I find that there was loaned by the banks in 1895 $315,350.70, but I was surprised to learn that the amount loaned by the banks in 1905, had more than trebled, and amounted to $1,007,349.08. There are the same lands in that county in about the same state of cultivation, with personal property only slightly increased in value. Suppose that financial crises should come again and land values decrease to what they were in 1895, what would be the condition of the people? Far worse than in 1895, for there would be the same opportunities for production with three times the debt. May it not be said, on careful examination of past history, that prosperity is due largely to the inflation of prices of lands and fixed property, and that adversity results from the contraction of these values?

It has been repeatedly asserted that a high tariff invariably secures prosperity and that a low tariff always brings adversity. This has been so often stated, and by persons occupying such high stations, that many have been led to accept it as a truth without any investigation of the question. It seems to be forgotten by many that a low-tariff party was responsible for the legislation for nearly seventy years prior to 1860, when the Republican party came into power. Where is the American who is not proud of this Government's growth and achievements prior to the civil war? Who would say that it was not a success? Starting in poverty and overwhelmed by debt, the work of construction began and was continued in a way that was a marvel to the world. The wisest builders of the ages participated in its beginning. It its triumphant march it has secured a relative importance not equaled in the world's history. The Republican can well feel grateful for this Republic and congratulate its early progress. The Democrat can rejoice that his party trained the Government in its youth, and that to-day he is a part of its citizenship. Above it all should be the devotion of the individual to his country and the happy realization that we are equal factors in the heritage and are all the recipients of the blessings of free, civilized, and Christian government. [Applause.]

There has not always been industrial sunshine. There have been the dark days of financial depression. The causes of these crises have not in every case been plainly written. Politicians have repeatedly asserted that hard times have come as a result of the adoption of given political policies, varying according to the views of the party speaking. There have been several marked periods of extreme financial disturbance. Panics beginning in 1837, 1857, 1873, and 1893 were the most disastrous of these crises. In the light of history we may investigate without bias the cause or causes which led to these phenomena. It may be safely asserted that the immediate cause was not the same in each case, but that the remote and primal causes differ but slightly. Some cloudburst of financial wreck started the mighty crisis of industrial depression, and these varied in each crisis.

Mr. Horace White, in speaking of the panic of 1873 in the Fortnightly Review, said:

> The antecedents of this crisis were identical in every other commercial crisis, namely, speculation, the act of buying with a view to selling at a higher price, and overtrading, or the act of buying and selling too much on a given capital.

Edward Everett, in the Mount Vernon papers, expresses the same truth in a different way:

> For speculation carries with it the borrowing of money and overtrading and extensive use of credit.

In speaking of the crisis of 1857, he said:

> If I mistake not, the disaster of 1857 was produced by an enemy more formidable than hostile armies, by a pestilence more deadly than germ or plague, by a visitation more destructive than the frost of spring or the blight of summer. I believe it was caused by a monetary load of debt. The whole country, individuals and communities, trading houses, corporations, town, city, and States, were laboring under a weight of debt. The ordinary business relations of the country were at length arrested and the great instrument usually used to carry them on was broken down.

This is a faithful portrayal of the fundamental causes of all panics and ought to serve as a deterrent to future failure. It is a source of alarm to-day, however, to observe the amount of debt in the country. There never was as much money borrowed as there is to-day. Money is plentiful and is seeking investment. More chances are taken in its use than for many years. More money is deposited in the banks and trust companies than ever before. But more money is loaned by them than at any former period. Measured by the standard of values of 1906, the masses have far more wealth than in 1873 or 1893.

When panic comes again, however, values will decrease, as heretofore, but debt will not, and this inequality will result in ruin in many cases. An obligation easily met in time of expanded credit may serve to wreck an individual in times of depression. It is a curious fact that the year 1836 produced more business than any year prior thereto. The Government revenues were nearly $50,000,000 more, and the nearest approach to it was in 1835. The panic came in 1837, following these years of business activity. The year 1856 was likewise a record breaker and surpassed in export and import any preceding year by nearly $60,000,000, but was followed by the crisis of 1857. Strange as it may appear to him who has not investigated the history, the same business activity preceded the panics of 1873 and 1893. Eighteen hundred and seventy-two surpassed any previous year in its trade by $100,000,000, and 1892 by $125,000,000. Can the cause of panic be seen in the strange fact that the greatest business energy has been seen in the year preceding it? Certainly it will not be found in that phenomenon alone, but it may give a clew to the real cause of these financial crises and serve to corroborate the theory that debt is the true secret. Many have the impression that the export of gold and silver has much to do with financial conditions.

There can be little doubt that large money exportation and no importations would soon impoverish the country, for it would seriously affect the circulating medium. In the four years preceding the crisis of 1837 there was slightly more import of gold and silver than export. But in the periods preceding 1857, 1873, and 1893, there was a large excess in export of both gold and silver. These amounts necessarily came out of the circulating medium and lessened the money available for the demands of commerce. Paradoxical as it may seem, there was more money deposited in the banks in 1836, 1856, 1872, and 1892, respectively, than in any previous years. Apparently there was an abundance of money at each of these crises, but somehow not where it might be used to avert the financial storm. We have no way of determining the debts of individuals, firms, and corporations at these periods of depression; but it is safe to say that the aggregate of obligations had never equaled those of each succeeding crisis, thus carrying out the theory of Mr. Everett that debt was the real explanation.

Some have believed that the revenues and expenditures of the Government would explain the phenomenon, but examination sheds little light on the question. In any case, for several years immediately preceding the crisis there was a large excess of revenue over expenses, as the following table will show:

1833–1836, inclusive	$58,000,000
1853–1856	45,000,000
1869–1872	324,000,000
1889–1892	257,000,000

In times of depression or business stagnation it would be expected that there would be a deficit in revenue, and such has been the case in every like period, showing that the Government, as the individual, feels the stress of these financial crises. It may therefore be truthfully asserted that values were greatest and speculation most extensive in the years prior to these panics.

There are those who believe and charge that commercial crises are due to tariff legislation, and they assert that every panic is properly traceable to a low tariff. Henry Clay, who was the champion of protection, in a speech in the Senate in January, 1837, in protesting against the bill to change the tariff duties, said of the compromise low tariff of 1833, then in existence:

I have risen at once purposely to declare that I shall oppose, so far as my voice and my vote can go, this disturbance of the compromise arrangement made in March, 1833, under which the country has flourished in an unparalleled degree.

The foundation for the statements that are so frequently made by politicians that tariff is responsible for the awful crises of the past is found in the strange writings of one Henry C. Carey. Mr. Taussig, in his Tariff History of the United States, says with reference to the several crises:

The protectionists tell us that the compromise tariff caused the disastrous crisis of 1837 and 1839; that the high tariff of 1842 brought back prosperity; that depression again followed the passage of the act of 1846, and that the panic of 1857 was precipitated by the tariff act of 1857. On the other hand, free traders not infrequently describe the period between 1846 and 1860 as one of exceptional prosperity, due to the low duties then in force. It would not be worth while to allude to some of these assertions if they were not so firmly embedded in current literature and so constantly repeated in many accounts of economic history. This is specially the case with the curious assertion that the crisis of 1837–1839 was caused by the compromise tariff of 1833, or connected with it. This assertion had its origin in the writings of Henry C. Carey, who has been guilty of many curious versions of economic history, but of none more remarkable than this. It may be found in various passages in his works, and from these it has been transferred to the writings of his disciples and to the arguments of protectionist authors and speakers in general. Yet no fair-minded person having even a superficial knowledge of the economic history of these years can entertain such notions. The tariff had nothing whatever to do with them.

In speaking of the panic of 1857 Mr. Taussig says:

We may dispose at this point of a similar assertion occasionally made in relation to the crisis of 1857, that the tariff act of 1857 caused or intensified it. The origin is also traceable probably to Carey. It appears in his writings and in those of his disciples. In fact, the crisis of 1857 was an unusually simple case of active speculation, overtrading, panic, and depression, and it requires the exercise of great ingenuity to connect it in any way with the tariff act.

I believe that I am corroborated by all protectionists in the statement that the panic of 1873 was not produced by the tariff and that the depression that followed up to 1879 was not due at least to the protective tariff then in existence, but he who attributes the crises of 1837, 1857, and 1893 to that source ought to admit that the one in 1873 came from the same source. It is true this would not serve the political purpose, as you can readily see, because the Republican party was then in absolute control of every branch of the Government. What, then, was the cause of the panic of 1873? The same general causes which resulted in the crises of 1837, 1857, and 1893.

Much has been said about people having no employment after the panic of 1893 had begun. Reference is frequently made to Coxey's army and the soup houses of that time. These statements are usually made to deride Democracy, but not to fairly meet any political issue.

Mr. Voltaire, in his writings nearly two hundred years ago, gives a vivid picture of the wild speculative craze prior to a panic, in which he speaks of John Law. He describes him as a gambler and a murderer who conceived the idea of a company which should pay in notes the debts of a state and should reimburse himself by the profits. He established a bank in 1716, and then sold the stock on the theory that the new scheme would produce enormous profits. Riches came to his coffers, the notes circulated profusely, and he became the hero of business venture. He soon turned from Scotsman into Frenchman by naturalization, just as some of our captains of industry now become Englishmen. He changed from a Protestant to a Catholic, as one noted woman has recently done that she might be the Queen of Spain. He abandoned the life of adventure to be lord of most beautiful estates. His arrival in public places was followed by dukes, peers, marshals, and bishops ready to pay him homage. This boom lasted about four years, and then change came, which Voltaire expressed in these words:

Credit fell at once. Nothing could be seen but paper. An actual poverty began to succeed so great imaginary riches.

Professor Nicholson further describes the panic of that time (a description not unlike that which might be made of the crises of 1837, 1857, 1873, and 1893 in this country) in the following graphic way:

A few weeks before the streets were crowded with throngs of people eager to obtain new issues of shares and indulge in the wildest speculation. Money was abundant, and the consumption of wealth most extravagant. Now the approaches to the bank were packed with people driven by hunger and misery to try to exchange their bits of paper, often the reward of hard work, for money with which they might obtain the means of life. On one occasion, on a hot, dark night in July, about 15,000 people were wedged in narrow streets about the bank. When the day broke it was found that fifteen persons had been crushed to death and trampled upon. This, dreadful as it is, perhaps hardly strikes the imagination with such horror as the discovery, in the middle of December, of a house in which the husband had killed his wife and children and hanged himself through destitution, whilst in the very room was found, with two or three half pence, 200,000 livres of bank notes, which at one time would have been worth £10,000.

I have elsewhere called attention to the anomalous conditions before a panic which are very graphically described by Mr. Horace White in 1876, in these words:

The appearance of prosperity immediately preceding the panic is so deceitful, the activity of trade and the upward movement of prices are so exhilarating that the tornado always finds us with every inch of canvas spread. All the ports are open and the crew fast asleep. It is impossible to exaggerate the suffering caused by these financial storms whose vengeance always falls with greatest severity upon those least responsible for them and least able to resist them—the laboring poor. No one can read the story of England's poor immediately following the commercial crisis of 1816 and 1825 without a shudder. Nor were those of America after the crises of 1837 and 1857 any better provided for except as nature had dealt rather more kindly by them. All that man could do had been done to turn them shelterless and penniless into the streets, to become beggars or barbarians, like the Sunderland sailors, the Norwich weavers, and the Bradford wool combers of the mother country.

Few persons are aware how great an obstacle to human progress these oft-recurring shocks to industry really are. We see great houses go down with a crash, but others come to take their places. We see multitudes of operatives thrown out of employment and soup kitchens established and charities set on foot to carry them through the weary time of revulsion. What is not seen is the progress they might make if their savings were not swept away every few years through no fault of their own.

In Johnson's Encyclopædia may be found a portrayal in a few words of the inception and effect of commercial crises:

First, we find a period of speculation, in which every business man strives to extend his operations. Prices are rising, prosperity seems to be increasing, wages are high, and employment steady. Then comes a shock to credit at some weak point in the industrial system; confidence is destroyed, prices begin to fall, business men contract their operations, wages are reduced, and working time reduced still more. General adversity for merchants, capitalists, and laborers alike succeeds the general prosperity of the former period.

The panic of 1837 affected both Great Britain and the United States. In so far as the causes were separate, the same Encyclopædia says of the United States:

The financial causes were to be found in the unsound organization of banks in different parts of the country, not excluding the United States Bank itself. The industrial causes were to be found partly in the overproduction of cotton on a credit basis; partly in the system of internal improvements, which had locked up much capital in works which were not productive, some on account of their incompleteness, some on account of their inherent worthlessness. As long as the speculative fever lasted the unsound concerns were able to support one another, but with the failure of a few the whole commercial fabric went to pieces.

The Bankers' Magazine of November, 1857, in speaking of the panic of that year, says the causes which produced it were the same as those which resulted in the panic of 1837, viz:

Overtrading, undue bank expansion, long credits, excessive importations from Europe, and speculations in public lands.

In Hunt's Magazine of January, 1858, in speaking of the panic then spending its force, which was characterized as "wholesale ruin descended upon them with the rushing speed of a tornado," is found this expression:

What is this disaster which has come upon us, when our resources are so magnificent? Debt, not to foreign countries, but among ourselves, not on the European account, but to one another.

Mr. Grabill, in the American Magazine of Civics in 1896, said:

The crisis of 1857 was similar to that of 1837, but more serious in its effects; that credit was overabundant and loans to be had for the asking; senseless dealing in phantom real estate was repeated; that increased wealth had stimulated men to overdo all kinds of business. The panic was precipitated by the failure of the Ohio Life and Trust Company, which was quickly followed by numerous bank failures.

The panic of 1873 was thus forcefully depicted in the same magazine:

Blind speculation again groped into pitfalls; prices were once more fabulous and again the crash came. This time a Philadelphia banking house was the domino to start the line. The panic was alarmingly sudden and appalling in its effects. Soon again idleness populated the manufactories and hunger the market places. Stagnation and ruin were everywhere.

The American Journal of Politics in 1894, in an article on the cause of panics, gave this explanation of the phenomenon:

A tendency to inflate credit, a tendency to undue hopefulness, a tendency to reckless speculation, and a tendency to undue alarm when disaster is imminent.

The panic of 1873 began with the failure of Jay Cooke & Co.

on September 18, but its oncoming was described in an article in the Fortnightly Review in 1876 in these words:

Phenomena antecedent to the crisis were the usual ones—a rise of prices, great prosperity, large profits, high wages and strikes for higher, crowded thoroughfares, large importations, a railway mania, expanded credits, overtrading, overbuilding, and high living.

James H. Eckels, late Comptroller of the Currency, in discussing the relation of the money question to the panic of 1893 and its effect upon the financial condition of the country in the North American Review, said:

It would be unfair, however, to charge in its entirety the present condition to a single cause. There must be taken into the account as the contributing elements, unwise speculation, great extravagance, and the giving of unlimited credit to those engaged in purely speculative enterprises.

From these expressions of the causes of the several crises of the past there can be no doubt that the same general conditions have prevailed prior to each period of depression; and while the accentuating causes at the particular time may slightly vary, the distress and suffering of the people has been practically the same. It is also manifest that nearly every historical writer, in speaking of the causes of panic, does not even mention the tariff as an indirect or remote cause. In numerous instances, however, specific statement is made that the tariff existing was not responsible for a given panic or crisis.

Mr. Clay, the apostle of protection, in speaking of the tariff act of 1833, said in a speech delivered in the Senate in 1842:

With regard to the operations of this act, it is a great mistake to say that any portion of the embarrassment of the country has resulted from it. Other causes have contributed to this result.

John Sherman, in a speech made in this House in 1857 on the bill to reduce the Walker tariff of 1846, said:

All parties agree to the absolute necessity of reducing the revenue. The danger arising from the accumulation of the coin of the country in the subtreasury can not be overstated. The reduction can only be made in one of two modes, either by enlarging the free list or by a reduction of the rates of duty.

Senator Wilson, of Massachusetts, in speaking of the merits of the same bill in the Senate, said of his State:

Her merchants, manufacturers, mechanics, and business men in all the departments of a varied industry want action now, before the Thirty-fourth Congress passes away. They are for the reduction of the revenue to the actual wants of an economical administration of the Government.

Mr. Blaine, in his Twenty Years of Congress, in speaking of the effect of the tariff of 1846, said:

The principles embodied in the tariff of 1846 seemed for the time to be so entirely vindicated and approved that resistance to it ceased, not only among the people, but among the protective economists, and even among the manufacturers to a large extent. So general was this acquiescence that in 1856 a protective tariff was not suggested or even hinted by any one of the three parties which presented Presidential candidates.

There was a Democratic tariff in 1837 and 1857 and a Republican tariff in 1873 and 1893. Some protectionists seek to charge the panic of 1893 to the Democracy and its ideas on the tariff, but no one can question the fact that the McKinley tariff remained as the law of the land for fifteen months after the panic had been upon the people and until its most disastrous effects in business failure had passed. I can not understand why the truth should not be frankly stated—that the tariff was not responsible for that panic. If Mr. Harrison had been elected in 1892, there would have been the panic of 1893, and if the Democracy had been victorious in 1872, there would have been the panic of 1873; the election of a Democratic President could not have prevented it.

The Secretary of the Treasury, Mr. Shaw, in his speech at St. Louis a few weeks ago, opening the campaign there, made this statement:

Is there a farmer in Missouri with so poor a memory as to have forgotten 1894, when we consumed 45 per cent less wheat per capita than we did in 1892?

Thereby conveying the information, as it would seem, that there was wholesale starvation in 1894. I am grateful that starvation has never come to this Republic; whether Democrats or Republicans were in control, whether protection for protection's sake or tariff for revenue was the dominant policy, plenty has been found on which to subsist, and the gaunt specter of famine has not confronted the people. [Applause.] The Government statistics show that in 1892 there were 612,000,000 bushels of wheat produced, 226,000,000 bushels were exported, leaving for domestic consumption 368,000,000 bushels. If this had all been used by the people, it would have been nearly 6 bushels for each person. But who would say that many bushels were actually consumed? In 1894, the date to which Mr. Shaw refers, the same statistics show that there were produced only 396,000,000 bushels of wheat, that there were exported 164,000,000 bushels, which left for home consumption 232,000,000 bushels, or not quite 3½ bushels per capita. This is correctly stated to be nearly 45 per cent less than in 1892. But will anyone contend that no more wheat was consumed in 1894 per capita than the 3½ bushels? If Mr. Shaw did not mean to mislead; if he were concerned to tell the whole truth, why did he not explain that there was 45 per cent more wheat consumed in 1896, as gathered from the same statistics, under the Wilson tariff than there was in 1894 under the McKinley tariff? Then, as if to clinch the story by the memory of the farmer, he stated:

Is there a farmer in Missouri who does not feel the difference between the consumption of more than 6 bushels per capita as against 3½ bushels per capita during 1894?

As much as to say how grateful the people should feel since they have enough wheat to eat and to spare. How many can remember the hunger and scarcity of bread in 1901, when the per capita consumption of wheat was more than 2 bushels less than it was in 1899 and more than 60 per cent less than it was in the next year, 1902? Some one may say you are mistaken; 1901 was a year of plenty. So it was; but by the same reasoning and similar proof as Mr. Shaw uses I have proven it to be a year of famine and suffering for bread.

Secretary Shaw said in his speech made at Youngstown, Ohio, last October, in addressing himself to the tariff:

Never in recent years has there been a period of low tariff that has not resulted in less importations, nor a period of high tariff that has not resulted in large importations.

Then later on he said:

I expect to be called to account for these utterances and must therefore furnish the proof.

For the four fiscal years prior to the operation of the Wilson-Gorman law we imported for consumption an average of $12.21 per capita.

During the next four years we imported only $10.81 per capita, a loss of over $1 per capita.

How unfair this comparison, because it includes a period of panic; but let us examine it and see what is really proven.

The four years prior to the Wilson-Gorman law, with their imports per capita, were as follows:

1891	$13.38
1892	12.50
1893	12.73
1894	9.41

These be classes as years of protection. They were under the McKinley tariff act, and instead of an increase in importations during that period there was actually a decrease of $3.97 per capita between 1891 and 1894, proving beyond question that his statement that high tariff brought large importations is incorrect.

Now, as to the other four years to which he refers, which covers the period of the operation of the Wilson-Gorman law and one year beyond it, the importations per capita were:

1895	$10.61
1896	10.81
1897	11.02
1898	8.05

The Wilson-Gorman law went into effect August 28, 1894, and remained in force until the Dingley bill became a law—July 24, 1897—or not quite three years, so that the figures of 1898 belong to the Dingley-law period. What do the figures from 1895 to 1897 show? Do they sustain the contention of the Secretary that importations decreased during the period of the lower tariff? Certainly not; but plainly show the contrary.

But this is drifting somewhat from our investigation. What of the crisis of 1893? Mr. BURTON of Ohio, in his excellent work, "Crises and Depressions," says:

The depression in Europe commenced at the end of the year 1890, a survey of the situation affording strong arguments that it was due in the United States at the same time, but, while the onward movement was checked, the actual crisis was postponed until 1893.

For this he gave as the principal reasons an unusual demand in Europe for food supplies and the inflation of the currency produced by the issuance of silver certificates.

In comparing the crises of 1873 and 1893 Mr. BURTON said:

In many respects the crisis of 1893 was followed by disasters more severe than that of 1873. There was a more rapid decline of imports, particularly of articles of luxury; there was a larger number of bank failures. The decrease in deposits and the withdrawal of money from circulation was continued for a longer time. But it can not be compared with that of 1873 in its intensity or in its continuance.

In the Republican Campaign Handbook of the year 1904, in speaking of the panic of 1873, it is said:

In 1873 the mere failure of one great railroad system not yet completed need not have brought a long period of depression. Recovery should have followed. It did not.

Then, in undertaking to explain the causes of the panic, this language is found, the Democrats carried the House in 1874 and 1876, and their policies and the agitation of their theories "depressed all business and destroyed trade," and that "the country has never known worse years than 1877 and 1878." What a strange suggestion. With a large majority in the Senate and General Grant as President, what should the Republican party fear? Why should they attempt at this late day to throw the responsibility on the Democratic party when they were wholly

responsible for the conditions then existing and for more than a year thereafter before an election in which the Democratic party gained only the lower House. Stranger still, in 1878 the Democracy secured a majority in both House and Senate, and in the next year, 1879, the depression passed away, confidence was restored, and prosperity resumed its sway. [Applause.]

I submit herewith a table showing the imports and exports and the amount involved in the failures for the years from 1875 to 1880, both inclusive.

Year.	Imports.	Exports.	Failures.
1875	$532,000,000	$560,000,000	$201,000,000
1876	460,000,000	594,000,000	191,000,000
1877	451,000,000	632,000,000	190,000,000
1878	437,000,000	696,000,000	234,000,000
1879	445,000,000	699,000,000	98,000,000
1880	627,000,000	824,000,000	66,000,000

From this table it may be observed that exports greatly increased from the time the Democracy gained control of the House, and was greatest when they controlled both Houses; that imports were nearly one hundred millions greater than they were in 1875, the first year the Democrats had supremacy in the House; that the commercial failures decreased in their aggregate from $201,000,000 in 1875 to $66,000,000 in 1880, and its greatest reduction was in the years when the Democracy was in charge of both branches of Congress. [Applause.] These tables plainly show that there is no ground whatever for the implication that the Democracy was chargeable with the depression from 1873 to 1878. Any candid man ought to concede the truth at once, that neither the Democrats nor the Republicans are wholly responsible for that crisis. But if panics are to be chargeable to political parties, then the one of 1873 should be charged to the Republicans. If the Democrats are charged with the panic of 1873, then, with the same parity of reasoning, there can be no way for the Republican party to escape responsibility for the panic of 1893, for it captured both the House and the Senate by an overwhelming vote in 1894, and has been in power ever since. [Applause.] Not only did the Republican party have both Houses, but the tariff in existence up to August, 1894, was of its own making. These facts demonstrate the truth that the nearer the country has come to the acceptance of Democratic teaching the better has been its condition. [Applause.]

The Republican Handbook of 1904 and campaign orators of the Republican party generally claim as years of Democratic tariff the following periods, from 1790 to 1812, 1817 to 1824, 1834 to 1842, 1846 to 1861, 1895 to 1897, and claim the remaining years as high-tariff periods. It is more in accordance with the truth of history to say that Democracy was responsible for the tariff policy prior to 1860 and the Republican party subsequent thereto. But for the purpose of gaining information on this point let us make inquiry as to the conditions at these several periods. I also ask you to remember the solemn declaration of the last Republican national platform, "A Democratic tariff has always been followed by business adversity, a Republican tariff by business prosperity." [Applause.]

The population from 1790 to 1810 increased from 3,900,000 to 7,240,000, but it may be said that business adversity would not deter the immigrant. The wealth during that period increased from $620,000,000 to $1,100,000,000. Does such an increase indicate a continuous period of adversity? The debt of the United States decreased from seventy-five and a half millions in 1791 to forty-five millions in 1812. Is this evidence of twenty years of decline? The money in circulation increased from twenty-six and a half millions in 1800 to fifty-five millions in 1810. Does that corroborate the Republican contention? The imports and exports, showing the trade with the world, increased from forty-three millions in 1790 to one hundred and fifty-two millions in 1810. The revenues of the Government increased from four and two-fifths millions in 1790 to nine and two-fifths millions in 1810. Why should any man who has regard for the truth of history intimate that these twenty years of our Republic were not crowned with absolute success? Think of the magnificent growth of the young Republic in everything that made for its greatness. Are there any twenty years more marvelous in their achievement than these? Burdened with debt and with less than $160 per capita in property, they began their triumphant march to business prosperity.

In the next decade there came the war of 1812 and with it the necessary war taxes, which were removed in 1816. This period is in no sense a protection era. It was necessary to raise the customs duty to meet the exigencies of war, and the Democratic party, true to its teachings, increased tax burdens because it was necessary to meet the extraordinary demands of the time. The Democratic party has always taught that it was the duty of the Government to meet its legitimate expenses. The war of 1812, with its destruction and discouragement, followed by a financial depression, had come in that period. But the population increased nearly two and a half millions, the wealth of the people four hundred millions, imports and exports were about the same at the end of the period as at the beginning, money in circulation increased $12,000,000, agricultural products increased from thirty-three and a half millions to forty-one and a half millions in value. Manufacture held its own, while cotton increased its product from 340,000 bales to 600,000 bales. Is this not a remarkable showing of recuperation? Would anyone say that the victorious party in the war of 1812, with the Capitol burned, the White House captured, and the country devastated by a foreign foe, that could in less than a decade recoup its losses, regain its strength, and triumph over adverse conditions is a party of adversity or its tariff system a failure? [Applause.]

In the period from 1820 to 1830 there were four years of low tariff and six years of higher tariff. These latter years are claimed as years of great protection. The exports and imports were one hundred and forty-five millions in 1820, one hundred and forty-one millions in 1824, one hundred and thirty-five millions in 1830. The population for the ten years increased 3,200,000, the money in circulation was twenty millions more, the customs receipts were greater by seven millions, the agricultural products increased five and a half millions, and manufactures ten and a half millions. The wealth in 1830 was two and three-quarters billions, an increase of 40 per cent in the decade, and the national debt was reduced nearly one-half. This makes a grand showing, not equal to the first period of twenty years, but an advance in population and national wealth that is gratifying.

In the next census period came the commercial crisis of 1837. The customs duties were made lower in 1833, but the years following up to the panic were fraught with buoyant hopes and unexampled prosperity. The statement for the decade is especially encouraging. The population increased 40 per cent, imports and exports from one hundred and thirty-five millions to two hundred and twenty-two millions, the money in circulation increased from eighty-seven and a half to one hundred and eighty-six and a half millions, the wealth increased over one billion one hundred and fifty millions, bank deposits more than doubled, agricultural products doubled in value, and manufactures increased 70 per cent. This details a record of advancement that one could hardly expect unless he was entirely familiar with the history of those times.

In the next census period occurred the Mexican war. It was a low-tariff period, excepting from 1842 to 1846. This decade made astonishing progress. Population increased 36 per cent; wealth, 80 per cent; money in circulation, 50 per cent; money on deposit in banks, 200 per cent; receipts from customs duties, more than 100 per cent; imports and exports, 44 per cent; manufacture of iron, 150 per cent, and agricultural products, more than $16,000,000. This is a growth that no one could have anticipated. A progress not surpassed in any decade, excepting the one following. The growing Republic had rapidly gained rank among the older nations, and at 60 years of age did one-thirteenth of the commerce of the world. [Applause.]

The last decade of Democratic supremacy was from 1850 to 1860. There was an increase of population of 35 per cent. This is a larger per cent of growth than in any subsequent decade. It increased in wealth from $7,000,136,000 to $16,160,000,000, which was more than 25 per cent greater increase than in any ten-year period since that time. The circulating medium increased 15 per cent. Bank deposits increased 215 per cent, far more than the increase of any subsequent ten-year period. Farms and farm property doubled in value.

In no decade since have they increased 40 per cent. Manufactures increased 85 per cent in their values, a development not equaled since excepting between 1860 and 1870. The imports and exports increased 118 per cent, a growth in trade not even rivaled since except between 1870 and 1880, and in that period there was 36 per cent less increase. A careful examination of the foregoing facts shows clearly that there was greatest progress in material development during the period of lowest tariff. History shows that Democratic supremacy has meant better times and contradicts the statement so recklessly made that Democracy and panic are synonymous terms. [Applause.]

It is charged by some that under low tariff there are low prices to the producer, and that the farmer's success depends upon the carrying out of protective policy. I have made examination of this situation, and the statistics show that the producer in the United States had better prices under Demo-

cratic control than at other times. I submit here a table giving the average price of wheat during each tariff period as illustrative of the price conditions at each period, commencing with the year 1817, which is the earliest information I can obtain:

	Per bushel.
1817–1823 (low tariff)	$1.32
1824–1833 (high tariff)	1.05
1834–1841 (low tariff)	1.22
1842–1845 (high tariff)	.96
1846–1860 (low tariff)	1.25
1861–1904 (high tariff)	.94

From the Statistical Abstract and Report of the Labor Bureau it is shown that the wages of labor increased 13 per cent from 1896 to 1904, and that the articles of necessary daily consumption have increased 40 per cent in that period, and that for every $74 in 1896 it is now necessary to have $104 to pay for the same articles of necessary consumption. This statement plainly shows why labor should be concerned for better conditions and why it is so restive at the present time.

As bearing on the question of the effect of the election of Mr. Cleveland in 1892, I submit the statement of R. G. Dun & Co., in their Weekly Review of Trade, on December 31, 1892:

The most prosperous years every known in business closes to-day, but with strongly favorable indications for the future.

The record of commercial failures shows that there were not so many failures in the first quarter of 1893 as there were in the corresponding period of 1892, so that up to April of 1893 there was nothing to show disturbance. In May the cloudburst of panic came. Between April 1, 1893, and July 1, 1894, under the McKinley tariff, the aggregate failures was three hundred and one millions, while in the fifteen months from October 1, 1894, to January 1, 1896, under the Wilson tariff, the amount of failures was $215,000,000, not so much by $85,000,000 as in the last-named period.

Many persons seem to have forgotten that the failures from 1890 to 1893, inclusive, under the McKinley tariff, were more than one hundred millions more than from 1894 to 1897, under the Wilson tariff. They were eight hundred and forty millions under the McKinley tariff and seven hundred and twenty-five millions from 1894 to 1897. Protectionists have referred in derision to the Wilson-Gorman law; but in the three years of its operation it produced in revenue within twenty-five millions as much as was produced in the last three years of the McKinley tariff, notwithstanding the financial depression, and if the income tax had not been declared unconstitutional there would have been a surplus of revenue each year.

In this connection, although not bearing directly on this subject, I wish to call attention to some interesting history. Nearly everyone who remembers the campaign of 1896 and the burden of Republican speeches at that time will recall that a strong plea was made for the life insurance companies by nearly everyone who spoke. A pitiful story was told of the hardships that would accrue to the widow and orphan from a depreciation of the dollar in the payment of losses. The Republican Campaign Yearbook of that year gave the authority on which these statements were based:

"The vast sums that the policyholders of life insurance have loaned, through the cooperation of their agents, namely, the officers who represent the various companies throughout the United States, constitute them a money-lending class. There are 1,496,356 life insurance policies outstanding. A great many people have more than one policy, so that it is probable that the number of this class would be somewhere about 1,200,000. But each policy represents a debt to be scaled, and can be viewed in that line. Some rich men carry a good deal of life insurance; but the vast mass of the insurers are men of ordinary means who thus provide an assurance for their families. The total savings of this form in reserve and surplus as to policies is $1,156,061,796. The face of the policies is far more, but the average savings on each policy is $722.65. And because the people have saved this sum, a little each year through many years, the great free-silver idea proposes to punish them by taking away about $386 from each average value on account of the wickedness of belonging to the money-lending class."

In the light of that history it is interesting now to examine the details of the Armstrong report in New York, and to learn of the liberal contributions that were made by the life insurance companies at that time to the Republican campaign fund. [Applause.] This seems to be the starting point of their active connection with national politics. [Applause.] The average campaign orator did not know in 1896 that his own party at that time was accepting from the insurance companies the hard-earned premiums of the poor policy owner to corrupt and debauch the American voter. [Applause.] I have little doubt that if the insurance companies had kept out of politics Mr. Bryan would have been elected in 1896—a change of less than 20,000 votes at the right places would have elected him. But the Democratic party may well congratulate itself to-day that it has received no part of this corruption fund. [Applause.] The American people have no way of ascertaining what immunity was promised the insurance companies, nor what inducement was offered them for the betrayal of their trust in campaign contributions. But with a Cabinet officer at the head of the Republican national committee, receiving this fund and distributing it, is it any wonder that the President has ceased talking of publicity of campaign receipts and expenses? [Applause.]

It will not be forgotten how boldly and vigorously President Roosevelt a few days before last election denied the charge made by Mr. Parker that the great corporations were contributing largely to the Republican campaign fund. What must have been his chagrin when the proof of Mr. Parker's statement was disclosed through the investigations of the insurance companies made within the last year. In his first outburst of condemnation he is reported to have said that every dollar contributed to the campaign fund must be paid back to the insurance companies; but this has not been done, and the President has long since ceased to discuss the question. How much the world owes to the Armstrong committee for its untiring effort in investigating no man can tell. How much real good has come from the efforts of the governor of Missouri and the Hon. W. D. Vandiver insurance commission and their bold stand in trying to protect the public of that State against the reckless waste and robbery of the accrued earnings of the policy holders will never be revealed; but, as a result of it, presidents and directors of companies, proven to be responsible for this wrongdoing, have resigned, money has been refunded, and general revision of the business methods has been effected. How quickly the insurance companies demanded national regulation and control of their business. How natural this seems to be. Should they feel otherwise than secure in the hands of those who have been the beneficiaries of their wrongdoing? [Applause.]

We are expected to meet the issues of to-day. Past political policy will not satisfy the people. They are concerned about the present environment. The farmers, who in 1860 had one-half the wealth of the country, have less than one-quarter now. They are diligently inquiring why they have not kept pace with the progress of the country. The laborer is looking into labor conditions and demands that he shall have fair distribution of the profit of his toil. On every hand there is distrust. The Republican party need not think it can always belittle Democracy, stand pat for moneyed interests and triumph. The people will see the false pretenses of men high in place and put others in their stead who will carry out their wishes. The time is past, in my judgment, when one man can hide behind a political boss, spurn and disregard the will of the people in doing so, and then expect vindication at the hands of the people for his perfidy. The American people believe in political parties, they are partisans themselves, they commend party loyalty, but they despise the man who will give up his conviction of duty and sacrifice conscience simply to satisfy some man who temporarily swings the gavel of authority.

I have endeavored to show that the Democratic party has a record of achievement and progress which should gratify the heart of every American, and that no man need turn from the page of its history with bowed head. It has made mistakes, it may be. What earthly organization has not? It has been the minority party almost continuously for forty-five years. A party of negation in that time, because it has not had the privilege of directing legislation. It is scoffed at by some, derided by others, sympathized with sometimes, but it is here to remain. Whether the Sixtieth Congress is Democratic or Republican, it is safe to say that many seats will be regained by the Democrats; and whether the next Presidential candidate shall be Mr. Bryan or some other good Democrat, Republican leaders may need to demand again the assistance of the insurance companies, manufacturing and trust magnates, in order to keep the people from asserting their honest conviction at the polls. [Applause.]

In these days of greed and corruption how appropriate are the words of Mr. Lincoln, uttered at the close of the civil war:

Yes, we may congratulate ourselves that this cruel war is nearing to a close. But I see in the near future a crisis arising that unnerves me and causes me to tremble for the safety of my country. As a result of the war corporations have been enthroned, an era of corruption in high places will follow, and the money power of the country will endeavor to prolong its reign by working upon the prejudices of the people until all wealth is aggregated in a few hands and the Republic is destroyed.

I feel at this moment more anxiety for the safety of my country than ever before.

How necessary that every man look to the Government of his country; how important that partisan rancor and individual ambition should be supplanted by true statesmanship; that graft and wrong-doing should give way to righteousness and patriotism, and that the flag of our country should continue to be the emblem of genuine liberty and the token of all that is best and purest in government. [Loud applause.]

Mr. TOWNSEND. Mr. Chairman, the wise business man at the end of the year or on the completion of an enterprise stops and takes account of stock and considers results. It seems to me not unwise during the last days of this session to pause a moment and review the record of what has been done.

This I believe will be recorded as one of the most important sessions, measured by real benefit to all of the people, that has ever been held by the American Congress. It has not only enacted wise and beneficial legislation, but it has established principles of great and lasting importance. [Applause.]

The Government has been Republican in all of its branches. That party must stand and answer for whatever of good or bad has been accomplished. The minority in Congress may claim credit if it chooses for helping or hindering; but the majority has been sufficient to accomplish what has been done, and every great law has been enacted by votes enough in number to have carried the measure had every Democrat in each House voted against it.

It is due the minority to say it has demonstrated unusual and unexpected statesmanship and patriotism by going with the majority and making some of the votes unanimous, but the result would have been the same had it seen fit to do otherwise.

When the Fifty-ninth Congress assembled in December, 1905, it was presented with some of the most important problems ever offered to the National Legislature.

The Panama Canal, the largest enterprise in the world's history, had been determined upon, but the organization of the ways and means for its construction had not been accomplished. This stupendous undertaking had no precedent in history upon which the Administration could rely for guidance. The great problems of sanitation, labor, and type of canal were not solved when this Congress convened. The President and the Fifty-ninth Congress have solved them now, and the canal is an assured fact and already under construction. The expenses to date have been paid, and provisions have been made for the ensuing year. The money will be expended under laws insuring honesty and economy.

Responding to its duty to promote the general welfare, the Congress under authority of the commerce clause of the Constitution has established by enactment into law the great and all-important principle that public service corporations are corporations for public service, and while sanely and wisely recognizing the necessity of these organizations and the importance of their success, it has served notice upon greedy, avaricious, and unconscionable corporate wealth and power that this is to be a government of law and order, administered for the benefit of all the people. [Applause.]

The bill will, in my judgment, secure to a large degree equality and justice to all.

Do not understand me as saying that the measure will be all that some of its advocates desire or think. But so great and important is the subject, so complex in its nature, and so great a departure in many respects from past methods that it is best to administer the law as enacted, in order to determine what, if any, change shall be made hereafter.

Conceded evils of transportation have existed for many years. Other Congresses, Democratic and Republican, have had opportunities to deal with them. Several Congresses have passed laws regulating carriers, all of which were beneficial, but none of them sufficient to meet the crying needs of the present. It became the privilege of certain Republicans of the Fifty-eighth Congress to press the proposition for regulating interstate carriers upon the Committee of Interstate and Foreign Commerce until that committee was a unit for it. The President, at the beginning of the third session of the Fifty-eighth Congress, advocated the legislation. A bill was prepared and passed a Republican House. It failed of consideration by the Senate. The Fifty-ninth Congress, overwhelmingly Republican, prepared through its committee another bill, more far-reaching in its provisions than its predecessor, and this has become to all intents the law of the land. [Applause.]

The Sherman antitrust law, a Republican measure, has been enforced by a Republican Executive until illegal combinations are in great fear and trembling, while some of their constituents are either on the road to the penitentiary or hiding from the officers of justice. Under the leadership of an incorruptible, fearless, and patriotic Republican President, supported by an equally patriotic Republican Congress, a campaign has been made against fraud and corruption in what hitherto has been called "high places," which has given hope and courage to honest men and placed the crown of honor where it belongs, upon the brow of true American manhood. [Applause.]

Corruption and fraud have been no more prevalent during the last few years than they have been for many years theretofore. Indeed, I believe they have been less. The world has been growing better in spite of all the yellow fellows to the contrary notwithstanding. [Applause.] One of the best indications of improvement is the fact that the criminal is no longer respectable, whether he steals millions or dimes; whether he corners money or directs a mob; whether he sells tainted meats or gives rebates; whether he misappropriates public funds or filches from the individual; whether he be corrupt Senator or defaulting clerk, he is amenable to the law and is brought to justice and branded with his crime. Never in all United States history was the public service cleaner or of a higher standard than now, and this largely because of the awakening of the public conscience to the full realization of the necessity for cleaner public life. [Applause.]

This Administration has not only been fearless in its work and high in its ideals, but it has added to the general prosperity of the people, until this day is bigger and brighter and more glorious in prospect than any other in the world's history. [Applause.]

The work of the present is only limited by the power with which to do it, and this session of Congress has placed within the reach of enterprise a new force. It has handed over to the farmer and the small manufacturer denatured alcohol, and they can use it to perform their work. I am not intoxicated with the illusion of all the benefits which some enthusiasts claim for this new force, but I do believe it will unlock the jaws of the Standard Oil monopoly and relieve industry from its throttling grip. Alcohol sleeps in the refuse of a thousand products, which at present but contaminates the air. The farmer and manufacturer may now awaken the giant, harness it to their machinery, and compel it to serve them. [Applause.]

But these are not all. The House has passed bills in reference to immigration and naturalization. Our country has opened its arms in welcome to the worthy of all nations, but into them have rushed some from across the waters who never can be, and never expect to be, true citizens of the United States. They become the willing tools of designing and corrupt politicians and menace the high standard of American citizenship. This is a country for which hundreds of thousands of patriotic citizens have died. It should be kept for those only, of whatever race or color, who are willing to become wedded to it so long as life shall last and, forsaking all others, shall live and, if need be, die for it. [Applause.]

We are to have a uniform naturalization law, and only those shall be trusted with the sacred rights of citizenship who have proven themselves worthy of it. The wicked, depraved, and dependent, "who have left their country for their country's good," must be denied an entrance to a land already burdened by too many of their ilk.

For years fruitless attempts have been made in the American Congress to curb the selfish and vicious practices of manufacturers and venders of unwholesome and deleterious foods and drugs. This Congress has enacted a law which I verily believe will contribute more to health and happiness than any other act within the last quarter of a century. The nostrum concocter may see his nefarious business vanish, but health will increase, and the people will be stronger in body and purse. The manufacturer of unwholesome food products may be denied his accustomed dividend, but legitimate business will flourish more abundantly, and the people will call their lawmakers blessed.

A new star has been added to Old Glory and its light will shed an increased luster upon the Republic. Oklahoma has perhaps waited long, but her admission at the end of this session has not delayed her entrance into the sisterhood of States. She could not have taken her place any sooner had the act of admission passed last December. She will assume all of the responsibilities and receive all of the blessings of statehood, but she is well prepared, and the Sixtieth Congress will warmly welcome her Senators and Representatives, for they will be wise and patriotic Americans, eminently fitted to aid in shaping the destiny of our common country. [Applause.]

I have not mentioned all that has been done by this Republican Administration. Time forbids that I should do so. I can not tell in detail all of the acts of wisdom and economy which have characterized the proceedings of the last seven months. I am profoundly thankful that I have been permitted to perform my humble part in that splendid work. What has been written has been written, and all of the frantic efforts of men hungry for place and power to belittle or appropriate it will come to naught.

Theodore Roosevelt, President of the United States, needs no encomium from me. He has already written his name high upon that illustrious roll of fame, along with those of Washington and Lincoln. Washington established the Republic; Lincoln preserved it; Roosevelt has dedicated it anew to the cause of justice and equality. [Applause.] The first

two escaped not the calumniator and detractor. No man who has been strong and courageous for the right ever did, but the people, they who make the republics, have crowned him benefactor. Some there have been who have sought to belittle our great President, and have been audacious enough to attack him, but *they* only bear scars, and 80,000,000 American people have awarded him the victory. He at times may have been impulsive, but the impulse was born of love for the people; he has been strenuous, but the exigencies of the times have demanded it, and it has been the strenuosity of public service. He has *done* things, and who is there so reckless as to rise here or elsewhere and condemn what he has accomplished? "By his fruits ye shall know him."

I can not close without paying my humble yet sincere tribute of respect and esteem to that distinguished Republican statesman and patriot, the Speaker of this House. [Applause.] He has not only presided with impartial ability over the Congress, but he has been wise in counsel, profound in statesmanship, and is devotedly loved by every Member of this body. Arduous and sometimes difficult and exacting duties have not disturbed his mental or physical powers, and he stands to-day younger than the youngest and stronger than the strongest, "The noblest Roman of us all." Wise, just, and experienced, he has no superior in the minds of those who know him. That God may fulfill the promise of many more years of exalted service to his country is the devout prayer of the American people for JOSEPH G. CANNON. [Applause.]

The country, listening to the sweet music of humming spindles and revolving wheels, gazing on the happy and contented faces of its prosperous people, will recall that all of its prosperity during the last forty years has been under a Republican administration, and that all of its financial, industrial, and commercial distress and suffering have been under a Democratic administration, and with these memories fresh in mind it will say to the Republican party, "Well done, good and faithful servant, continue ye in power." [Prolonged applause.]

Mr. LITTAUER. Mr. Chairman, we will not take time for further general debate on this side, and I ask that the Clerk begin the reading of the bill.

The Clerk, proceeding with the reading of the bill, read as follows:

Payment to Germany: To pay to Germany the moiety of the United States of $40,000, in full settlement of the German claims for losses incurred in connection with the disturbances in Samoa in 1899, under the convention between the United States, Germany, and Great Britain of November 7, 1899, as set forth in Senate Document No. 85 of the present session, $20,000.

Mr. WEBB. Mr. Chairman, I make the point of order against that section that it is contrary to existing law, that it has never been audited by the proper official in the Treasury Department, and that the claim has never been properly adjudicated. It is unauthorized by existing law and never adjudicated properly.

The facts about that claim are these: During the disturbance in Samoa in 1898 and 1899 certain property of certain citizens was damaged. Great Britain, the United States, and Germany entered into a treaty providing that the question of damages, whether or not there were any damages, and the amount of the damage, if there was any, should be left to an arbitrator. That treaty was signed the 7th of November, 1899. The treaty provided, in substance, that King Oscar of Norway and Sweden should act as arbitrator and pass on the question as to whether any damage had been done, and, if any damage was done, the extent of that damage. Now, in accordance with that convention or treaty——

Mr. LITTAUER. Does the gentleman admit that this is an award under a treaty entered into by this Government?

Mr. WEBB. In part; but the gentleman was not authorized by the treaty and the action of the arbitrator to insert the $20,000 in this bill. Now, I was about to get to the point when the gentleman interrupted me. Under that treaty, which, of course, is the highest law we have, King Oscar held an arbitrator's court, with himself as arbitrator. After hearing documentary and other evidence, he decided that the military action in question—to wit, the bringing back of the Malietoans and the distribution to them of arms and ammunition, the bombardment, the military operations on shore, and the stopping of the street traffic—could not be considered as having been warranted, and that therefore His Britannic Majesty's Government and the United States Government were responsible under the convention of the 7th of November, 1899, for losses caused by said military actions, and there was reserved for future decision by him the question as to the *extent* to which the two Governments, or each of them, might be considered responsible. In other words, King Oscar, the arbitrator, found in his court, as arbitrator under this treaty, that whatever damage there was, the United States and Great Britain are responsible for it. Then he adjourned his court, and has never found what amount of damage was done. While his court was adjourned, and it never has been reconvened, the United States Government upon its own initiative—I suppose by the Secretary of State—and the British Government concluded they would see if they could not settle this matter. The United States Government appointed a man named Crane and the British Government a man named Richards as agents. I believe it was said it was with the consent of King Oscar. That is as far as it goes. Those two agents went into the matter of the extent of this damage. One hundred and eleven thousand dollars' worth of claims from sixty-four claimants were filed before these agents. They were ready to agree that the United States and Great Britain were responsible for $42,000 damages, but the United States Government, by its agent—I suppose the Secretary of State—said "No; we will not pay $42,000; we can cut it down to an amount less than that, because there are a good many claims that are going to be put in here of doubtful merit." And they set to work negotiating with Germany, and finally got Germany to agree to accept $40,000, Great Britain to pay half of it and the United States to pay half.

Now, that was not the action of King Oscar the arbitrator. It was not even the action of the two agents agreed upon, but it was the action of the Secretary of State of the United States and some like agent of Great Britain. These are the facts, as I have gathered them from the communication of Mr. Root, Secretary of State, sent to this committee, and upon that executive communication this committee inserts in this bill $20,000 to pay half of that claim. It has no other basis than the recommendation or the agreement by the Secretary of State. I have stated the facts. It can be clearly seen that this claim has never been adjudicated by King Oscar, who was the arbitrator to settle that question. It has never been adjudicated even by the two agents who Mr. Root says were appointed for that purpose. It has been agreed upon by the executive department of this Government along with the executive department of the Government of Great Britain. It is therefore not in accordance with existing law, and it is not in accordance with this treaty.

Mr. LIVINGSTON. May I ask the gentleman whether he knows if King Oscar confirmed this judgment and agreed to it, after it was made and agreed to by the Secretary of State and the English agent?

Mr. WEBB. I am glad the gentleman asked that question, Mr. Chairman. There is no record of such confirmation. If there were, it might be construed into a judicial act of that arbitrator, but as far as I know there is no record of that kind that can be found, and the arbitrator never ratified $40,000 as the amount due. It certainly is not communicated here by Mr. Root, the Secretary of State. I have given all the facts that Mr. Root communicated to this House. If King Oscar had ratified the agreement of these two agents and had later ratified the act of the Secretary of State and the similar agent of the British Government, then it could be construed into his judgment as if it were the judgment of a court of claims. But there is no such ratification on record, and therefore it is not an adjudicated claim under existing law and is not therefore authorized by existing law.

Mr. BARTLETT. If I am not mistaken, the House on the 5th of this month, under suspension of the rules, passed a bill containing this very identical item with some others, called up by the gentleman from New York [Mr. WALDO]. That bill was passed. It has gone to the Senate. It provides for the payment of this identical claim of $20,000. I made the point of order that it was a private bill, but the Speaker overruled me, holding there were three items present in the nature of public claims, and that therefore the bill was entitled to be brought up under suspension of the rules.

Mr. WEBB. Then, that is an additional reason why it should not go in this bill. If it has already been carried in some other appropriation bill, it ought not to be here, and it ought not to be here, because it is not authorized by existing law. There is a department of the Government which audits such claims, and my further contention is that it has never been audited by a proper official of the Treasury Department, and if it had been it would not be a proper charge to go in this bill, because it is contrary to existing law.

Mr. LITTAUER. Mr. Chairman, this item is before the House as the result of a treaty entered into November 7, 1899. It is recommended for consideration by the Secretary of State as the result of that treaty. His communication to Congress states that it now remains for Congress but to appropriate $20,000 to enable this Government to discharge its conventional

obligations. The amount of this claim was settled by an agreement entered into between the Governments of the United States and Great Britain, acting in concert, with the Government of Germany, and the sum of $40,000 was the result of that agreement. The convention originally entered into referred the matter for arbitration to the King of Sweden, who sums up his decision as follows:

> We are of the opinion that the military action in question—viz, bringing back the Malitioans, the distribution to them of arms and ammunition, the bombardment, the military operations on shore, and the stoppage of the street traffic—can not be considered as having been warranted; and therefore His Britannic Majesty's Government and the United States Government are responsible, under the convention of the 7th of November, 1899, for losses caused by said military action.

Mr. UNDERWOOD. Will the gentleman from New York permit me to ask a question? I understand the claims that are in order under this deficiency bill are judgments and audited accounts. Of course this is not a judgment. Now, I want to ask the gentleman if he considers the submission of this claim to the King of Sweden and his finding on the matter an auditing of this account?

Mr. LITTAUER. It would appear to me that, after we had entered into a convention authorized by law, and the result of that convention is a determination by an arbitrator, the award is a proper item for an appropriation bill.

Mr. UNDERWOOD. Do you consider that a proper audited account?

Mr. LITTAUER. It is such an auditing as makes it, under the rules, proper to be included in this bill.

Mr. BURLESON. Mr. Chairman, I desire to submit a few observations upon the point of order that has been raised by my friend from North Carolina, and I believe that I can make it perfectly plain that the item is properly in this appropriation bill—that is, no rule of the House is violated by embodying it in this bill. The point of order made by the gentleman from North Carolina [Mr. WEBB] might be, and for the purposes of my argument will be, divided into two parts. First, that the item is not authorized by law; second, that it has not been properly audited. I contend that it is clearly authorized by the highest law and that it has been audited in accordance with the terms of the law as it has been made by the law-making power. Now, Mr. Chairman, it is a fact admitted by the gentleman who raises the point of order that the convention or treaty entered into between these powers authorized His Majesty King Oscar of Sweden and Norway to determine the liability of the United States and Great Britain on account of what was termed unwarranted military actions in Samoa at certain periods. Now, under this treaty, submitted to the Senate of the United States and ratified by that body, thereby becoming the highest law or the supreme law of the land, as I believe the Constitution terms it, King Oscar, who was by the treaty agreed upon to pass on the issue, under the terms of the convention, declared there was a liability against our Government and Great Britain because of the military action they had taken. This unquestionably fixed our liability, because under the treaty King Oscar was authorized by the treaty to say whether we were liable. Now the only question remaining is whether this claim or liability has been properly audited or not. There can be no question about that, because under the same supreme law of the land—the treaty or convention to which I have alluded—Oscar of Sweden was named as the person who was to determine what extent either Government was bound, or, in other words, was to also audit this claim. No one will deny that the Congress of the United States can by law properly enacted direct any officer of the Government or any other person it may see fit to select to audit an account. No lawyer will controvert this proposition. Under the terms of this treaty, which we all admit is the supreme law of the land, His Majesty King Oscar was seclected as the person to audit this claim. King Oscar first determined the liability of the Government, and then through fiscal agents selected by the parties at interest to ascertain the amount of the liability, whose selection was ratified in advance of their action by King Oscar, audited this claim as directed by law. I will read to you from the report:

> The question as to the extent to which the two Governments, or each of them, may be considered responsible for such losses was reserved by His Majesty for a future decision. Subsequently the three Governments, with the consent of the arbitrator, came to an arrangement whereby the claims under the arbitration were to be investigated by United States and British agents to be appointed for the purpose.

Note the language—"With the consent of the arbitrator, came to an arrangement," etc. Hence, you see, these Governments, "with the consent of the arbitrator, came to an arrangement" whereby the claims under the arbitration were to be investigated by the United States and British agents appointed for the purpose. These agents were appointed, their appointment and action in ascertaining the extent of this liability approved in advance by Auditor Oscar, and thus the claim is here, authorized by law, and properly audited by the person authorized by the law to audit same. Mr. Chairman, I contend that this item in this bill is not authorized only by law, but the claim upon which it is based has been audited by the very person directed by the law to audit it.

Mr. GARRETT. I want to say to my friend this claim was considered by the Committee on Claims, was reported to the House, and——

Mr. MILLER. I desire to call the attention of the committee to the fact that this matter has already been disposed of by this House, and the House some days ago passed this bill on the motion of the gentleman from New York [Mr. WALDO]. It came from the Committee on Claims with a unanimous report——

Mr. BURLESON. But has that bill passed the Senate?

Mr. BARTLETT. I hold in my hand the RECORD of that day, June 5, and it was the bill H. R. 1966, which was called up, as the gentleman stated, by the gentleman from New York [Mr. WALDO]. I raised the point of order that it was a private bill on the Private Calendar and could not be passed under suspension of the rules.

The Chair overruled a point of order and gave an elaborate reason for it, and the bill was submitted to the House, and it was passed by a two-thirds vote and has gone to the Senate. Page 8093 of the RECORD will show those facts.

Mr. BURLESON. Has it passed the Senate?

Mr. BARTLETT. I do not know. If that is true, why should we put it in this bill?

Mr. LITTAUER. I simply wanted to inform the committee of the reason why this item is in this bill. The President, on January 23 of this year, sent a message to Congress referring to this settlement and to the settlement of Danish claims. The message and the documents accompanying it were forwarded to the Committee on Appropriations, and the item was originally included in the urgent deficiency bill.

Mr. BARTLETT. Can I read to the gentleman what the Speaker said with reference to that?

Mr. LITTAUER. Yes.

Mr. BARTLETT. He said:

> One claim in favor of the Empire of Germany, growing out of relations in Samoa. It seems to the Chair, without expressing any opinion as to the merits of the various propositions, after reading the report and the letter from the Secretary of State, that this is a bill properly on the Union Calendar, and not on the Private Calendar, of a class that the House ought to be able to consider under a motion to suspend the rules.

He gave as a reason that it was detrimental to our relations with foreign governments, and was entitled to be called up.

Mr. LITTAUER. And so it is. I simply want to state, as an additional item of information, that the papers in connection with the President's message were read and referred to the Committee on Appropriations, and that committee has yet no regular information that the House has taken action thereon.

Mr. UNDERWOOD. I hope this claim will stay in the bill, but the question that the House passed a similar bill does not cut any figure as to the parliamentary situation.

Mr. LITTAUER. I thought it was due to this committee to know why the item was still in this bill in spite of the fact that the House had passed the bill.

Mr. BARTLETT. You now propose to appropriate $20,000 with which to pay the same claim.

Mr. UNDERWOOD. That does not affect the parliamentary situation. It has not become a law.

Mr. WALDO. My understanding of the position of that item is that the Senate has refused to pass the House bill, and that they are going to pass this bill, putting this claim in with two others; and our bill is not going to be passed in the Senate.

Mr. WEBB. Just one word more. I do not think it makes much difference whether this item has been included in other bills or not. The main point for the Chair to decide is whether or not this particular item is in accordance with law. Now, briefly, before I read this particular rule, the gentleman from New York [Mr. LITTAUER], who is in charge of this bill, and my friend from Texas [Mr. BURLESON] will not say to this House that King Oscar, the arbitrator, has ever put his seal of approval upon this $20,000 item; and until he does that it never will become a legal judgment, the payment of which can properly be provided for in this bill.

Mr. LITTAUER. He certainly put his seal to the effect that there is an amount due.

Mr. BURLESON. More than that, he ratified in advance the fiscal agent to determine the amount. Consequently that became an auditing of the account under this convention.

Mr. WEBB. Mr. Chairman, that is not quite in keeping with the facts. He ratified in so far as he agreed with the British

and American Governments that they should appoint two agents, but he has never ratified their act, and hence there is no legal judgment. Those two agents, to whose appointments he agreed, found that there were $42,000 due by the two Governments—the United States and Great Britain—and possibly considerably more; and at that stage of the proceedings the Department of State steps in and takes it out of the hands of those two official agents, according to Secretary Root's own statement, and agrees with the German Government as to what should be paid. It is not the action of the two agents at all, but the agreement of an Executive Department. It is not the action of King Oscar, for he has never ratified even the act of the agents, and certainly not of the Secretary of State of this Government. It is the voluntary action of the Secretary of State, and his action is not warranted by any law or treaty, which will not be denied by the gentleman from New York [Mr. LITTAUER].

The CHAIRMAN. The Chair is prepared to rule.

Mr. WEBB. Mr. Chairman, I want to refer the Chair to a ruling which was made in the Fifty-sixth Congress, where the Chairman of the committee held that the payment of an unadjudicated claim, even though the amount be ascertained—and that was done in this case—and transmitted by the head of an Executive Department, is not in order in a general deficiency bill. That ruling is on all fours with the facts in this case.

Mr. WALDO. Mr. Chairman, I believe the gentleman is wholly misinformed in regard to this matter. The whole matter of these claims was settled between the United States, Great Britain has paid her $20,000 to Germany and the amounts in effect, and between the departments of state of these countries it was agreed that these amounts should be due. Great Britain had paid here $20,000 to Germany and the amounts due from her to France and Denmark under that agreement, and the only question remaining is for us to try to be as honest as Great Britain is in paying her debts. Now, as to the question of these not being adjudicated claims. They have been adjudicated under and by treaty. The question of the claims is settled as much as it can be until we pay them.

The CHAIRMAN. Under the rules of the House, a general appropriation bill may carry an appropriation for any object that is authorized by law. In this case the claim was submitted by a treaty of arbitration to the King of Sweden for adjudication. A treaty when ratified is the law of the land. The King of Sweden, acting as a court, decided the question of liability and found that the Government of the United States was liable. The only thing left to ascertain was the amount, and like a court selecting, for instance, a master in chancery, the arbitrator with the consent of the parties appointed agents to ascertain how much was due. Those agents, duly appointed, accredited, and authorized, in their investigation found the sum due, and this appropriation carries that sum. It seems to the Chair that the paragraph is clearly in order, that it is an adjudicated claim, and the amount has been ascertained so as to come within the rule; and the Chair overrules the point of order.

The Clerk read as follows:

That the tariff duties, both import and export, imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

Mr. SULLIVAN of Massachusetts. I make the point of order against this paragraph, or I will reserve it in order to give the chairman of the committee or the gentleman in charge of the bill an opportunity to make a statement. I make the point of order on the ground that it is new legislation and not germane to the bill.

Mr. LITTAUER. Mr. Chairman, I believe the point of order, perhaps, will lie against this paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. DALZELL. Mr. Chairman, I would like to suggest there seems to be a misunderstanding.

Mr. SULLIVAN of Massachusetts. There was an understanding between the chairman of the committee and myself that when the point of order was made, anticipating that it would be sustained, motion would be made that the committee rise, and when we had gone into the House a rule would be brought in for the purpose of considering this paragraph. It was for that purpose I reserved the point, so as to allow the gentleman to make a statement of the agreement and move that the committee rise.

Mr. DALZELL. I wanted to say that I think, perhaps, it would be in the interest of expedition that we should go on with the consideration of the bill and bring in the rule afterwards, rather than have the committee rise and go into the House and go back again, so that the rule could just as well be presented afterwards as now.

Mr. SULLIVAN of Massachusetts. I have no power to control the majority, who, if they desire, can bring in the rule at any time.

Mr. DALZELL. I simply rose to give notice.

Mr. KEIFER. Why not withdraw the point of order and save all that time and trouble?

Mr. SULLIVAN of Massachusetts. In order that the paragraph may have a standing before this committee?

Mr. KEIFER. Let it be considered now.

Mr. SULLIVAN of Massachusetts. No; I can not withdraw the objection. I believe the legislation would perpetrate an outrage, and I intend to do all I can to prevent it.

Mr. LIVINGSTON. Does the gentleman propose to pass it without prejudice?

Mr. LITTAUER. I propose to pass this, and at a later hour introduce a rule which will permit the consideration of the subject-matter of the paragraph.

Mr. SULLIVAN of Massachusetts. Has not the point of order been sustained?

The CHAIRMAN. The point of order has been sustained and the paragraph has gone out of the bill.

The Clerk read as follows:

That section 3687 of the Revised Statutes of the United States is repealed, to take effect from and after June 30, 1907; and the Secretary of the Treasury shall, for the fiscal year 1908, and annually thereafter, submit to Congress, in the regular Book of Estimates, detailed estimates of the expenses of collecting the revenue from customs.

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order that that is new legislation on an appropriation bill.

The CHAIRMAN. The gentleman from Massachusetts makes the point of order that this is new legislation.

Mr. LITTAUER. Mr. Chairman, I will call the attention of the committee to the fact that for many years past there has been a requirement that detailed estimates of the expenses of collecting the revenue from customs be submitted to Congress, but under the suggested amendment repealing the section whereby provision is made for the expenses of collecting customs by a permanent appropriation has been offered year after year, but not adopted. This submission again seeks to amend the law. I believe it is new legislation, but it is for a very important and proper purpose; and I trust the gentleman may see fit not to insist on his point of order.

Mr. GARDNER of Massachusetts. Mr. Chairman, if the Chair wishes to be addressed on the point of order, I am ready to argue it, but I must insist on the point of order.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Payment to Minnesota: The Secretary of the Treasury is authorized to reopen and adjust the claim of the State of Minnesota, for expenses incurred in suppressing Indian hostilities within the State in 1862, under the act of Congress approved March 3, 1863, and ascertain and determine, under the rules applied in the cases of certain States for expenses in raising and equipping volunteers for the war of the rebellion, the amount actually expended by said State for interest on money borrowed for expenses so incurred and report the amount so ascertained to Congress for consideration.

Mr. MAHON. Mr. Chairman, reserving a point of order, I should like to hear a statement about this item.

Mr. GARRETT. I simply rose to reserve the point of order, Mr. Chairman.

Mr. LITTAUER. Mr. Chairman, this provision is to enable the Secretary of the Treasury to reopen and adjust the claim of the State of Minnesota. The principal amount of this claim has already been repaid to the State, but the interest paid on the issue of bonds for this purpose by the State of Minnesota has never been refunded. On some advances made by States the interest has lately been refunded, and this is simply to take similar action with this claim of the State of Minnesota as has been had in the case of other States.

Mr. BURLESON. I should like to state to the gentleman from Pennsylvania that I happened to be in the room when the subcommittee was considering this item, and this is a just claim. Its payment has been long deferred, and I sincerely hope the gentleman will withdraw the point of order.

Mr. MAHON. Mr. Chairman, this claim ought to take the same course as all other State claims. It may be all right. It is a war claim. The Committee on War Claims are examining all these matters carefully, with the aid of the Department. This is no place for it, and I insist on the point of order. Let it take the regular course.

Mr. STEVENS of Minnesota. Mr. Chairman——

The CHAIRMAN. Does the gentleman desire to be heard on the point of order?

Mr. STEVENS of Minnesota. I do. This is not a new or a strange provision in an appropriation bill. This sort of legislation has been carried in the general deficiency appropriation bills for several years past. Several of the States, such as New York, Indiana, Pennsylvania, and other States, have had their claims adjusted and reopened by means of this sort of legislation. It seems to me the history of this claim shows that such a bill could fairly carry this item. Under the act of March 3, 1863, the payment of this obligation was originally authorized by Congress. The only difficulty then was there was a limitation of the amount then authorized to be paid by the General Government to the State of $250,000. The State had previously issued its bonds to pay for the support of its troops in the field, and by this act of Congress provision was made to reimburse the State for all such expenses, and out of this $250,000 the principal of the bonds was paid. Now, if there had not been any other disbursements, of course the State would have received the whole of its due, but the interest had not then accrued and did not cease until ten years afterwards, when the bonds matured. By subsequent acts of Congress, following this and referring to this act of 1863, not only were the moneys paid by the State as principal of the bonds paid, but all other disbursements authorized by law, aggregating far more than the original amount provided by the act of 1863.

Thus Congress authorized various disbursements of the State of this nature and other claims to be paid, and thus waived or set aside by its own affirmative act any limitation. But this act of 1863 is the basis for paying those bonds, principal and interest, and it is the basis for the obligation of the United States for the payment of whatever the State lawfully expended under its authority. Now, one of the items paid by the State was this interest of $70,000, which has never been repaid to it. All this item does is to restate and reopen and enable Congress to understand the obligation originally authorized by the act of 1863, of which part has already been paid. That is practically all that is provided by this item, authorizing the readjustment and reopening of the claim, irrespective of the limitation, which had already been waived in several instances by Congress. It does not create a new obligation. All it does is to direct the Treasury to continue the audit of the old one, which has been partially settled in past years, whose justice is admitted, but the exact amount of which is unknown to Congress through its own proper sources of information. Appropriation bills have carried this legislation in past years. It is in the nature of continuing the settlement of an account, which has been under the jurisdiction of Congress through its Appropriation Committees. I hope the points of order will not be insisted upon or sustained.

Mr. GARRETT. I do not know whether the gentleman from Pennsylvania [Mr. MAHON] or myself first reserved the point of order. I wish to state that on the explanation which has been made, as far as I am concerned, I do not care to insist on the point of order.

Mr. MAHON. I am content.

Mr. LITTAUER. Mr. Chairman, the point of order is withdrawn.

The CHAIRMAN. The Chair understands that the point of order is withdrawn.

Mr. MAHON. Yes.

The Clerk read as follows:

For the fiscal year 1907, being additional to the sum appropriated for this purpose in the legislative, executive, and judicial appropriation act for that fiscal year, $60,000.

Mr. FITZGERALD. I wish to know, Mr. Chairman, whether this is all one paragraph, or separate paragraphs?

The CHAIRMAN. The bill itself on its face shows the paragraph. Each paragraph on the page is a paragraph in a parliamentary sense.

Mr. FITZGERALD. I wish to reserve a point of order against the paragraph just read.

The CHAIRMAN. Lines 9 to 12, inclusive?

Mr. FITZGERALD. Yes.

Mr. LITTAUER. Mr. Chairman, I do not believe this paragraph is subject to a point of order. It is simply an increase of an appropriation made for the fiscal year 1907.

Mr. FITZGERALD. Well, this bill is for deficiencies in appropriations for the fiscal year ending June 30, 1906, and for prior years.

Mr. LITTAUER. "And for other purposes."

Mr. FITZGERALD. "And for prior years." Now, this is not a deficiency appropriation at all. The fiscal year for which it is intended has not commenced. The rule does not define what shall go into a deficiency bill. This is an anticipated deficiency, and as such, I believe, has been held proper in a deficiency bill. After the Chair refreshes his memory—which I see he is doing—I will be glad to discuss that point.

Mr. TAWNEY. I will say to the gentleman from New York that this is an appropriation made necessary by the passage of a bill at this session of Congress, and there is no other way whereby Congress can provide for the expenditures except in this bill, which will be the last appropriation bill that will be reported. Now, the fact that it is called a deficiency appropriation does not necessarily make this provision out of order. This Congress has the power to appropriate for this year or next year, in its discretion.

Mr. FITZGERALD. The gentleman has stated information along the line that I am now seeking light upon. I wish to know why the appropriation for the coming fiscal year for this service is proposed to be increased.

Mr. NEEDHAM. I can inform the gentleman. It is because of the passage of the sweet-wine law, which brings in additional revenue of over $100,000 a year. That bill was passed after the legislative, judicial, and executive bill had passed, and it provides for supervision, and these additional agents are required to carry out that law.

Mr. FITZGERALD. Mr. Chairman, I withdraw the point of order.

The Clerk read as follows:

For salaries and expenses of collectors of internal revenue, and deputy collectors, and surveyors, and clerks in internal-revenue offices, $25,000.

Mr. LITTAUER. Mr. Chairman, on page 8, line 17, I move to amend.

The Clerk read as follows:

On page 8, line 17, after the word "officer," insert the following: "being additional to the sum appropriated for this purpose for the year 1907."

The amendment was agreed to.

The Clerk read as follows:

New York, N. Y., rent of old custom-house: For rental of temporary quarters for the accommodation of certain Government officials, $130,000.

Mr. SULZER. Mr. Chairman, I reserve a point of order on the paragraph just read.

Mr. LITTAUER. What is the gentleman's point of order?

Mr. SULZER. That the paragraph just read is new legislation, and it is not a deficiency, as Congress decided during the last session to strike out this rent provision of $130,000.

Mr. LITTAUER. It is continuing a provision that has been taken care of in previous bills.

Mr. SULZER. Not at all.

Mr. TAWNEY. I will say to the gentleman that it is a deficiency. It is an appropriation of money for the rent of the building for the current year, for which no appropriation was made.

Mr. SULZER. This Congress last session refused to pay it. I had it voted out of the sundry civil bill.

Mr. FITZGERALD. Let me ask the gentleman, is not this to pay a claim?

Mr. TAWNEY. It is not to pay a claim.

Mr. SULZER. I understand the gentleman to say that this is the same appropriation that was voted out of the sundry civil bill last year, hence it can only be a claim now, and should be sent to the Committee on Claims.

Mr. LITTAUER. It went through the sundry civil bill for 1907, but for the current year there has been no appropriation.

Mr. SULZER. This is the same provision the House struck out in the last Congress.

Mr. LITTAUER. It is an obligation of the Government, which will have to be met.

Mr. SULZER. Why don't the Standard Oil bank sue for it, if it is an obligation?

Mr. TAWNEY. This year has not yet expired. Now, we are appropriating for rent which the Government of the United States has obligated to pay for the use of this building during the present fiscal year.

Mr. SULZER. But Congress struck out this provision last year. It is not a deficiency.

Mr. TAWNEY. It can not be a claim until the expiration of the year.

Mr. SULZER. It is worse than a claim—it is a steal.

Mr. LITTAUER. This is to meet a provision of law in accordance with a contract entered into by this Government.

Mr. SULZER. Oh, we have heard all about that. I ask for a ruling on my point of order.

The CHAIRMAN. This provision is to appropriate money to pay an amount which the Government, under a contract, is to pay for the current fiscal year. The point of order is overruled.

Mr. SULZER. Mr. Chairman, then I move to strike out the paragraph.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. How does it happen that they did not put this in the bill last year?

Mr. SULZER. It was in the bill last year, and on my motion the House struck it out. This matter is thoroughly familiar to most of the Members of this House. It was discussed in detail when the sundry civil bill was recently being debated.

The CHAIRMAN. The gentleman from New York is recognized on his motion to strike out the paragraph.

Mr. SULZER. Mr. Chairman, this is the same old annual scandal, the same old national disgrace, the same old hoary fraud, and I move to strike out of the bill this appropriation for $130,600 to the National City Bank for last year's rental for the old custom-house property in the city of New York. I have made this motion every year since this nefarious transaction was consummated. Last year, on my motion, the same paragraph, the same appropriation, was stricken out of the bill, and it ought to be stricken out again this year. There is absolutely no justification for this appropriation in law or in equity.

Now, sir, I believe that most of the Members of this House are familiar with the facts in connection with this scandalous matter. They remember that in 1899 Lyman J. Gage, then Secretary of the Treasury, entered into an alleged contract with the National City Bank, of the city of New York, to sell the bank the old custom-house property, situate and occupying an entire block in Wall street, for $3,265,000, about one-half the real value of the property. This National City Bank, as is well known, is the Standard Oil bank, and the chief financial agency of "the system."

The Members of this House know all about this bank and the tremendous power it wields in financial and political circles all over this country. This National City Bank is one of the principal depositories for the surplus funds of the Government and has on deposit all the time Government moneys, amounting to millions and millions of dollars, for which it does not pay the people of the United States one single dollar of interest.

Now, sir, shortly after this alleged contract of sale was entered into between the National City Bank and Lyman J. Gage, the Secretary of the Treasury, by which the old custom-house property was sold for $3,265,000, the bank is alleged to have paid the Government, on account of the purchase price, $3,215,000, leaving a balance due the Government of $50,000. The bank paid this money, so it is said, not directly to the Government, but indirectly, by transferring on the books of the bank the amount of $3,215,000 from one account to another account. As a matter of fact, the bank never really parted with one dollar of its money on account of the payment of part of the purchase price, and no deed from the Government to the bank has ever been executed or recorded in the city and county of New York, so that the title to this custom-house property still stands, so far as the records go, in the name of the Government, and yet the Government has been paying every year to the bank, except last year, when the appropriation on my motion was stricken out, $130,600 rental for the use, apparently, of its own property.

This custom-house property occupies one entire block in Wall street, in the city of New York, and is considered one of the most valuable pieces of property in the country. Competent real estate experts estimate its value to-day at over $10,000,000, and the National City Bank will soon get this most desirable piece of property from the Government without practically paying one dollar for it. What a shame! What a fraud on the people! What a steal!

This one-sided agreement between the Government and the bank should never have been made. The whole transaction is one of the most scandalous things in the history of the country. It is an unconscionable contract and can not be justified in law or morals. It is a fraud upon its face, and any court of equity would set it aside.

Now, sir, it further appears that it was understood and agreed between the Secretary of the Treasury, Lyman J. Gage, and the officials of the National City Bank that $50,000 of the purchase price should be retained by the bank and that the deed for the property should not pass or be recorded, in order that the bank should escape the payment of taxes to the city of New York on this most valuable piece of property. It is well known that Government property can not be taxed by a State or by a municipality. I am reliably informed by the officials of the city of New York that the taxes on this property to-day would be about $100,000 a year. The bank now escapes this taxation, and it is an injustice to the people of the city of New York, and yet the bank seeks to compel the Government to pay interest on the purchase price as a rental for the property. Think of this Standard Oil bank charging the Government interest on its own money—rent for its own property. What a farce it all is! It is one of the most outrageous and shocking things that has ever come to my notice. I do not believe that any honest man who will take the trouble to investigate the matter can possibly justify the transaction.

No Member of this House can now vote for this appropriation and ever justify his vote. [Applause.] The whole transaction is a scandalous one, a fraud on the taxpayers of the country, because it deprives them of this valuable piece of property without a dollar of compensation; and it is an outrage on the taxpayers of New York City, because it deprives them of the taxes on the property. The appropriation in the bill for this rental is an outrage, and can not be justified in the face of the honest facts. I intend to get, if I can, a record vote on this steal, so that the people will know how their Representatives vote on this matter.

Now, sir, I object to this appropriation of $130,600 for rent, because the alleged contract is only an agreement to sell, and no title has as yet passed from the Government to the bank, no deed has been delivered, and no deed has been recorded, and the Government should not pay an exorbitant rent for its own property. It is a fraud and a sham, and you all know it. The "System" has been very slick in every phase of this deal. It gets the Government property for nothing, has the use of the people's money without interest, makes the Government pay rent, and beats the city of New York out of the taxes. [Laughter and applause.]

The whole matter is a swindle on the taxpayers of the United States and a fraud on the taxpayers of the city of New York. The Government is cheated out of this valuable property by the National City Bank—the Standard Oil bank—and the fact is that property is worth to-day over $10,000,000. At the same time the bank defrauds the taxpayers of the city of New York out of the taxes and has been defrauding them out of the taxes ever since 1900. There is no use for me now to go into the matter and discuss it at any length. It is the same old story of the same old steal. The Republicans, when the sundry civil bill was before the House recently, voted to pay the National City Bank this $130,600 for next year, and I have no doubt that to-day they are willing to give the Standard Oil Company bank this back rent which this Congress refused to pay last year. Last year the Republicans in Congress were a little more virtuous, apparently, than they are this year, and then most of them could not stand for this swindle. This year, however, in view of the approaching Congressional campaign, they are willing to condone the fraud and vote away the people's money. In all the history of this Government there never was a more flagrant outrage on the people than this sale of the custom-house property in the city of New York. The title of the property still remains in the Government of the United States, and the Government of the United States is compelled to pay rent on its own property, while the National City Bank escapes the payment of taxes to the city of New York. It is a disgrace to the Government, a fraud on the country, and a swindle on the city of New York, and the appropriation ought to be stricken out, and I hope it will be stricken out. [Loud applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. LITTAUER. Mr. Chairman, it is hardly two weeks now since a very full discussion was had on this very subject, and I do not believe the House cares to change the position that it then took by a large vote. I ask for a vote.

Mr. FITZGERALD. Mr. Chairman, I agree with the gentleman from New York [Mr. LITTAUER] that the House would not care to change its position on this item, and as it struck this particular item from the appropriation bill last year, I hope it will not fail to do so this year.

Mr. LITTAUER. The House last year was not the same House that it is now.

Mr. SULZER. Not so far as Republican virtue is concerned. [Laughter.]

Mr. FITZGERALD. Oh, yes; it is the same House, the same Republican House.

Mr. SULZER. But it will not be the same House next year if you Republicans keep on voting the people's money to the Standard Oil trust bank. [Applause and laughter on the Democratic side.]

Mr. SULZER. But it will not be the same House next year if you Republicans keep on voting the people's money to the Standard Oil trust bank. [Applause and laughter on the Democratic side.]

Mr. FITZGERALD. There is some change in the units, but

it is the same House, and the House on full consideration did refuse to vote the rent for this year. Mr. Chairman, since the gentleman from Nebraska [Mr. NORRIS] made his speech I examined very carefully the documents he put in the RECORD. The advertisement for the sale of this property merely stated that the purchaser would receive 4 per cent upon that portion of the purchase price that was paid during the occupancy of this property by the Government. Anybody proposing to bid for the purchase of that property, I believe from a fair examination of the papers, would have assumed that the title was to pass to the purchaser at once, and that the earning power of the money paid would be 4 per cent, less the taxes the property would be subjected to by the city of New York.

Regardless of whether the city of New York has been treated properly or improperly, the arrangement that has been made with this bank by which it has been saved the taxes upon the property undoubtedly has given it an undue advantage. In my judgment, if it had been known at the time the bids were made that the title would remain in the Government, so that the purchaser would not be liable for taxes, it would have made a considerable difference in the bids that were submitted. I believe that the scheme has been unfair, to say the least. I do not and can not approve the contract that was made for the sale of this custom-house, and I am unwilling to vote now, as a majority of the House refused to do last year, for this particular item. I hope that for the sake of consistency, at least, the Republican Members of this House will adhere to their former action and reject the item.

Mr. COCKRAN. Mr. Chairman——

The CHAIRMAN. Debate on this amendment has been exhausted.

Mr. COCKRAN. Mr. Chairman, I move to strike out the last word, merely for the purpose of asking the gentleman from New York [Mr. LITTAUER] a question. The gentleman from New York, as I understand it, states that this matter was fully discussed by the House of Representatives a year ago and this item stricken out on the ground that it was fraudulent.

Mr. LITTAUER. My statement was that it was fully discussed in this House two weeks ago, and that the House retained the item for the year 1907 in the sundry civil appropriation bill.

Mr. COCKRAN. I understood the gentleman to say that it was discussed last year and that this was a different House.

Mr. TAWNEY. I would say to the gentleman from New York [Mr. COCKRAN] that the assertion was made by his colleague, the gentleman from New York [Mr. FITZGERALD], that it was stricken out by the House of Representatives, and the gentleman from New York [Mr. LITTAUER] said that that action was taken by another House, which was the Fifty-eighth Congress.

Mr. COCKRAN. I wished to ascertain from the gentleman from New York whether he had such an opinion of this House that he believed it would reverse the action of the last House?

Mr. LITTAUER. Decidedly so.

Mr. COCKRAN. Without any particular reason being advanced for it?

Mr. LITTAUER. I think the reasons were very amply given here.

Mr. TAWNEY. I will say I think the gentleman is referring to the action of this House two weeks ago——

Mr. COCKRAN. I misapprehended the gentleman——

Mr. TAWNEY (continuing). And the House by an overwhelming vote declared in favor of it.

The CHAIRMAN. The time for debate has expired.

Mr. SULZER. The gentleman said by an overwhelming majority. The gentleman is entirely mistaken. Every Republican except one voted for it and every Democrat voted against it.

The question was taken; and the Chair announced the noes appeared to have it.

On a division (demanded by Mr. SULZER) there were—ayes 58, noes 77.

Mr. SULZER. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York, Mr. LITTAUER, and the gentleman from New York, Mr. SULZER, will take their places as tellers.

The committee again divided; and the tellers reported—ayes 65, noes 88.

So the motion was rejected.

The CHAIRMAN. The Clerk will read.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out $130,600. How much is due on this property?

Mr. SULZER. Fifty thousand dollars is due; that is the amount that is due.

Mr. GAINES of Tennessee. Now, Mr. Chairman, we certainly can demand of this bank—Mr. Chairman, I move for the present to strike out the last word. I move to insert $80,600 in lieu of $130,600.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out $130,600 and insert $80,600.

Mr. LITTAUER. I do not think I understand this amendment clearly enough to determine whether or not I shall raise the point of order against it.

Mr. GAINES of Tennessee. Just wait a moment. For the present I move to strike out the last word. I would like to get my amendment prepared. I do not know exactly the figures.

Mr. SULZER. It is $80,600.

Mr. GAINES of Tennessee. Then I move to strike out $180,600 and insert $80,600.

The CHAIRMAN. The Clerk will again report the amendment.

The Clerk read as follows:

Change the amount in lines 25 and 26 so as to read "eighty thousand six hundred dollars."

Mr. GAINES of Tennessee. As I understand, the bank owes the United States Government $50,000, balance due for this property. When that amount of money is paid the United States, then this property will be absolutely the bank's, and the Government will have all the purchase money due it. Now, we are indebted to this bank, it seems, and the gentleman from New York says that is a legitimate debt. I think it is a debt that we should not pay. The House has voted twice this session to pay it. Last Congress voted not to pay it at all.

Now, let us pay the bank the balance due it and give a deed to the bank, and then the State of New York and city of New York can tax this property. As the matter now stands it is a nuisance to Congress, it is an outrage upon the Treasury, it stinks in the nostrils of all the people of this country who know the details of it, and it seems to me that we can get rid of it now in this way. We owe them so much, it seems, and they owe us so much. Strike a balance and pay it and let the Secretary of the Treasury then give a deed to the bank, and then the whole thing is over with, and the State of New York can tax it and the city of New York can tax it.

Mr. LITTAUER. Will the gentleman permit an interruption right there, and perhaps save a little time?

Mr. GAINES of Tennessee. Yes.

Mr. LITTAUER. Are you aware that the sum of money stated in this bill is for the purpose of paying the rent of the old custom-house?

Mr. GAINES of Tennessee. Yes.

Mr. LITTAUER. Consequently if we reduce this amount you will simply reduce the amount of rent to be paid and which has no relation whatever to the $50,000 due on the contract entered into in pursuance of law.

Mr. GAINES of Tennessee. Well, I am trying to get rid of that contract by paying it off.

Mr. LITTAUER. Well, you can not do it in this bill.

Mr. GAINES of Tennessee. I can not see why it can not be done. If I owe my friend $50 and he owes me $40 and I pay him $10, we are then even and can walk down Pennsylvania avenue friends.

Now, Mr. Chairman, I have submitted a plain, square proposition. I am sick and tired of this matter. I am sick and tired of this outrage, if it is one. If we owe this, let us strike a balance and pay it; if we do not owe it, let us quit talking about it. This is one way to get rid of this nuisance. My amendment is made in perfect good faith, to end this contest. I hope the House will get rid of it. This will give the Government its property and give the bank its property.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. GAINES].

The question was taken; and the Chair announced that the noes seemed to have it.

Mr. GAINES of Tennessee. Division, Mr. Chairman.

The House divided; and there were—ayes 40, noes 72.

So the amendment was rejected.

The Clerk read as follows:

GOVERNMENT IN THE TERRITORIES.

That no part of the appropriation for the salaries of members and officers of the legislative assembly, mileage, rent of rooms for the legislature and committees, furniture, stationery, printing, binding, fuel, lights, and incidental expenses appropriated for the expenses of the legislative assembly of the Territory of Oklahoma by the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1907, shall be available for any of the foregoing purposes, the said sum being hereby covered into the Treasury; and no election for members of the legislative assembly or for any other officers authorized by the laws of the said Territory or Delegate to Congress shall be held under and in pursuance of said laws in the year 1906; and all per-

sons heretofore elected to any of said offices now serving and performing the duties thereof shall continue to serve in their respective offices and perform all the duties thereof, with all the power and authority conferred upon them by the laws of said Territory, until such offices are terminated by the laws of the State of Oklahoma or until the officers provided for under the constitution of said State are duly elected and qualified: *Provided*, That in case no constitution is adopted and ratified in accordance with the provisions of an act for the admission of Oklahoma and Indian Territory into the Union as a State, approved June 16, 1906, then said Territorial officers of Oklahoma shall continue to discharge the duties of their respective offices until their successors are duly elected and qualified.

Mr. LITTAUER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "qualified," in line 2, page 13, insert:

"*Provided*, That the governor and other appropriate Territorial officers of said Territory are hereby authorized and directed to carry out all contracts with the Territory of Oklahoma for the care and maintenance of charitable and penal institutions, and to make payments therefor out of the general fund of said Territory, and to properly maintain the various Territorial institutions until such time as the constitution and laws of the State of Oklahoma shall provide therefor."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

DISTRICT OF COLUMBIA.

Coroner's office: For amount required to pay the deputy coroner for services during the absence of the coroner, for the fiscal years that follow:

Fiscal year 1906, $255.

Mr. FITZGERALD. Mr. Chairman, I make the point of order on that item.

Mr. LITTAUER. There is a law which expressly authorizes the employment of the services of a deputy coroner in the absence of the coroner. It is a provision in the Code of the District.

Mr. FITZGERALD. We had the District appropriation bill under consideration this year and never heard of such an officer as deputy coroner. There is a coroner, the morgue master, an assistant morgue master, and janitor, and that is all. The coroner gets $1,800 a year, and here is $255 to pay somebody for doing his work.

Mr. LITTAUER. Doing the work which under the code he is authorized to receive payment for.

Mr. FITZGERALD. What is that provision of the code?

Mr. LITTAUER. I have not the code at hand.

Mr. FITZGERALD. I call the attention of my colleague to the fact——

Mr. LITTAUER. I request that the item be passed over and taken up at a subsequent hour.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] asks unanimous consent that the item be passed at the present time without prejudice.

Mr. FITZGERALD. And I suggest, in addition to that, the next item against which a point of order will be raised.

The CHAIRMAN. Is there objection?

There was no objection.

The Clerk read as follows:

Fire department: For additional amount required for forage, $1,000.

Mr. LITTAUER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 18, after line 14, insert:

"Fire department: For the following for the fiscal year 1907, as authorized by the act to classify the officers and members of the fire department of the District of Columbia, approved June 20, 1906, namely:

"For chief engineer, $3,500; deputy chief engineer, $2,500; 3 battalion chief engineers, at $2,000 each; fire marshal, $2,000; deputy fire marshal, $1,400; 2 inspectors, at $1,080 each; clerk, $1,400; clerk, $1,200; 29 captains, at $1,400 each; 30 lieutenants, at $1,200 each; superintendent of machinery, $1,400; assistant superintendent of machinery, $1,200; 19 engineers, at $1,150 each; 19 assistant engineers, at $1,100 each; 2 pilots, at $1,150 each; 2 marine engineers, at $1,150 each; 2 assistant marine engineers, at $1,100 each; 30 drivers, at $1,150 each; 30 assistant drivers, at $1,100 each; 168 privates of class 2, at $1,080 each; 30 privates of class 1, at $960 each; and 1 laborer, $480; in all, $427,130, including the sum of $333,560 appropriated in the District of Columbia appropriation act for the fiscal year 1907 under the title "Fire department," and in the paragraph for pay of chief engineer and others, which latter sum is hereby reappropriated and diverted from the said act to and for the purposes alone of meeting the requirements of this paragraph for the fiscal year 1907.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For additional amount required to pay costs incident to the condemnation proceedings for additional ground in square No. 489, in the city of Washington, for site for a new police-court building, $4.80.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent to revert to line 15 of the page now being read. Because of the insertion of the last amendment, the words "fire department" are mere repetition, and I ask that they be stricken out.

The CHAIRMAN. The gentleman from New York asks unanimous consent to revert to line 15, page 18, to offer an amendment. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

On page 18, line 15, strike out the words "fire department."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 861, 875, and 897 of this session, $69,663.20, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

Mr. LITTAUER. I offer an amendment, Mr. Chairman.

The Clerk read as follows:

Page 19, line 22, strike out the word "and;" in line 23, after the word "seven," insert "1907;" and in line 24 strike out "$63.20" and insert "$47.30."

The question was taken; and the amendment was agreed to.

Mr. LITTAUER. Mr. Chairman, I would now ask that the committee return to page 13 and take up the paragraphs that, by consent, were passed over. I would call attention, in connection with the motion in regard to the pay of the deputy coroner, that its authorization is provided for in section 196 of the Code of Law for the District of Columbia, which reads as follows:

The Commissioners of said District shall have authority to appoint a deputy coroner, who shall assist the coroner in the performance of his duties aforesaid, and shall perform the same duties in case of absence or disability of the coroner, and shall, while acting, receive compensation at a rate not exceeding $5 per day, to be paid as other expenses of said District, and he shall give bond with a penalty of $2,500 under security to be approved by said Commissioners for the due performance of his duties.

The Commissioners, in pursuance of this section, have recommended to Congress the amount contained in the bill.

Mr. FITZGERALD. I move to strike out the item.

The CHAIRMAN. The point of order must first be disposed of. The Chair overrules the point of order.

Mr. FITZGERALD. I move to strike out the item, "Compensation for 1906, $255." The provision of the District Code read by the gentleman provides that the deputy coroner may be paid $5 per day for service in the case of absence of the coroner. This item being for $255, means that at $5 a day the deputy coroner rendered this year fifty-one days' service to the District of Columbia. According to the statement of the Commissioners when the appropriation bill was being made up, there were 79 autopsies and 49 inquests during the year. What this deputy coroner was doing for fifty-one days when the coroner himself found it impossible to keep busy it is impossible for me to tell. There is no necessity, in my judgment, for a deputy coroner.

Mr. LITTAUER. Does the gentleman claim that there are any number of days in the year that the coroner had no case before him?

Mr. FITZGERALD. There is nothing in the hearings of the subcommittee that gives any information about this item. I repeat that the hearings on the appropriation bill show that there were 79 autopsies and 49 inquests.

Mr. LITTAUER. Well, the gentleman must be aware that the coroner is entitled to thirty days' leave and even thirty days' sick leave; and the deputy coroner has evidently been appointed to perform service during the absence of the coroner, and, as the gentleman states, worked fifty-one days, for which he is entitled to compensation under the law.

Mr. FITZGERALD. What information has the gentleman that this man worked fifty-one days?

Mr. LITTAUER. It figures out that way, and it is the sum recommended to the committee by the District Commissioners, who, under the law, are authorized to employ him at the stated sum, $5 a day.

Mr. FITZGERALD. I wish to say to my colleague that that is a very unreliable source of information from which to make appropriations. I call his attention to the fact that the Commissioners asked him for an appropriation of $800 for a deficiency for rent for the office of the corporation counsel, although the corporation counsel was never authorized to hire an office.

Mr. LITTAUER. And he so informed us.

Mr. FITZGERALD. It has been the practice here for the corporation counsel to have his own office and for his assistants to have their office.

In the bill making appropriations for next year we provided that he should obtain a suite of offices, and that his assistants

should go in there and attend to the public business in an office provided for that purpose, as soon as that is done the Commissioners come with a deficiency of $800 for rent from December, 1905, to the end of this fiscal year, and the Commissioners state that until the predecessor of present corporation counsel died he never knew that the corporation counsel and his assistants paid their own office rent.

These men have been Commissioners about three years. They are supposed to have some familiarity with the expenditures for the District, and yet they make the statement that until a man died and his successor moved into his office, they were not aware that they did not disburse the money for the rent of the office.

Throughout the hearings upon the appropriation bill it was found that the statements were not statements that could be relied upon for the purpose of making appropriations. I call the gentleman's attention to another thing which happened before the subcommittee. I do this because I hope that if these items to which I refer get into the bill in some other way the conferees of the House will not yield upon them. A building is now occupied temporarily for a police court. It was rented for a year and a half, at a rental of $3,000, upon the understanding that the owner was to expend $1,200 for repairs—that is, $1,800 is paid as rent and $1,200 was expended for repairs. An appropriation of $600 was made for this fiscal year for repairs. The Commissioners asked us for an appropriation of $800 for repairs for the coming fiscal year, although they expect to get out of the building on the 1st of January next. We allowed them $200, thinking perhaps there might be some necessity for the appropriation and convinced that the sum would be more than sufficient. Yet they go before a different subcommittee and ask to have made available for the coming six months the unexpended balance of $600 which they now have.

[The time of Mr. FITZGERALD having expired, by unanimous consent it was extended five minutes.]

Mr. FITZGERALD. Here are two items that these Commissioners have the effrontery or the presumption to ask of the committee. One of the items has never been authorized by law and no liability has been incurred for the purpose stated; an appropriation has never been made for the purpose, but, because offices are provided for next year, it is assumed that we should pay for them for this year. If that reasoning is to hold good, we might as well go right back and reimburse the estate of the dead man—the former corporation counsel for the many years he occupied and paid for the offices.

Mr. LITTAUER. But that item was not allowed. We refused it consideration.

Mr. FITZGERALD. That does not change the fact that they came up and did their utmost to get it. Then, on the other item, although they knew that the appropriation bill for the coming fiscal year had passed with $200 available for repairs upon the building, when $1,200 had been expended within two years, and when they had $600 for this year which was not used, they first asked for a deficiency of $600, and then they changed their request, as the hearings show, and asked that the unexpended balance of $600 be made available for the coming year.

When these gentlemen come and say that $255 has been earned by some deputy coroner, which means that he must have worked fifty-one days, although the coroner has all he can do to find enough to do to keep him from forgetting he has such an office, I believe that the committee and the House should require some satisfactory information about the necessities of the employment. I suggest to my colleague that no very great injustice will be done in this instance by striking this out. If it goes out, then if the appropriation can be justified the information will be forthcoming; and if the information to justify the appropriation is not given, the appropriation should not be made.

The coroner is doing pretty well if, at this stage, at the time the estimates for the deficiency were submitted, he had already managed to escape fifty-one days in this year from the work of his office, in view of the statement that there were but seventy-nine autopsies and forty-nine inquests in the previous year and $500 was expended in addition in having the autopsies made. We can not be too careful in scrutinizing the requests for these appropriations or in making the appropriations requested. So far as I am concerned, after six weeks' investigation upon the appropriation bill, I am not willing to take the mere recommendation of any men that money should be appropriated, and I say this so that there will be no misunderstanding, but that whenever appropriations are asked those asking will come prepared to substantiate the requests they make in a proper manner.

Mr. LITTAUER. Mr. Chairman, I trust that these items will not go out of the bill. While I have no desire to enter upon a defense of some of the actions of the Commissioners, they are, nevertheless, responsible men of high character. This is an item of appropriation authorized by law, recommended to us by the Commissioners to pay the salary at $5 a day for the services of a deputy coroner for fifty-one days.

I see no reason at all why we should require that the Commissioners bring vouchers with them to prove that fifty-one days were actually served, when they submit the necessary appropriation. It is perfectly proper and regular that we should include in the bill the amount due as submitted by the Commissioners.

Mr. FITZGERALD. I will say to my colleague that if he follows out that practice he will soon bankrupt the Government, if he accepts the statement of every person as to the amount of the appropriation that should be made.

The amendment was considered, and rejected.

The Clerk read as follows:

Statue of Liberty, New York Harbor: To equip with the proper machinery and lighting apparatus to light the Statue of Liberty at Fort Wood, Bedloes Island, New York Harbor, carrying out the plans of the Quartermaster-General of the United States Army, under the direction of the Secretary of War, including electric elevator and necessary repairs to place the statue, pedestal, foundations, and surroundings in safe condition, to continue available during the fiscal year 1907, $62,800.

Mr. GAINES of Tennessee. Mr. Chairman, I beg the indulgence of the committee while I make a statement and then an inquiry. On yesterday I was hailed on the street by two of my constituents, a gentleman and his wife, who said that they were charged 25 cents for being transported to the premises where this Statue of Liberty is situated.

Mr. LITTAUER. Visitors are charged 25 cents for the trip from the Battery, in New York, to Bedloes Island and return on a steamer owned by a private individual, who is given the right to conduct the ferry by the Secretary of War, under whose jurisdiction the island is.

Mr. GAINES of Tennessee. He also stated that there was another carrier who only charged 10 cents, and while he felt not very indignant over paying this small amount, yet——

Mr. LITTAUER. I think the gentleman's constituent is mistaken, and that there is no other ferry.

Mr. GAINES of Tennessee. He is an intelligent man, and particular in matters of that sort. He knows how to make money and how to take care of it, and he stopped me on the street and asked about it. I could not give him the information he desired. Now, I would like for the gentleman from New York to tell me exactly what right the citizen has to go there and who has a right to charge him, and if there is another carrier, as I understood my constituent to say, who charges 10 cents for carrying people over.

Mr. LITTAUER. My information is that the ferry has been established for many years between the Battery, in New York, and Bedloes Island, on which this statue is situated, and that the round-trip charge on the ferry is 25 cents.

Mr. GAINES of Tennessee. How about the other fellow that carries for 10 cents?

Mr. LITTAUER. I do not believe that there is any such carrier.

Mr. BENNET of New York. There is no such carrier. There is only one boat.

Mr. GAINES of Tennessee. I did not propose to raise any rumpus about it, but when one man is given by the Government the right to charge 25 cents and a private citizen only charges 10 cents, I thought there must be a wrong somewhere.

Mr. PAYNE. I would suggest that the gentleman's constituent might swim over. [Laughter.]

Mr. GAINES of Tennessee. Oh, he might swim over—he might walk. He would if he set his head that way. [Laughter.]

Mr. LITTAUER. I will inform the gentleman from Tennessee that many Members from New York and Brooklyn around me advise me that they know there is but one ferry authorized to carry visitors to this island, and that the charge for the round trip, as I stated, is 25 cents, and has been so for many years.

Mr. GAINES of Tennessee. Well, my friend and constitutent might have been mistaken. I am going to write him the intelligence that I have procured. The man is naturally a sober man and never took a drink in his life.

A MEMBER. What! And from Tennessee? [Laughter.]

Mr. GAINES of Tennessee. He was with his wife, and, as I say, he is not a drinking man. Now, gentlemen, I want horizontal justice done hereafter. We may not want justice in the great hereafter, but let us have it in the present. [Laughter.] If some one is carrying passengers to this statue for 10 cents, and the Government gives a special privilege to another to haul for

25 cents, I say that that is an imposition on somebody, and wrong, and ought not to be allowed.

Mr. LITTAUER. I am positive that it is not allowed.

Mr. GAINES of Tennessee. Well, I am rejoiced to know that there is no injustice being done about the precincts of the Statue of Liberty.

The Clerk read as follows:

California earthquake sufferers: Authority is hereby specifically given to the Secretary of War to use the appropriations for relief of sufferers from earthquake and conflagration on the Pacific coast, amounting in all to $2,500,000, not only to buy additional supplies as may be needed for the relief of the sufferers, as directed in the joint resolutions, approved April 19, April 20, and April 23, 1906, and for the purpose of replacing by purchase supplies which have been furnished by the Secretary of War for such relief from the stores on hand for the use of the Army and for the purpose of defraying all extra cost to the War Department incurred in mileage of officers, transportation of troops, and all other expenditures which would not have been necessary but for the relief measures herein described and authorized, but also for the expenditures for personal services of persons employed by the subsistence, quartermaster, medical, and signal bureaus in the measures undertaken by the Army for the furnishing and distribution of supplies and necessary sheltering of the sufferers and the needed sanitation of camps and other temporary settlements maintained by the War Department for such relief.

Mr. HULL. Mr. Chairman, I offer the following amendment, to come in after line 9, page 23.

The Clerk read as follows:

Insert after line 9, page 23, the following:

"To reimburse officers and enlisted men of the Army who were on duty under orders in San Francisco during the recent fire in this city for loss of clothing and other personal effects sustained by them through said fire, $10,000, or so much thereof as may be necessary: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of War upon vouchers to be approved by him in each case."

Mr. LITTAUER. Mr. Chairman, I feel compelled to make the point of order against this amendment.

Mr. HULL. I hope the gentleman will reserve the point of order for a moment.

Mr. LITTAUER. Of course I will reserve the point of order.

Mr. HULL. There is no doubt that it is subject to the point of order, Mr. Chairman. The naval bill recently passed here had an amendment placed on it by the Senate, which was agreed to by the House, in exactly this language applying to the Navy. The Army bill passed the House before the earthquake and terrible fire following, and it was impossible to make the same provision at that time for the Army. It seems to me that the Congress of the United States, having already made this provision for the Navy and the Marine Corps, should be willing to make it for the Army. I hope the gentleman will not insist upon his point of order.

Mr. LITTAUER. Mr. Chairman, I regret to be compelled to insist upon the point of order. All others in the service of the United States would have just as good a claim for reimbursement of their losses if this were allowed.

Mr. HULL. The other two branches of the service have already received it. The Army and the Navy and the Marine Corps were ordered into the very heart of the district that was affected.

Mr. LITTAUER. And those who work in the mint and in the post-office lost property, as well as all the unfortunate citizens of San Francisco.

Mr. HULL. These men were compelled to go there and neglect their own matters. We have passed it for the Navy and the Marine Corps, and I now submit to the gentleman to refuse it to the Army, which was in the very heart of the business and who did more than the other did, will not be fair. They were taken from the barracks, where they were compelled to leave everything, and were compelled to go out and do police duty and every other kind of work in the very heart of this turmoil. I hope the gentleman will not insist on his point of order.

Mr. LITTAUER. Mr. Chairman, it is a difficult position in which to be placed by the gentleman. I realize fully the very free and meritorious service of the Army in connection with this horrible disaster at San Francisco, but at the same time if we now supplement the provision already made for the men and officers of the Army, we ought to do just the same for all other Government employees who lost their effects in this conflagration.

Mr. HULL. They were ordered away from their barracks and they had to go.

Mr. LITTAUER. And I do not know why we should not also take care of the private citizens, if that is the fact.

Mr. HULL. It is not the same. The Army had no power to refuse to go and abandon everything they had.

Mr. LITTAUER. Where were these men located that they had to leave and go?

Mr. HULL. Some were in the Presidio, and some were in other places.

Mr. LITTAUER. But the Presidio was not damaged.

Mr. HULL. Other buildings were. The Phelan Building, headquarters of the Army, was destroyed.

Mr. LITTAUER. But the Phelan Building was an office building.

Mr. HULL. If they did not lose a dollar they do not get a dollar. This provides for the actual loss, and the difference between the Army and the Navy and the Marine Corps and a civilian, is that in time of stress a civilian employee may look after his own property, but the Army, the Navy, and the Marine Corps have to go where they are ordered, even if they lose everything they have on earth.

Mr. LITTAUER. I insist upon the point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

Payment to Texas: To reimburse to the State of Texas, in full settlement of all claims of any nature whatever on account of moneys actually expended by that State during the period of time between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in Senate Document No. 169 of this session, $375,418.94.

Mr. DALZELL. Mr. Chairman, I make the point of order against the paragraph just read. There is no existing law that authorizes this appropriation.

Mr. UNDERWOOD. Mr. Chairman, I understand this provision is inserted in the bill in compliance with an act which was passed by Congress February 24, 1905, approved March 3, 1905, and which reads as follows:

The Secretary of War is hereby directed to inquire and report to Congress, for its consideration, what sum or sums of money were actually expended by the State of Texas during the period of time between February 28, 1855, and June 21, 1860, in payment of the State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

Mr. Chairman, in compliance with that instruction the Secretary of War has had this item audited. He has reported to the Committee on Appropriations the amount of his finding, and on that auditing authorized by this act of Congress this appropriation has been inserted in this appropriation bill. I take it that this is far more in compliance with law and existing law, far more an auditing of an account, than was the case the Chairman held to be such this afternoon, where a treaty had been made and the King of Sweden was authorized to ascertain the amount of the indebtedness due by the United States and Great Britain to certain people in the Samoan Islands, and where the King merely found that the amount was due and authorized some one else to audit the account. The Chair held that by virtue of that act and by virtue of that treaty that that was such an auditing of an account—because clearly it was not a judgment—as to make it existing law, and that it was in order on this bill.

Now, I take it, Mr. Chairman, that we all recognize that this committee has jurisdiction to place in this bill such judgments as are certified to it by the Secretary of the Treasury and such audited accounts as are presented to it. Some years ago, I believe in the Fifty-second Congress, the present Speaker of this House and the gentleman from Indiana [Mr. HEMENWAY] secured the passage of a bill directing the Auditor of the United States to reaudit the accounts of the States of Indiana and Illinois as to expenditures made by those States during the civil war. The Auditor reaudited those accounts under that act of Congress. It was returned and placed in a general deficiency bill. When the matter was presented to the House the gentleman from Tennessee [Mr. SIMS] raised the point of order that it was not an audited account and was not in compliance with the existing law.

On that point of order the gentleman from New York [Mr. SHERMAN], who then occupied the chair, held that it was within existing law because the auditing had been authorized by an act of Congress, that it was done in compliance with an act of Congress, and so reported to this House, and held that the point of order did not lie because the appropriation was under an act of Congress. Now, what is the difference between that condition of affairs and the present status of this claim? In that case an act of Congress was passed to authorize the Auditor to ascertain the amount that was due for money expended by the State of Indiana for the defense of the Union during the civil war, and the Secretary of the Treasury was directed to ascertain and report to Congress the amount of that claim, which was done, and it was held in order. In this case the Congress has passed a law directing the Secretary of War to ascertain what was due the State of Texas for the defense

of the borders of the United States during the time between 1855 and 1860; I do not remember the exact year. The Secretary of War has ascertained that amount and reported it to Congress, has audited it, and it stands in identically the position that did the amount that was held in order by Mr. SHERMAN when he occupied the chair in reference to audited accounts of Illinois and Indiana. That being the case, I contend that this is clearly in order, clearly an audited account under an act of Congress.

The CHAIRMAN. The Chair would like to suggest to the committee that it would probably expedite the consideration of this question, which is quite an important one, to carry it over until to-morrow. The Chair has just had handed him this afternoon a letter from the Secretary of War, containing a complete history of this claim, and the Chair would like to take time this evening to go through it carefully and familiarize himself with the history, and then to-morrow take up the question of order and hear debate.

Mr. DALZELL. Mr. Chairman, I have gone through this somewhat carefully, and it is a very simple matter, and one that the Chair would apprehend with a few words of explanation.

The CHAIRMAN. Well, the Chair will hear the gentleman from Pennsylvania.

Mr. DALZELL. This is a claim, according to the appropriation bill, "as ascertained under an act of Congress approved March 3, 1905, and certified by Senate Document No. 169 of this session, $375,418.94." Now, the Senate document referred to in the appropriation bill is the document which the Chair has now in his possession, to wit, a letter from the Secretary of War, transmitting a report of the result of investigations made by the Secretary of War, etc. Now, in the first place, if the Chair will observe the language of the act approved March 3, 1905, he will find that it does not authorize a final auditing:

The Secretary of War is hereby directed to inquire and to report to Congress for its consideration what sum or sums of money were actually expended by the State of Texas during the period of time between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

Now, I say, in the first place, that is not an authorization of law to finally audit this claim, and I say, in the second place, that, according to this letter, the Secretary of War has not finally audited the claim. If the Chair will allow, on page 31 of the document which he has, he will find:

It should be noted that the act of March 3, 1905, applies in terms to money actually expended by Texas in payment of State volunteers or rangers. In a strictly military sense this can only be construed as allowing for the pay of the troops to the exclusion of disbursements on account of subsistence, forage, equipment, ordnance stores, and other expenses. It is possible, however, that the expression "in payment of" may have been intended by Congress to mean in payment of any expense of the troops in question, including both pay and allowances and other proper military expenses. In any event, it will be seen from an examination of the account submitted that it is impossible to segregate the amount expended by the State for pay proper from that expended for other purposes. In the summary given before, therefore, no attempt has been made to state separately the amount expended on account of the pay of the troops, and that summary includes all of the expenditures for the purposes indicated in the respective State acts making appropriations.

Here, therefore, is one item where the Secretary of War has not ascertained whether or not the amount appropriated would be a final payment of the State's claim. I read further:

It is also to be remarked that the act of March 3, 1905, requires that the money shall have been actually expended during the period of time between February 28, 1855, and June 21, 1860. An examination of the accounts submitted shows that while all these State appropriations were made during the period indicated, some of the money was actually expended after June 21, 1860. A distinction is therefore made in the summary of expenditures between payments made before and those made after June 21, 1860.

So there is another item which goes to show that this is not a final audit.

Mr. BURLESON. That is not embodied in the item.

Mr. DALZELL. Suppose it is not embodied. Then it does not make a final disposition of this claim and leaves it open for adjudication at some future Congress.

Mr. UNDERWOOD. I will ask the gentleman from Pennsylvania if it is not a fact that the Secretary of War has audited the claim to the extent that Congress authorized him to audit, and therefore it is in conformity with the law?

Mr. DALZELL. Congress did not authorize him to audit at all. It authorized him to examine the accounts and report to Congress. That is all that it authorized him to do.

Mr. UNDERWOOD. That is not an authorization of auditing. It is merely an ascertainment——

Mr. DALZELL. He tells you as to these items that I have called the Chair's attention to, that he is not now making a final audit. There is in there a third item, which I will not stop to read, because it is in the same category as those I have already read. Now, Mr. Chairman, this is on all fours with a case decided by the gentleman from Indiana, the present occupant of the chair, a somewhat well-known case—the case of Greer County.

On April 16, 1904, the general deficiency appropriation bill was under consideration in the Committee of the Whole on the state of the Union, when Mr. JOHN H. STEPHENS, of Texas, proposed this amendment:

"Insert, after line 18, page 9, the following:

"'To refund to the State of Texas the sum of $50,875.53, the sum being the amount due the State of Texas in the adjustment of claims relating to the transfer of Greer County, Okla., from the State of Texas to the United States.'"

Mr. HEMENWAY, of Indiana, made the point of order that the proposed amendment was out of order, being a claim. Mr. STEPHENS argued that the act of 1901 authorized the Secretary of the Interior to audit this account. The law actually provided that the Secretary of the Interior should examine the claims of Greer County against Texas and of Texas against Oklahoma and report to Congress. The law provided that the Secretary, having made the examination, should report in detail to Congress, but the law made no provision directing the payment of any balance due. The Chairman said:

"The Chair is of the opinion, upon the statement of the gentleman from Texas, that the amendment is not in order. The appropriation is not authorized by existing law, and therefore the Chair sustains the point of order."

Now, the authorization to the Secretary of the Interior to audit this claim of Greer County, or the relative claims of Greer County and Oklahoma, was in the very terms of the act of 1905, which is appealed to here to-day to sustain this appropriation. I submit to the Chair that is it absolutely impossible to differentiate the two cases, and therefore the point of order should be sustained.

Mr. TAWNEY. Mr. Chairman, I want to say just a word on this subject. The deficiency appropriation bill is the bill that usually carries the appropriations for the payment of claims. The rule of the committee has always been to report appropriations for the payment of claims that have been audited by the Treasury Department, or by any other Department, when audited in accordance with law, and also judgments of the Court of Claims that are certified by the Secretary of the Treasury to Congress for appropriations.

At the beginning of this Congress the Committee on Appropriations reported an appropriation in the urgent deficiency appropriation bill to pay the claims of the State of Pennsylvania and the State of New York for interest to these two States for the amount advanced by them during the war of 1812. Now, the authorization for that audit—and I speak of this more especially for the purpose of explaining why this item appears in this bill—the authorization for the auditing, or the examination of that account, and report to Congress the amount found due, is in 33 Statutes, 777, as follows:

And the Secretary of the Treasury be, and he is hereby, authorized to resettle and readjust all claims of the States of New York, Pennsylvania, and Delaware for and on account of advances and expenditures made by said States in the war of 1812 to 1815 with Great Britain, and that in computing interest on said advances the Secretary of the Treasury shall apply the same rule as that which was applied in the settlement of a like claim with the State of Maryland under the provisions of the act approved on the 3d day of March, 1857.

Now, that was the authority we gave the Secretary of the Treasury to examine into and ascertain the amount due these three States for interest paid on the amounts advanced by them during the war of 1812. At the beginning of this session the amount was certified to Congress and referred to the Committee on Appropriations by the War Department for the repayment to the State of Texas of the amount which that State expended in protecting its frontier from Mexican marauders and Indians.

Now, this was referred by Congress to the War Department, and the whole question has been thoroughly investigated under the Military Secretary, General Ainsworth, a gentleman in whom we all have the utmost confidence. He has submitted a statement to Congress of the amount found due the State. The authority for that investigation is found in the act approved March 3, 1905, the same year that Congress passed the act under which the claims of the States of Pennsylvania, New York, and Rhode Island were adjusted, the only difference being that this was referred to the War Department, while the other claims were referred to the Treasury Department. The language is substantially the same:

The Secretary of War is hereby directed to inquire and report to Congress for its consideration what sum or sums of money were actually expended by the State of Texas during the period of time between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations for which reimbursement has not been made out of the Treasury of the United States.

Reimbursement for these expenditures has heretofore been authorized by law. This question was referred by Congress to the War Department for the purpose of ascertaining the amount actually expended and not reimbursed under the act of 1855 and

the act of 1860. Mr. Chairman, the result of this Congressionally authorized investigation or audit was presented to the committee, and it seemed to the committee that it was justified in carrying this provision in the bill appropriating for this amount, for the reason that the authorization is almost identical in form and substance with the authorization under which similar claims have heretofore been submitted to the Department respecting claims for other States. For that reason I think the matter is in order. Adjustment was authorized by Congress. An examination was authorized by Congress to ascertain the amount that has not been paid to Texas which Congress has heretofore authorized to be paid to Texas under the two acts of Congress I have heretofore referred to.

Mr. DALZELL. I want to call the Chair's attention to the fact that after reciting the three items I have already called the attention of the Chair to the Secretary of War goes on to say "subject to the foregoing remarks, the following table is submitted." That is to say, leaving out these three unadjusted claims, he submits the "following table;" and the Chair will find that he states at the end that if one view of the case is taken there is so much money due, and if another view of the case is taken a certain other amount of money is due.

Mr. BRUNDIDGE. There is no doubt, Mr. Chairman, of the fact that the Secretary of War has certified to Congress the amount he has found due the State of Texas under the act passed in 1905. Now, then, what does it come here for? Evidently it does not come here to be examined. It does not come to Congress for us to consider the question whether it is due or not due, and to reopen the investigation for that purpose. He certified it to us for the purpose of paying it, and it was sent here for no other purpose, and the act is susceptible of no other construction. And I think, Mr. Chairman, that it is not so much a question as to what language was used as it is what purpose Congress had in view in sending it to be audited. It was sent to be audited for the sole purpose of finding the specific and definite sum due the State of Texas by the Government, and they have certified it to Congress, and it has come back here for payment and not for points of order. Now, then, let us look at the Fifty-seventh Congress to the language used there in that act, and I want to call the attention of the Chair to the ruling that was made then. There was a point of order made there to an almost similar provision of law, and this was the ruling then:

The Chair will say that on page 1048 of the Statutes at Large, volume 32, is found the following provision:

"That the Secretary of War be, and he is hereby, authorized and directed to examine the claim of Messrs. Gallatly, Hankey & Co., of London, England, owners of the British steamship Mogul, for damages alleged to be due said owners by reason of the collision between said steamship Mogul and the U. S. transport Warren in Manila Bay on December 30, 1900, and determine what damages, if any, are due thereby to said owners of said steamship Mogul, and to certify the amount of such damages, if any are found to be due, to the Secretary of the Treasury; and the Secretary of the Treasury is hereby authorized and directed to report the same to Congress for its action."

Now, to the bill carrying an appropriation to pay the amount found due under that act a point of order was made, and the present chairman of the Committee on Appropriations, the gentleman from Minnesota [Mr. TAWNEY], who occupied the chair in Committee of the Whole at that time, made this ruling upon that matter, and, I think, ruled correctly:

Thus it has been held to be a special auditing authorized by law, and the appropriation of money for the purpose of paying the amount found to be due is in order under the rules of the House. The Chair therefore overrules the point of order.

Now, Mr. Chairman, the same ruling was made in the Fifty-eighth Congress, under the appropriation to pay the claims of the States of Maine, Iowa, and some other States, almost of a like character as this. The Chairman there held:

The statute, which has been read in full, plainly refers these several claims to the Auditor for reexamination and reauditing, with a view to allowance or disallowance. That has been done, as the gentleman from Illinois states, and the certificate of the Auditor is produced here.

Just as we have here. And it has been repeatedly held that any audited account—not necessarily the judgment of a court, but any account audited by direction of Congress—is in order on a deficiency appropriation bill. That is this case, and the Chair should overrule the point of order if precedents are to be followed.

Any official auditing a claim, authorized by an act of this body—I do not care to whom we send it, if the party is an official of this Government—if we send it to him and direct him to audit it, and he does so and reports it back to Congress, it comes back here for our action, and we must either pay it or reject it, and its proper and only place, in my judgment, is on a deficiency appropriation bill. And if we are to treat the State of Texas as we have treated all other States having similar claims possessing no more merit than this does, then we will make this appropriation and pay this claim that ought to have been paid years and years ago. I hope the point of order will be overruled.

Mr. LIVINGSTON. Mr. Chairman, the question whether this paragraph in the bill is properly before this House is the only question that you and I have to deal with, and the only way in which you can decide that matter is to trace the manner in which it came into this House. The act of Congress making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1905, and for prior years, and for other purposes, approved March 3, 1905, contains the following provision:

The Secretary of War is hereby directed to inquire and report to Congress—

For what purpose?—

for its consideration.

Now, Mr. Chairman, that is the way it came into the Appropriations Committee room, and I presume the Chair will hold that that committee is a part of Congress. Then we had a right to consider it. Why? Because at a previous session of Congress the investigation had been ordered, and the War Department was ordered to report to Congress for its consideration, and first through your committee this consideration was had.

Now, what was to be considered? This act states emphatically what was to be considered. It was the sum of money due Texas, for a specific purpose, expended by her. General Ainsworth, representing the War Department, has reported specifically what amount was found due Texas. Now, first, the point of order can not be good, because this Congress itself ordered the investigation to be made. In the second place, it ordered the findings to be sent to Congress. In the third place, it ordered these findings to be sent here for consideration. In the fourth place, the consideration is being had, and has been had, first, by your committee, and now by the Committee of the Whole, and no point of order can hold against it.

Mr. BURLESON. Mr. Chairman, I desire to discuss the point of order. I do not believe the point of order will lie, but preliminary to its discussion I would like to ask the gentleman from Pennsylvania a question. I want to ask the gentleman from Pennsylvania if he is willing to withdraw the point of order and let the issue as to whether Texas is to be paid in accordance with the provisions of this item be fought out on its merits? If he will do that, if I do not get full two-thirds majority of this House in favor of leaving it in the bill, I will myself ask to withdraw the item from the consideration of the House.

I want to say to the gentleman that a point of order was made against this item carrying a part of this claim nearly fifty years ago, and Texas has not yet been paid, though an appropriation for same was made in 1860, which, because of the coming on of the civil war, was subsequently covered back in the Treasury.

I want to futhermore state to the gentleman that I hold in my hand a report embodying a claim in favor of his State, the State of Pennsylvania, for $236,762 for interest, not principal, but interest, on a claim growing out of the war of 1812, and when, during the early days of this session, that item, carried in the urgent deficiency bill, was questioned on the floor I stood, and the RECORD will support my statement, and defended that item for Pennsylvania. Now, I ask again, I would like to know if the gentleman from Pennsylvania is willing to have this item fought out on its merits?

Evidently not, Mr. Chairman, for the gentleman refuses to respond. I take it that he is not willing to submit the merits of this question to this body, consisting of an overwhelming Republican majority, and let it determine whether this is a just and righteous claim.

Mr. DALZELL. I am standing on my right, defending the rules of the House. As far as merits of the claim are concerned, I am ready to meet those when they arrive.

Mr. BURLESON. Mr. Chairman, I make no pretense to being a parliamentarian. I believe I would rather serve a term in prison than read a dozen precedents of parliamentary law; but I do want a word upon the philosophy of the rule that is now being invoked against this item. What is the rule, or rather what is the basis of authority, for permitting items of this kind to be embodied in an appropriation bill? There is a general law, Mr. Chairman, authorizing the Secretary of the Treasury to audit certain claims, or claims of a certain character, and when they are so audited the same law directs that they shall be transmitted to the Congress for its consideration. This law affords the only basis for embodying provisions for the payment of many claims which are carried in appropriation bills.

Now I will read to the Chair the law under which items of this character are generally embodied in appropriation bills.

It is an act of Congress passed in 1884, and it provides as follows:

The Secretary of the Treasury shall, at the commencement of each session of Congress, report the amount due each claimant whose claim has been allowed in whole or in part to the Speaker of the House of Representatives and the Presiding Officer of the Senate, who shall lay the same before their respective Houses for consideration.

Mr. Chairman, the Congress passed that law; it authorized a certain officer of our Government to audit claims, and directed the manner of the auditing the general classes of claims. That law is the basis and authority upon which the great majority of items providing for the payment of claims go into the deficiency appropriation bill. Who will contend, Mr. Chairman, that the same power, the same lawmaking body—the Congress—can not pass another law directing another official of the Government to audit an account or to ascertain the exact amount due on a claim? Who will contend that more validity should be given to the one act of Congress than is given to the other act of Congress? Who will contend that one law is of more binding force and effect than another law passed by the same body?

It is true that the general law covering the auditing of claims requires that the work shall be done by the Treasury Department, but, Mr. Chairman, who will say that Congress can not pass a special law requiring another officer, the Secretary of War, if it wills, to audit a particular claim? And when such claim is audited by the Secretary of War and transmitted to Congress for its consideration, as the special law directs, where is the logic of the contention that it has not the same legislative status that is given claims audited under the general law?

Mr. Chairman, Congress could, if it saw fit, repeal the general law I read a moment ago and pass another law directing any official it might see fit to name in the law as the official who shall audit claims and transmit them to Congress for its consideration.

Why, this morning, Mr. Chairman, we had under discussion another item, against which the same point of order was raised, where the supreme law in the shape of a treaty authorized the appropriation, and where under the same law it was provided that a person, not an official of the Treasury Department, not even a citizen of our country, but the king of a foreign country, should audit that claim, and yet the Chair properly overruled the point of order raised on the ground that it was not authorized by law and that it had not been properly audited.

Now, Mr. Chairman, here is an act of Congress, act of 1905, passed because of certain former acts of Congress which dealt with this same subject-matter. The act of 1855 and the act of 1860 were referred to by the gentleman from Minnesota [Mr. TAWNEY]. Now, what does the act of 1905 direct? It directed that the officer of the Government—who? the Secretary of War—shall do what? Ascertain the amount due Texas by the General Government for certain sums paid out by Texas between certain dates, which sums should have been paid by the General Government. Does that not direct the auditing of the account? Isn't that an authorization of law for the ascertainment of the account and also an authorization that when that act has been performed by the Secretary of War the result of his action shall be submitted to Congress for consideration?

The gentleman from Pennsylvania says the precedent in the Greer County case is on all fours with this case; that said precedent was made by the present occupant of the chair, who ruled on the point of order which established that precedent; that it is absolutely impossible to differentiate the two cases. Now, Mr. Chairman, as I see it, nothing is easier. In the Greer County case the law authorized, after the state of the account had been ascertained, that the Secretary of the Interior should report to Congress. Nothing more. When this report was made it was a full compliance with every provision of that law. And in that case I think the point of order was properly sustained. Now, wherein does the present case differ from that case? It directs the ascertainment of the account; so far, I admit the cases are on all fours. It directs that when the account is ascertained a report shall be made to Congress; so far, I admit the cases are on all fours. But, Mr. Chairman, in the Greer County case the law stopped just at this point, and in this case now before you it goes one step further and added thereto the words "for its consideration." Now, sir, unless it is claimed that these words can be disregarded, given no effect, completely nullified, I contend that the point must be overruled, for to do otherwise would be to refuse to do what the Congress, in the law of 1905, said should be done. How can we carry out the mandate of Congress, that this matter shall after certain acts had been performed by the Secretary of War, be reported to Congress "for its consideration," unless the item is embodied in this bill, and not being subject to the point of order, be brought before the Congress for its consideration? Can it be said that we have carried out this law if this point of order is sustained and consideration of same is, in consequence of this fact, refused?

Now, Mr. Chairman, I direct attention to the fact that this act of 1905 is clothed in the exact phraseology in which a law of this character is usually clothed. Mr. Chairman, another matter, by way of persuasion, to which I direct attention. A few days ago a bill was reported to the Senate, passed that body, and was brought before this body and passed. It provided for the ascertainment of certain claims in favor of the city of Boston or a sewerage company that might arise by reason of the damage caused by the discharge of guns belonging to the Government on Deer Island. The Secretary of War was present when this bill was considered by the Appropriations Committee, and this very question that has been raised here was then raised by the gentleman from Massachusetts [Mr. SULLIVAN], as to whether or not language similar to the language used in the act of 1905, which I invoke, would take a claim of this character without the general class of claims that otherwise would be submitted to the Committee on Claims.

This matter was carefully considered by the Committee on Appropriations, and the Secretary of War, a man whom it is said is to grace the Supreme Bench at an early date, was present at the time. The matter was discussed and that bill was reported to this House and passed, containing substantially the phraseology in the act of 1905 upon which I reply, and I now call the attention of the gentleman from Massachusetts [Mr. SULLIVAN] to the fact that if this ruling now invoked by the gentleman from Pennsylvania is to be established here against this Texas claim the law relative to the claims of the citizens of Massachusetts, which law he was assured was so framed as not to subject them to the necessity of going before the Committee on Claims, will be absolutely worthless to them. Now, I desire to read the pertinent part of the law to which I have alluded, and then I shall conclude what I have to say. I read a section of that law:

SEC. 2. That the United States shall be liable for any damage to the property of the city of Boston or to the works of the North Metropolitan Sewerage System located on said island that may be caused by the firing of guns in time of peace from batteries erected within the area that may be acquired as aforesaid; and the Secretary of War is authorized and directed, whenever any such damage occurs, to ascertain and determine what would be a reasonable and proper compensation to pay the city of Boston and shall certify the same to Congress for consideration.

Mr. Chairman, in the light of the precedents cited by the gentleman from Arkansas [Mr. BRUNDIDGE], in the light of the argument made by the gentleman from Alabama [Mr. UNDERWOOD] and the gentleman from Minnesota [Mr. TAWNEY], I confidently contend that the Chair can not and will not sustain the point of order.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the general deficiency appropriation bill and had come to no resolution thereon.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes;

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico;

H. R. 16013. An act providing medals for certain persons;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to effect lands in the District of Columbia and other Territories;

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags;

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 7. An act to provide a seal for United States commissioners;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;
H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;
H. R. 10074. An act in relation to contracts with the District of Columbia;
H. R. 13190. An act to protect birds and their eggs in game and bird preserves;
H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;
H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;
H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;
H. R. 19457. An act granting an increase of pension to Charles H. Prince;
H. R. 19408. An act granting an increase of pension to Elisha Brown;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19351. An act granting an increase of pension to William C. Mankin;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19305. An act granting an increase of pension to Almus Harrington;
H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;
H. R. 19279. An act granting an increase of pension to Peter Cramer;
H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;
H. R. 19272. An act granting an increase of pension to Alice Morrill;
H. R. 19262. An act granting an increase of pension to John Wickline;
H. R. 19253. An act granting an increase of pension to Charles H. Thompson;
H. R. 19242. An act granting an increase of pension to Anthony W. Miller;
H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;
H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
H. R. 19222. An act granting an increase of pension to Catherine Warnock;
H. R. 19221. An act granting an increase of pension to Emma Byles;
H. R. 19220. An act granting an increase of pension to Calvin Corsine;
H. R. 19217. An act granting an increase of pension to William H. Burns;
H. R. 19179. An act granting an increase of pension to Eliza A. Smith;
H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;
H. R. 19130. An act granting an increase of pension to Larsey Bolt;
H. R. 19128. An act granting an increase of pension to Alexander McAlister;
H. R. 19121. An act granting an increase of pension to Isaac Overton;
H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 19099. An act granting an increase of pension to Columbus Cox;
H. R. 19068. An act granting an increase of pension to William Adams;
H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
H. R. 19047. An act granting an increase of pension to Susan C. Smith;
H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 19026. An act granting an increase of pension to Mary Navy;
H. R. 19025. An act granting an increase of pension to Milton McFarland;
H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;
H. R. 18956. An act granting an increase of pension to Joseph Scattergood;
H. R. 18954. An act granting an increase of pension to John E. Minnick;
H. R. 18997. An act granting an increase of pension to Josephine Hardester;
H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
H. R. 18911. An act granting an increase of pension to Frances Becker;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 18901. An act granting an increase of pension to John E. English;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 18656. An act granting an increase of pension to George W. Gordon;
H. R. 18631. An act granting an increase of pension to Daniel Whalen;
H. R. 18609. An act granting an increase of pension to Henry Delong;
H. R. 18606. An act granting an increase of pension to Maria A. Maher;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18523. An act granting an increase of pension to Hugh Reid;
H. R. 18462. An act granting an increase of pension to Samuel Dailey;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 18384. An act granting an increase of pension to James F. Young;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 18165. An act granting an increase of pension to Jacob Stauff;
H. R. 18125. An act granting an increase of pension to Wilhelm Griese;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17780. An act granting an increase of pension to Caroline E. Perry;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;

H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 17603. An act granting an increase of pension to George E. Yager;
H. R. 17528. An act granting an increase of pension to Edgar Slater;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 16620. An act granting an increase of pension to Jackson Adkins;
H. R. 16613. An act granting an increase of pension to William C. Fox;
H. R. 16571. An act granting an increase of pension to Mary L. Overley;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
H. R. 15674. An act granting an increase of pension to Susan Campbell;
H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
H. R. 15502. An act granting an increase of pension to Harmon Houck;
H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
H. R. 14774. An act granting an increase of pension to Levi M. Hall;
H. R. 14705. An act granting an increase of pension to Alva Beebe;
H. R. 14558. An act granting an increase of pension to Martha L. Wood;
H. R. 14554. An act granting an increase of pension to John Welch;
H. R. 14544. An act granting an increase of pension to William A. Carroll;
H. R. 14505. An act granting an increase of pension to John L. Clifton;
H. R. 14345. An act granting an increase of pension to Peter Noblet;
H. R. 14323. An act granting an increase of pension to Thomas Thornton;
H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 14107. An act granting an increase of pension to Isaac Maines;
H. R. 13998. An act granting an increase of pension to John C. Barnwell;
H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
H. R. 13652. An act granting an increase of pension to William O. Tobey;
H. R. 13631. An act granting an increase of pension to James H. Morrill;
H. R. 13609. An act granting an increase of pension to Charles H. Guile;
H. R. 13466. An act granting an increase of pension to Albert H. Bradish;
H. R. 13318. An act granting an increase of pension to Odom Butler;
H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
H. R. 13058. An act granting an increase of pension to Thomas J. Baum;
H. R. 13032. An act granting an increase of pension to Stewart McKeney;
H. R. 12347. An act granting an increase of pension to Samuel Palmer;
H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;
H. R. 16888. An act granting an increase of pension to Heman A. Harris;
H. R. 11811. An act granting an increase of pension to John Kamerer;
H. R. 11655. An act granting an increase of pension to Theodore Cole;
H. R. 11422. An act granting an increase of pension to George B. True;
H. R. 11217. An act granting an increase of pension to Jordan H. Banks;
H. R. 11100. An act granting an increase of pension to John Browne;
H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;
H. R. 10902. An act granting an increase of pension to James Holderby;
H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;
H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;
H. R. 10474. An act granting an increase of pension to Lewis F. Davis;
H. R. 10394. An act granting an increase of pension to John Behymer;
H. R. 10356. An act granting an increase of pension to Martin B. Doty;
H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;
H. R. 10280. An act granting an increase of pension to James Spencer;
H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;
H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;
H. R. 9159. An act granting an increase of pension to John S. McClary;
H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;
H. R. 8920. An act granting an increase of pension to Andrew J. Lane;
H. R. 8903. An act granting an increase of pension to John W. Dawes;
H. R. 8291. An act granting an increase of pension to Daniel S. Chase;
H. R. 8285. An act granting an increase of pension to Daniel Sharpley;
H. R. 7589. An act granting an increase of pension to Robert A. Scott;
H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
H. R. 7871. An act granting an increase of pension to Jerome L. Brown;
H. R. 7652. An act granting an increase of pension to Charles W. Timms;
H. R. 7543. An act granting an increase of pension to Prior M. Pavy;
H. R. 7539. An act granting an increase of pension to David H. Hair;
H. R. 6914. An act granting an increase of pension to John Hecker;
H. R. 6900. An act granting an increase of pension to John Rawling;
H. R. 6510. An act granting an increase of pension to Richard A. Roberts;
H. R. 6423. An act granting an increase of pension to Levi A. Canfield;
H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;
H. R. 6201. An act granting an increase of pension to George W. Laking;
H. R. 6190. An act granting an increase of pension to John J. Schneller;
H. R. 6181. An act granting an increase of pension to Fayette E. Ford;
H. R. 5707. An act granting an increase of pension to John P. Veach;
H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;
H. R. 4887. An act granting an increase of pension to John F. Brown;
H. R. 4885. An act granting an increase of pension to James Hennon;
H. R. 4659. An act granting an increase of pension to John F. Morris;
H. R. 4647. An act granting an increase of pension to David C. Austin;
H. R. 4397. An act granting an increase of pension to John M. Byers;
H. R. 3724. An act granting an increase of pension to Samuel Likens;
H. R. 3369. An act granting an increase of pension to Albert Sriver;
H. R. 3238. An act granting an increase of pension to Samuel Hartley;
H. R. 3222. An act granting an increase of pension to George Merrill;
H. R. 2867. An act granting an increase of pension to Leah Bedford;
H. R. 2759. An act granting an increase of pension to Daniel Eaton;
H. R. 2714. An act granting an increase of pension to Charles H. Charles;
H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;
H. R. 2229. An act granting an increase of pension to Lytle McCracken;
H. R. 2053. An act granting an increase of pension to Annie A. Townsend;
H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;
H. R. 1689. An act granting an increase of pension to William A. Bailor;
H. R. 1549. An act granting an increase of pension to Louis H. Gein;
H. R. 1507. An act granting an increase of pension to Henry D. Jordan;
H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;
H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;
H. R. 1206. An act granting an increase of pension to Allen Crow;
H. R. 609. An act granting an increase of pension to Horace H. Sickels;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19255. An act granting an increase of pension to John Bradford;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
H. R. 19053. An act granting an increase of pension to John T. Heaney;
H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18623. An act granting an increase of pension to John H. Bradberry;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 15105. An act granting an increase of pension to Jacob Sheil;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;
H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;
H. R. 11072. An act granting an increase of pension to William T. Hosley;
H. R. 10267. An act granting an increase of pension to David W. Farington;
H. R. 10031. An act granting an increase of pension to Martin Haley;
H. R. 9101. An act granting an increase of pension to James W. Loomis;
H. R. 8214. An act granting an increase of pension to Joseph Slagg;
H. R. 7910. An act granting an increase of pension to Nicholas Karns;
H. R. 7683. An act granting an increase of pension to James Ross;
H. R. 6944. An act granting an increase of pension to David P. Kimball;
H. R. 5834. An act granting an increase of pension to Ethan A. Willey;
H. R. 4967. An act granting an increase of pension to Joshua Holcomb;
H. R. 4891. An act granting an increase of pension to George W. Swadley;
H. R. 2789. An act granting an increase of pension to Merrill Johnson;
H. R. 2772. An act granting an increase of pension to Eli Cero;
H. R. 2223. An act granting an increase of pension to John A. Blanton; and
H. R. 1143. An act granting an increase of pension to Ephriam D. Achey.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;
H. R. 11029. An act to authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;
H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;
H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;
H. R. 15506. An act authorizing the patenting of certain lands to school district No. 57, Nez Perces County, Idaho;
H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"
H. R. 5998. An act creating the Mesa Verde National Park;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, Utah, on September 19, 1902;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes;

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.;

H. J. Res. 158. Joint resolution amending section 2 of a joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes; and

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays.

JAMES M. ROBINSON AND SALLY D. M'COMB.

Mr. OVERSTREET. Mr. Speaker, I call up from the Speaker's table the bill (H. R. 10610) for the relief of James M. Robinson and Sally D. McComb, with Senate amendments thereto.

The SPEAKER laid before the House the bill (H. R. 10610) for the relief of James M. Robinson and Sally D. McComb, with Senate amendments thereto.

The Senate amendments were read.

Mr. OVERSTREET. Mr. Speaker, I move that the Senate amendments be disagreed to and that a conference be asked.

The motion was agreed to.

The SPEAKER appointed the following conferees on the part of the House: Mr. OTJEN, Mr. HAUGEN, Mr. SIMS.

CODE OF LAW, DISTRICT OF COLUMBIA.

The SPEAKER laid before the House the bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia, with a Senate amendment thereto.

The Senate amendment was read.

Mr. BARTLETT. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

MEDALS IN COMMEMORATION OF ANNIVERSARY OF BIRTH OF BENJAMIN FRANKLIN.

Mr. McCLEARY of Minnesota. Mr. Speaker, I ask unanimous consent that the Committee on the Library be discharged from the further consideration of the bill (S. 6488) authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin, and that the same be considered now. I send the bill to the desk, and ask that it may be read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of State is authorized and directed to have struck 200 additional medals for the use of the American Philosophical Society, Philadelphia, Pa., to commemorate the two hundredth anniversary of the birth of Benjamin Franklin: *Provided*, That the entire cost of striking the medals shall be borne by the aforesaid American Philosophical Society.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

RECESS.

The SPEAKER. Under the order of the House, the House is in recess until 8 o'clock p. m., and the gentleman from Pennsylvania [Mr. DALZELL] will act as Speaker pro tempore.

EVENING SESSION.

The House was called to order by the Speaker pro tempore (Mr. DALZELL).

Mr. BOUTELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19750.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19750, Mr. CAPRON in the chair.

The CHAIRMAN. The gentleman from Illinois is recognized for one hour.

Mr. BOUTELL. Mr. Chairman, once more we are called upon to make grateful acknowledgment to my engaging colleague [Mr. RAINEY] for again conducting our imaginations into the realm of the unreal and the insubstantial. In the language of that domain of the fancy, the curtain was rung down last night upon the fourth act of the thrilling drama that has absorbed our attention at intervals during the past three months. Those four acts were given upon different days to comport with the magnitude of the theme and out of consideration for the nervous strain made upon the principal actors. The fifth act now follows. The customary interval has been made as brief as possible, not only to relieve my amiable colleague [Mr. RAINEY] from the distressing mass of misinformation which oppresses him, but also to allay any fear that the gentleman from Mississippi [Mr. WILLIAMS] might otherwise entertain that in the preparation of these closing scenes there had been any unwarranted concession to the oil trust, any unfair, clandestine, midnight consumption of the octupus-priced illuminant.

Mr. Chairman and gentlemen of the committee, I think you will all agree with me that this drama ought to be classified as a comedy, notwithstanding some scenes that we witnessed last night, and that as such it ought to have an appropriate title. Inasmuch as my colleague who was the author, or perhaps we ought to say the instigator of this performance, left his offspring nameless, a decent regard for the opinion of mankind makes it fitting and proper that we should bestow a name upon the orphan, and I suggest as a title, "Government by advertisements; or, who gets sold most in the watch trade?" [Laughter.] Mr. Chairman, in order to appreciate fully the scenes that we witnessed last night and to understand those that are now to follow, and, what is of more importance in order to surround ourselves with the proper atmosphere of genuine comedy, we must recall the plot and action of the first three acts.

The first act was given on the 5th and 6th of April last. In that act my versatile colleague [Mr. RAINEY] and Keene of Broadway occupied the center of the stage. And in that act the theme of this great drama was divulged to us. With keen artistic perception my colleague withheld the disclosure of the theme until the suspense was almost painful. First he gave a dark-brown soliloquy on taxation in general, and then a bright red fulmination against the iniquities of the steel industry; and, then, at the opening of the second scene, as it were, just as curiosity was on tiptoe, with a tremendous fanfare of verbal trumpets the theme was literally hurled at us, "We must revise the tariff and reconstruct our national revenue system, involving the annual collection and expenditure of something like $800,000,000, to comply with the exuberant ebullition of a sensational Broadway advertiser." Truly a comical idea. Did Sheridan or Rostand or George Ade ever conceive of anything half so droll?

Then, by a clever piece of stage mechanism, he brought before us Keene, of Broadway, whom he first described as "a typical Democrat," leaving the inference that he regretted he was not able to appear as a Member upon the floor of the House. Then, with a large picture, he produced what the pictorial artists called "local color." There we had before us Keene's shop. There was the advertisement of the protection sale of watches; there was the more suggestive advertisement repeated on each window, "Diamonds at cut prices;" there were Keene's clerks and salesmen lined up on the sidewalk gazing into the windows to represent the crowd of curious gaping purchasers, eager to buy his nondescript watches and paste diamonds, and there, too, was the omni-

present New York newsboy in the foreground, who looked wiser than all of those who were ever taken in by Keene, of Broadway, with a shrewd wink on his face, as though he were saying, "Get wise to dis guy's cheap bait for easy suckers." [Applause on the Republican side.]

Yes, there was Keene's shop; there was Keene himself in the gallery, and there were Keene's words in his advertisements, showing us that the tariff ought to be revised. Everything about Keene was here except his voice, and my colleague furnished the voice and read the advertisements. Voice is not the thing in which anyone would suppose that my colleague is lacking. It was all very clever, very ingenious.

Then how delightfully funny was the solemn silence, the ponderous impenetrability with which my colleague received the effusive tender of the gentleman from Mississippi [Mr. WILLIAMS] of a 15 per cent ad valorem duty on watches. Those of you who had the pleasure of witnessing that scene will recall it at a mere suggestion. My colleague had read the advertisements of Keene, of Broadway. The tariff, then, ought to be revised. Just then he became embarrassed, apparently, and seemed to be uncertain as to how it ought to be revised. The audience began to shift uneasily in their seats. Suddenly the spot light shifted, and into the bright pink zone leaped the gentleman from Mississippi, waving in his hand a bill to fix the duties on watches at 15 per cent ad valorem. Then the audience looked to see my colleague welcome him with open arms, to recognize the political strawberry mark on his right arm, and greet him as a long-lost, free-trade brother. No; not one word of thanks, not one gesture of gratitude, not even a nod of appreciation. My colleague simply glared at the gentleman from Mississippi in dumb disdain. "Standing like Teneriffe, he smote him with his eyes." How De Wolfe Hopper would have envied that pose.

Some discriminating critic might say there was lack of humor in this first act, that it was somewhat heavy, but we must recollect that my colleague took various parts, and one of the principal parts was that of the gravedigger. He buried pretty nearly everything and everybody that he referred to. He buried the watch industry, and he buried the steel industry, and he buried the Republican party, and the curtain fell upon the first act as my colleague, with spade in hand and sweat pouring from his brow, disinterred the personification of the Democratic party, who, with dust in his eyes, had been standing buried for two thousand years. [Applause on the Republican side.]

Anyone who says that the part of a gravedigger can not be made humorous never had the exquisite delight of seeing McVicker as the first clown in the opening scene in the fifth act of Hamlet.

It became my duty unexpectedly to assume the chief rôle in the second act, and, therefore, of this I can say but little. Of course I availed myself of the mechanism introduced by my colleague and produced here the reply of those connected with the watch industry who saw fit to send their facts to our committee, denying almost in toto the charges that were made by my colleague. My cue, of course, was the attack upon the officers and employees of the Elgin Watch Company, of Illinois, of which all Illinois people, except my colleague, are justly proud. [Applause on the Republican side.]

The gentleman from Mississippi [Mr. WILLIAMS] said some very kind things about the opening part of that act. To this I can only say, in the words of the greatest of all dramatists:

> A jest's prosperity lies in the ear
> Of him that hears it, never in the tongue
> Of him that makes it.

So I will say no more about this second act, except that I was greatly pleased that my little extemporaneous jeu d'esprit found prosperity in the ear of such a discriminating critic as the gentleman from Mississippi.

But the third act was the gem of the play. As soon as the curtain rose the gentleman from Mississippi sprang into the limelight waving a volume of fairy tales in either hand—in one a parody on Robinson Crusoe and in the other the free-trade fables of Bastiat. From beginning to end he entered thoroughly into the spirit of the comedy. He was spirited, magnetic, captivating. How delicate was the irony with which he referred to "Keene of Broadway." He said in effect: "It makes no difference who Keene is. What we want to know is what Keene did." And then he went on to emphasize the fact that what Keene did was to attempt to bring into this country some American watch works which had been sent abroad, improved and added to with foreign labor, and brought back in contravention of article 483 of the Dingley tariff. If he had wished to follow the example of the old Elizabethan dramatist and wind up this scene with a rhyming couplet, he might have told what Keene attempted to do by using a word that rhymed with juggled.

One of the most humorous scenes of the whole play was the one that contained the colloquy in reference to the long-staple cotton. The gentleman from Mississippi had told the committee how sincerely devoted he was to a tariff for revenue only. Thereupon I asked him his opinion of a bill that was pending before the Ways and Means Committee imposing a tariff of 10 cents a pound on Egyptian long-staple cotton in the lint and 4 cents a pound in the seed. The question seemed to give the gentleman from Mississippi a spasm, and it took him over a page in the RECORD to answer the question, and he insisted that it was irrelevant, and then that it could not have been introduced by a Democrat, and then when he found that this could not be maintained, he assumed an injured air, saying, in effect, "What did the gentleman from Illinois mean by trying to tempt him by asking his opinion of a bill that would put $15,000 or $20,000 into his own pocket?" Then he summoned all the sewing women and dentists of the country in grand convention. There they were thrown before the eyes of our imagination. We looked at the sewing women, and I thought how contented and happy and prosperous they looked, and they seemed to be singing that lovely tune—

> We get more pay than we ever did,
> And our hours of work are less.

As for the dentists, why, they looked as happy and prosperous as a convention of Mississippi cotton manufacturers. And when he had them assembled, he addressed them to this effect: "Oh, sewing women and dentists of this great Republic, it will now be vouchsafed to you to witness the most sublime spectacle of the immolation of interest, of self-interest, of my self-interest, upon the altar of principle for your sakes." Then his frame straightened perceptibly, his chest expanded, and a new thrill came into his voice as he said: "Do you think I would rob the poor sewing women and all the dentists and bricklayers and carpenters of this country to put money into my pocket and the pockets of my constituents? If you do, you are mistaken." And in the brackets there was "Applause on the Democratic side."

Now, the real humor of this can only be discerned by following what happened a few days later when the subject of the cotton-tax bill was before the House and it was developed in debate that there was no long-staple cotton grown anywhere in the State of Mississippi, and that a duty on long-staple cotton would not improve the price of the short cotton, but that it would decrease the demand for such cotton, and therefore would decrease pro tanto its price.

Mr. WILLIAMS. Will the gentleman yield?

Mr. BOUTELL. Yes.

Mr. WILLIAMS. I understood the gentleman to say that it was somehow disclosed that there was no long-staple cotton raised in the State of Mississippi.

Mr. BOUTELL. Not a particle.

Mr. WILLIAMS. Mr. Chairman, it affords me infinite pain to say that the gentleman from Illinois does not know what he is talking about. The entire Mississippi-Yazoo delta raises "long-staple" cotton. I have raised it myself, and there is not a planter in the swamp part of the county of Yazoo that does not raise it. It is raised in Washington, Coahoma, Warren, and Bolivar counties, and in all the northwestern part of Mississippi and in some other parts of the State. Now, perhaps the gentleman has "Sea Island" cotton, of still longer fiber, mixed up with the long-staple cotton. [Applause on the Democratic side.]

Mr. BOUTELL. Let me read page 6549 of the RECORD:

Mr. BOUTELL. I would like to ask two or three questions in reference to this cotton.

Mr. CLARK of Florida. Well, I have only about three minutes remaining.

Mr. BOUTELL. First, the gentleman from Florida is absolutely sure that none of this long-staple cotton is grown in the State of Mississippi?

Mr. CLARK of Florida. The Government reports show it is only grown in the three States I have named.

Mr. BOUTELL. According to the Government reports, there is no long-staple cotton grown anywhere in the State of Mississippi?

Mr. CLARK of Florida. No sea-island cotton; I think there is none grown except in those three States.

Mr. BOUTELL. I will ask further whether a tax of 5 cents a pound or even 10 cents a pound would in any way affect the price of short cotton?

Mr. CLARK of Florida. I do not think it will. I do not think that the millions of bales of short cotton would be affected in the slightest degree.

Mr. BOUTELL. I could not see how they would be, even to the fraction of a mill.

Mr. WILLIAMS. I think anything like a large duty upon Egyptian cotton would affect the price of short cotton, and would affect it by reducing pro tanto the price of short cotton.

Now, Mr. Chairman, I decline to yield any further.

Mr. WILLIAMS. But the gentleman does not want to decline to yield after a statement like that.

Mr. BOUTELL. Now, Mr. Chairman, I decline to yield further time; the time is so short. If I could have an extension of time I would be glad to answer any questions.

Mr. WILLIAMS. I do not want to ask any questions. I merely do not like a statement like that to go without correction.

Mr. BOUTELL. I decline to yield.

Mr. WILLIAMS. It is the *fact* that long-staple cotton is grown in Mississippi. It is raised on my own land. Sea-island cotton is not grown there. Mr. CLARK's bill referred to "long-staple" cotton.

Mr. BOUTELL. I decline to yield any further in this synopsis.

And so, Mr. Chairman, it makes one shudder to think what all the sewing women and dentists of the country would say when they discovered that this sublime spectacle which they were called on to witness was simply a piece of play-acting fanfarronade. [Applause.] The delicate, veiled humor in this scene was in showing how often in our reported speeches the applause within the brackets is not justified by either the wisdom or correctness of the text. [Applause on the Republican side.]

But, Mr. Chairman, for real, solid humor perhaps we got the best laugh out of the closing scene of this act. The gentleman from Mississippi, availing himself of the mechanism introduced by my colleague, had two or more of his associates act as human phonographs. They read sentiments which were not their own. One of the most interesting phonographic rôles was that taken by the illustrious gentleman from New York [Mr. TOWNE]. Some days later he made a speech explaining why he was now on the Democratic side of the House and representing a district of New York, and took occasion to say that from childhood's happy hours he had been a "nationalist." All who saw that earnest speech were convinced that he impressed his hearers as being one of the best formed men in Congress. [Laughter.] He told us that he was a nationalist. Well, we all knew he was on a "list"—on some list—and that a few years ago he was next to the top of a very prominent list. But our recollection was that the first syllable of that list was "pop." [Laughter.] If he had been called upon to repeat one of Mr. Bryan's silver speeches or some seething paragraphs from "Coin" Harvey there would have been no humor about it; but no one but the gentleman from Mississippi would ever have thought of the delicate humor of calling upon him to read the well-known fiction of the Manchester school. The curtain fell upon the third act with that delightful picture before us of the gentleman from Mississippi ostentatiously, but nervously, tying a long Manchester bib under the chin of the eloquent gentleman from New York, while that imposing populist—I mean impressive nationalist [laughter]—ladled out free-trade gruel to his squirming colleagues, who made wry faces at each ladleful, when they thought of the letters they had in their pockets from their constituents saying, "Whatever other political folly you feel compelled to commit, for heaven's sake don't tinker with the tariff." [Laughter and applause.]

Last evening we had the pleasure of listening to the fourth act. It was rather disappointing; in the first place, because the element of surprise was largely lacking. I have here a paper dated June 2 containing a half column account of an important speech made by my colleague in the House of Representatives the day before, on the 1st of June, and I had read it with great interest, as I suppose, doubtless, many others did. So the fourth act was a little lacking in this element of surprise. Then, again, my colleague seemed to have lost a little of his sense of artistic proportion. Something or some one seemed to have guided him out of the ruddy, warm atmosphere that should surround genuine comedy. So it becomes my task to get the play back, if I can, into that atmosphere. In the first place, then, I must revert to the theme of my colleague: "We must revise the tariff" to conform to the advertisements of "Keene, of Broadway."

Now, I want to ask, in the first place, Mr. Chairman, whether any member of this committee can conceive of any reason why this advertisement of Keene, of Broadway, of all the advertisements in the world, should have so impressed the mind of my colleague. The world is full of advertisements. We see them everywhere; they assail our eyes in foreign lands, as we go up the Rhine, or visit the Pyramids of Cheops, or ascend the Rocky Mountains in our own land.

They are in the street cars, they are on the dead walls. They are all alluring, seductive. Some of them are persuasive, almost compelling, and if we were to govern our actions by advertisements, we might as well adjourn Congress and repeal the moral law and the ten commandments. You will see, Mr. Chairman and gentlemen, as we proceed, how important it is to discover why this advertisement by Keene so impressed my colleague's mind, and in order to discover what its secret influence was, we must consider some of the advertisements that he has passed by altogether. You remember them. As I rode up on the car this evening I saw a number of them, which might be guides to one's life and habits. Take this one.

Sunny Jack, the statesman's breakfast food! Marvelous in its effects! One meal of Sunny Jack will make a Democratic Congressman feel so buoyant and gay that he will be able to contemplate the all-pervading prosperity of his country, not only without a pang, but even with equanimity. Eat Sunny Jack and look happy.

[Applause and laughter on the Republican side.]

It is quite apparent from a mere glance at my colleague that he at least has never been led astray by this advertisement, and sought to cheer his heart by a diet of Sunny Jack. Or take this:

Roastem, a mild, brown drink for nervous people. Wonderful, mysterious Roastem! Cools the blood, soothes the nerves, warms the feet! All those whose nights are made miserable by frightful visions of greedy, avaricious trusts glaring at them out of the darkness at the foot of the bed can obtain instant relief by substituting Roastem for all other beverages.

[Applause and laughter on the Republican side.]

It would be quite superfluous to ask of my colleague whether he had endeavored to quiet his rebellious and tempestuous nerves by giving up all other drinks and resorting only to Roastem. Or take this:

Jag-I-See, the food for genius. All great brain workers use Jag-I-See. Why look morose and melancholic—after great mental strain when a diet of Jag-I-See will give you all the innocency of vision, all the intellectual freshness, and all the aimless agility of a young spring calf? Back to pasture!

[Applause and laughter on the Republican side.]

Would anybody suppose from glancing at my colleague's haggard eyes that he had in any way sought to find rest and relief from the ravaging labors of pursuing the watch trust officials by a diet of Jag-I-See? Or take another:

Guffy's Poor Hay Brandy, an old medicinal tonic of unrivaled spuriousness. If anyone needs to be convinced that he can only attain a loquacious longevity by using Guffy's Poor Hay Brandy, let him read a few of our countless testimonials. The venerable Senator Talkmore writes that at the age of 117 years he is still able to make a four-hour tariff speech without ever stopping, and without even thinking.

[Laughter on the Republican side.]

He attributes this marvelous faculty, this wonderful ability to exercise his voice without exerting his mind to the daily consumption for over 100 years of a gallon of Guffy's Poor Hay Brandy.

[Applause and laughter on the Republican side.]

Would anyone have the temerity to intimate that my colleague had endeavered to find inspiration from this source rather than from Keene, of Broadway? Or take another:

Nutty-Nut, the Great Medicated, Homeopathic, Predigested, Peptonated, Concentration of Natural Nutriment!

[Applause and laughter on the Republican side.]

Nutty-Nut is nature's substitute for all other forms of food and drink. Note its homeopathic qualities. Nutty-Nut—like cures like. The intelligent use of Nutty-Nut is warranted to completely restore the mental equilibrium of anyone who has become a bit nutty on economic questions. Our secret agents have scoured the globe, and have bought up vast quantities of exported Nutty-Nut at a mere fraction of the domestic price, and we are reimporting it to undersell the home market. Our watchword is "No Nutty-Nut for foreigners; we need it all at home."

[Applause and laughter on the Republican side.]

Reimported cut-rate Nutty-Nut in large lots to free-trade leagues.

Have the gentleman from Mississippi or my colleague or those of their associates, whose intellectual integrity causes them writhing agony as they try to harmonize their honest free-trade convictions with insincere campaign professions of devotion to incidental and accidental protection, endeavored to heal their lacerated consciences with the diet of Nutty-Nut?

Or take this:

Petunia, a Sovereign Remedy for Everything. We have produced more unauthorized bad pictures of good men gone long on Petunia than have any other publishers of fatuous fables for driveling dupes. Petunia fears no test. Seventy-three bottles of Petunia taken in thirty-seven hours have been known to cure a Populist of a virulent attack of the quantitative theory of finance. Petunia cures all diseases, prevents death, and restores life. We now make the astounding announcement for the first time that recent scientific investigation has disclosed and confirmed what we have always believed, that over 60 per cent of the present population of modern Egypt is composed of mummies—mummies of the reign of Ptotmes the Second, restored to life—to active, gainful life, many of them as officeholders, by the judicious use of petunia.

[Laughter.]

Petunia will revitalize the corpse of a paramount issue, and restore to it all of its pristine virtues except the odor.

[Applause on the Republican side.]

Cut rate Petunia to political organizations organized for the purpose of resuscitating Free Traders, Sixteen-to-Oners, Anti-Imperialists, and other dead ones.

Has my colleague made any arrangement with Keene, of Broadway, to reimport Petunia for use in the coming campaign? But why go on? One more comes to my mind that I saw to-day.

"Ganderine for the Head, the Most Amazing and Stupendous Discovery of this Age of Marvels." What is Ganderine? It is an occult distillation of the secret alembic of an unknown chemist who has lost the prescription and forgotten the formula.

[Laughter.]

Ganderine is duplex in its action and works while you sleep.

[Laughter.]

Shake it with the right hand and Ganderine removes hair from the scalp and wheels from the brain; shake it with the left hand and Ganderine puts wheels in the brain and hair on the scalp. A thorough course of left-handed treatment will install in an unoccupied brain an assortment of wheels that would have surprised the Prophet Ezekiel himself and develop on a fertile scalp Hyperian locks of such luxuriance as to create the appearance of distinction, produce a semblance of intellectuality, and confer upon shrinking modesty the majestic mien and front of Hyperian Jove.

[Applause on the Republican side.]

Well, these advertisements for the rule of our life greet us on all hands, and yet who would have the temerity to suggest that either my colleague or myself had ever been induced to try Ganderine? [Laughter.]

Mr. RAINEY rose.

The CHAIRMAN. Does the gentleman from Illinois yield to his colleague?

Mr. BOUTELL. Yes.

Mr. RAINEY. The time of my colleague is passing so rapidly I want to ask him if at any time during the hour he proposes to answer any argument I have advanced in either one of my speeches on this question?

Mr. BOUTELL. I would state, Mr. Chairman, if I had had the pleasure of hearing any argument of my colleague that was susceptible of a categorical reply, I would gladly answer it [applause on the Republican side], but I am coming now, Mr. Chairman, to something which I think may interest my colleague, and I have led up to it in this manner, so that I think your minds, gentlemen, are now in a proper state to receive what I have to say. When I thought how mysterious it was that that advertisement, over and above all others, had so impressed my colleague, I could hardly believe it, and I recurred to the RECORD to find out whether I remembered correctly, and on page 4910 I find:

My attention was first directed to this gentleman's business by advertisements which he inserted in the New York papers. * * * Inasmuch as this advertisement in the New York Press first directed my serious attention to the subject, I desire to send it to the Clerk's desk to be read.

And he sent to the Clerk's desk to be read and inserted in the RECORD an advertisement from the New York Press, dated Friday morning, February 2, 1906. The gentleman from Pennsylvania [Mr. DALZELL] a short time before had inquired of my colleague whether the advertising picture was taken at the instance of Mr. Keene, to which my colleague replied:

The advertising picture was taken at my instance, at my request, and by my photographer, and I expect to pay for it. [Applause on the Democratic side.]

Note the date. February 2 was the first date at which his attention was called to this matter. After that, of course, he had this picture taken, unless all through this proceeding he has been acting like the characters in Alice Through the Looking Glass. You remember that the Red Queen screamed, to Alice's amazement, when nothing had happened to her, and she told Alice that she was going to prick her finger after a while.

Remember these dates. February 2. Remember his photographer took this picture after that date, and remember what a photograph is. It is a portrait, painted by the sun, as instantaneous as a flash of lightning, and the face of nature changes again and can never be reproduced. A few days ago some designing person sent to the Ways and Means Committee a bundle of papers, which I ask you gentlemen to look at, the Free Trade Broadside, published, where we naturally would expect, in Boston. It is volume 1, No. 4, dated January, 1906. The front page of that paper contains what the ordinary man without a sense of humor would say was the photograph from which my colleague's print was reproduced. This Broadside also contains an article upon "Keene, of Broadway;" but bear in mind the positive statement of my colleague about this photograph. Let me read the first line of this article: "This picture was taken expressly for the Free Trade Broadside," and it must have been prior to January, 1906. [Applause on the Republican side.] It represents the store at No. 180 Broadway. Now, Mr. Chairman, if I were like my colleague, who last night descended into the dismal vale of melodrama, I should be justified in ascending into the arid heights of tragedy and demanding to know how there could be such a similarity between a picture taken before January 1 and one taken after February 2. If my colleague had not seen this picture, then certainly there was almost a miracle in the similarity in the position of Keene's clerks and salesmen as arranged by his photographer. If he had seen it, it certainly was a very artistic arrangement by which he could bring them into that exact position, and with that same newsboy in front. [Laughter and applause on the Republican side.]

But, Mr. Chairman, it is my purpose to adhere strictly to the spirit of good humor that should pervade this play. And I pass on now to consider the attempt of my colleague to rehabilitate Keene, of Broadway—the sole source of his inspiration and information on the watch trade. Hence, again, I must remind you of the theme of this play—"Government by advertisements."

I have here an advertisement of "Keene, of Broadway," dated May 4, in the Globe and Commercial Advertiser, in which he says:

In defiance to the trusts I have been buying Waltham and Elgin watches by the thousands in the open markets of Europe—

And so forth.

To illustrate the lines upon which the fight is being waged, and to emphasize the almost incredible saving in the price of watch-trust products, I submit the following object lesson.

And I hand around these papers for gentlemen of the committee to look at. There are four watches shown in this advertisement. At the right-hand side is a watch marked "Waltham," an open-faced watch, with the figure "3" at the stem. On the face of it a hunting watch inserted in an open case—a nondescript affair which would make a man seasick to tell the time by. "Complete," he says, "for $4.98." No sane man would give 49 cents for it.

The second watch has a left-handed case, the like of which I never have seen, but which when you open it has the figure VI at the top. Another amorphus freak in the watch line. In order to tell the time a man should have to stand on his head, take the watch out of his pocket in his left hand, and look at it in a looking-glass. [Laughter.] For $9.98! No sober man would give 99 cents for it. And then comes two which I must take together. You can see that they are both numbered 9502001. The first is a Waltham, Riverside, seventeen jewelers. No American watch company—and we ought to be proud of it—no American watch company—there are twelve of them—is afraid of its movements or the names of them. And every watch has a number. Each watch has a number, and no number is duplicated. Look at the watch at the left hand in the advertisement and you find the same number as in the one next to it. It is a Riverside watch, with the same number, but by a forgery in the plate seventeen jewels have been changed to twenty-seven, and Maximus has been put in under Riverside.

Another little example of advertising of this unspeakable mountebank of lower Broadway! I had here an advertisement published by Keene only a few weeks ago, telling us how he had bought thousands of these watches in the European market. I want to call your attention to an original letter which I have here from Joseph Linz & Bros., wholesale jewelers, of Dallas, Texas. If the representative of the Dallas district is here—perhaps any Texas man can tell us whether it is not one of the best-known jobbing houses in his State. This firm incloses to the Elgin Watch Company, their correspondent, two letters from this man Keene. I will read from one of them:

Can you furnish us with any 16-size O. F. 7J Waltham or Elgin movements at 10 per cent and 6 per cent off for spot cash?

Postscript: Also let us know how many No. 210 Waltham O. F. and No. 303 Elgin movements you can send us.

That letter was dated September 8, 1905. Another letter is dated November 27, 1905, and is as follows:

Can you get me any R. R. grades of Waltham and Elgin at 10 and 6 per cent off, or any No. 1 Waltham, hunting or open face, or same thing in Elgin, less 10 per cent and 6 per cent? I will take several hundred of these for cash or give you other scarce goods in exchange.

How do gentlemen from Texas like to have their State called a "foreign country" by this Broadway advertiser, gulling the people by telling them he has reimported thousands of these watches from Europe, while he is writing to responsible dealers all over the country, even as far as Texas, offering to buy all of these watches that they can furnish for cash at the regular jobbers' rates and describing them as *scarce* goods?

But, Mr. Chairman, there is another and a darker chapter in the advertising of Keene. In March, 1900, this advertisement appeared in the New York Evening Telegram:

Watches—A Waltham watch cheap. A man on the inside will give confidential wholesale prices. Box 184, Waltham, Mass.

Now, I ask any fair-minded man what he would infer from that advertisement? The name of Waltham is known around the globe. There is no civilized man to whom the name of Waltham does not suggest a good watch. So when that advertisement appeared "Box 184, Waltham, Mass.," "a man on the in-

side will give confidential wholesale price," what is the supposition? What would any of you think? Well, the Waltham Watch Company people thought that some sly thief was getting into their works and stealing their movements, and they answered this advertisement. And who do you suppose replied to the letter? Would you have thought it would have been a typical Democrat?

Now, that advertisement to write to Box 184, Waltham, Mass., was answered by Mr. George Dill, of Maywood, N. J., and on March 31, 1900, and on April 13, 1900, his letters were answered by Charles A. Keene, dating his letters from Boston. [Laughter and applause on the Republican side.] His letter heads read "Keene's Mammoth Watch House, 1301 Washington street, Boston; New York, 140 Fulton street." That was before he got on to lower Broadway, which I remind my colleague, by the way, is the home of high finance; and the lower you get on Broadway the higher becomes the finance. [Laughter.] And to this same man, Mr. Dill, he also sent a catalogue, on the back page of which appears a sketch of a $50 Waltham watch, which he is willing to sell at less than half price. So that he was in this same kind of business of cajoling the public long before he had discovered that the people could be gulled and deceived by advertisements in reference to the cheapness of reimported watches. This method of advertisement, if called to the attention of the Post-Office Department, would at once close the mails to this typical Democrat, this friend of my colleague, this inspiration and source of all his information on the subject of the watch trust. [Applause on the Republican side.] As I listened last night to my colleague giving those ponderously positive, bombastic statements, which can only have their wellspring in misinformation, I could not help thinking that, as he stood like a watchman on the outside ramparts of the trade, he could tell us what cut prices on diamonds were, which I had always supposed were valued like bullion; and the first lines of that old hymn came to my mind:

Watchman, tell us of the night,
What its signs of promise are?

And if I had the lyrical capacity I would close this scene with appropriate lines; but in the short time at my disposal the best that I could do to fit the occasion was this:

Watchman, tell us of your friend,
What his signs of promise mean;
Can you really, truly buy
Cut-rate diamonds of Keene?

And if cut-rate diamonds
At Keene's are really sold,
Then why not cut-rate silver
And cut-rate bars of gold?

Watchman, tell us of the trade,
That our funds we may not waste;
Are cut-rate diamonds smuggled,
Or are they simply paste?

Watchman, tell us yet again,
What these signs of promise mean;
Which seems now the bigger fraud,
The diamonds, or Keene?

[Laughter and applause on the Republican side.]

Now, Mr. Chairman, exit Keene, of Broadway; enter on the the right, Mr. Dueber, of Canton, a soured, litigious, and disaffected manufacturer; Mr. Johnston, of Pittsburg, a disgruntled jobber. Low, sobbing music, and a twilight effect. Enter on the left, other disgruntled manfacturers, jobbers, and retailers. They approach my colleague in the center of the stage and lay down at his feet a large assortment of petty grouches, and beseech him to unload them upon the House of Representatives. He looks nervously and apprehensively around to see what the gentleman from Mississippi says, and as he gives him a reassuring nod, then with a tremendous blare of trumpets and trombones the curtain falls to rise again upon these new characters.

Mr. RAINEY. Mr. Chairman——

The CHAIRMAN. Will the gentleman yield to his colleague?

Mr. BOUTELL. I have only a few minutes.

Mr. RAINEY. I simply want to advise my colleague of a matter he seems to be ignorant of.

Mr. DALZELL. He knows a lot.

Mr. BOUTELL. I will yield just for a short question, but I think I ought not to yield any more.

Mr. RAINEY. This afternoon, by unanimous consent, a distinguished Republican Member from Pennsylvania [Mr. GRAHAM] put an appendix onto my speech, indorsing very strongly the character of Mr. Johnston, who lives in his town.

Mr. BOUTELL. I am glad he has indorsed the character of Mr. Johnston, because I had some doubt about it; but now that he has been fully indorsed, I will refer to Mr. Johnston, of Pittsburg. And he comes, Mr. Chairman, enveloped in the swirling clouds of a thousand factories, and with his face illuminated by the bright lights from a thousand forges; for he comes from Pittsburg. I do not know whether he comes in here to advance my colleague's main contention that the tariff on watches should be repealed, or not. If he does, he is the first manufacturer or jobber in Pittsburg that I ever heard advocate such a change in our laws; but I understand that Mr. Johnston, of Pittsburg, is a disgruntled jobber, who is attempting to furnish my colleague and others some proof in reference to the existence of a watch trust. I am sorry that my colleague did not have more time last night. I am sorry that he had to print his views about Johnston instead of telling them on the floor, so that I could have interrogated him. I understand, however, that Mr. Johnston claims that he has been discriminated against by some of these companies constituting the so-called "watch trust." There is no trust, either in the legal acceptation of the term or even in the popular significance. I do not know who the watch manufacturers are to whom my colleague refers, except two. He has included the Elgin Watch Company, of my State, and the Waltham Watch Company, of Massachusetts, and I understand it is the claim of Johnston that, dating back to last June, they have been deprived of the right to handle the Elgin and Waltham watches. I have here in my hand a price list and letter to the retail trade by Mr. Johnston, of Pittsburg, showing the watch companies that he represents, and three closely printed pages are devoted to each of the Waltham and the Elgin companies, giving all their standard movements at the regular prices and the regular discounts. [Applause on the Republican side.]

Another thing that Mr. Johnston, whom we are told is a trustworthy man and well vouched for, tells us in this catalogue is that the best and most artistic watches made in the country are the Dueber-Hampden watches, and that the best railroad watches made in the country are the Hamilton watches, so what effect can a watch trust that does not include these two companies have upon him?

The CHAIRMAN. The hour for which the gentleman from Illinois was recognized has expired.

Mr. PAYNE. I ask unanimous consent that the time of the gentleman from Illinois be extended for an hour.

Mr. WILLIAMS. Mr. Chairman, how much time has been occupied by the gentleman?

The CHAIRMAN. One hour.

Mr. PAYNE. I ask that his time be extended for one hour.

Mr. WILLIAMS. I have no objection to the time being extended, just so it does not go beyond the hour and a half.

Mr. PAYNE. Well, then, I ask that his time be extended for half an hour.

The CHAIRMAN. Is there objection to the request that the time of the gentleman from Illinois be extended half an hour?

There was no objection.

Mr. DALZELL. Mr. Chairman, I should like to call the attention of the gentleman from Mississippi to the fact that that side of the House occupied thirty-five minutes more this afternoon than we did.

Mr. WILLIAMS. It does not make any difference to-night about that.

Mr. DALZELL. Oh, it does not?

Mr. PAYNE. We will even it up before we adjourn, I announce to the gentleman now.

Mr. WILLIAMS. It does not make any difference about that; but the gentleman is mistaken——

Mr. PAYNE. I will even it up with you before we adjourn. I give that announcement now.

Mr. WILLIAMS. What is that? I did not quite hear.

Mr. PAYNE. I announce that whether it makes any difference to you or not, I will even it up with you before we adjourn this session of Congress.

Mr. WILLIAMS. Why, of course you can do that in the day with my consent, but at these night sessions, under the special order of the House, the time is equally divided between the two parties.

Mr. PAYNE. Not under special rules. You do not like to hear this. The gentleman does not like to hear this. That is the trouble with him. [Applause on the Republican side.]

Mr. WILLIAMS. Oh, Mr. Chairman——

Mr. DALZELL. Let us have the regular order. Mr. Chairman, I call the gentleman to order. He is out of order.

Mr. WILLIAMS. Why didn't you call the gentleman from New York to order while he was howling like a wild demon around here, and all about nothing? [Applause on the Democratic side.]

Mr. BOUTELL. Mr. Chairman, I sincerely regret that what seemed to me the necessity for alluding to some of these matters concerning the watch trade has taken so much time, but it did seem to me that at this hot and close evening session there

might be some interest in them and some little divertisement. I did hope, however, to have an hour in which to discuss the tariff in a general way without interfering with any other gentleman who wished to talk to-night, and I regret that the plans of the gentleman from Mississippi will interfere with that.

I must therefore only speak with the greatest brevity of Dueber, the litigious watch manufacturer at Canton, whom my colleague brings into this discussion for the purpose of proving that there is a watch trust. I have here the records from the secretary of the only watch organization that ever existed in this country, formed in 1884, of which Dueber, of Canton, was one of the organizers, of which he was one of the first directors, of which he was the vice-president, and in which he took an active and earnest part in bringing the contract system to apply to all manufacturers, all jobbers, and all retailers in the country, and in maintaining uniform prices. The records of the meetings show his expulsion from the organization in 1887 as a traitor to his colleagues.

Since then, according to the published law reports, which everyone has access to, I find that he has taken all his troubles into all the courts that were open to him. He brought one suit in the State court of New York for a common-law conspiracy in restraint of trade against a number of these companies and was defeated in that. He brought another proceeding under the Sherman interstate-commerce act, reported in 55 Federal Reporter, and the demurrer was sustained by Judge Cox, of New York, on the ground that he had made no case of infringement of the Sherman Act.

Another case of Dueber is reported in 66 Federal Reporter, where he had the advantage of the decision in the former proceeding, and had modified his complaint accordingly. Assuming that all his statements were true, a demurrer to the complaint was sustained by that great jurist, Judge Lacombe, who rendered the decision in the court of appeals. And so, Mr. Chairman, the charge so positively made by my colleague—and I repeat his exact words from the RECORD—that "certain companies constitute the Big Four of the watch trust, and that each of these companies own stock in the other" has been absolutely unproved by my colleague in any way. There is nothing even to suggest the truth of such a statement, and I submit to the committee whether a Member of this House does not incur great risk to his reputation for justice and candor when he brings in here such blunt assertions in reference to corporations about which he has no positive information.

He tells me that he has written 200 letters to retail jewelers in this country asking whether there is such a thing as a watch trust. In reply to these 200 letters he has received 100 answers saying that the writers think that maybe there is a trust, and that they think such and such companies form it. I assume that these retailers at least are not members of the trust, so that their evidence is purely hearsay. According to the catalogue of Mr. Johnston, of Pittsburg, there are 30,000 retail jewelers in the country. One hundred is one-third of 1 per cent of 30,000, and so my colleague attempts to corroborate his statement by the hearsay evidence of one-third of 1 per cent of the class that he invokes as his chief witness. I would like to know what the other 99⅔ per cent would say.

I have copies of some of the letters which were sent to my colleague in reply to his circular letter which I take for granted he will not insert in the RECORD, and so I will take the liberty to do so. Mr. Chairman, I have also received unsolicited letters from nearly fifty jobbers of watches—letters in reference to this controversy which they had seen discussed in the papers—saying positively that there is no watch trust, no combination, or anything of that sort, and that if there were they would know it, and the jobbers are the men to be affected by any conspiracy in restraint of trade. There are 250 jobbers in the country, so I offer 20 per cent of this class as against my colleague, one-third of 1 per cent of the class upon which he depends. I will insert them all in the RECORD.

Mr. Chairman, in the language of the prince of dramatists, "our revels now are ended." I have used some of the language and some of the hyperbole of the playhouse in referring to the action and speeches of my colleague during the last three months in this discussion, not for our amusement, but to emphasize how futile it is for us to attempt in this House to base conclusions on great public questions upon advertisements in newspapers and upon the private grievances of disaffected men in the trade. In my opinion, Mr. Chairman, to base any serious action on the airy bubbles that rise from the lurid imagination of sensational advertisers or float from the disordered fancy of disaffected merchants would be as wise and no wiser than it would be to erect a house upon a foundation of eggs—eggs redolent with the flavor of antiquity. [Laughter and applause.]

And now a few words, before my time expires, in reference to the actual condition of the watch industry in this country and the effect upon it of our protective tariff. It is clear that I shall have to forego the entire general discussion which I hoped to participate in this evening. I have here a little manuscript history of the watch industry in this country, written by the master mechanic of the Waltham Watch Company, the head workman in that institution, showing how a man named Dennison, a Yankee, a native of Maine, residing in Boston, first conceived the idea of making watches with interchangeable parts, and the difficulty he had in interesting capital in his enterprise. It shows how a few watches were made in Connecticut under the tariff of 1846, which fixed a 10 per cent ad valorem duty on watches, but that they could not compete with the cheaper labor of Europe. But in time Dennison interested enough capital to establish a business, which, after many vicissitudes, resulted in the founding of the Waltham Watch Company in 1856. That company has had fifty years of honorable struggle, sometimes facing failure and bankruptcy, which has resulted in final and triumphant success. The Elgin Watch Company, branched off from the Waltham Watch Company in 1866, was, so to speak, a child of that corporation. In 1864 the tariff on watches had been placed at 25 per cent ad valorem, where it so remained, even under the Wilson-Gorman Act, down to the Dingley Act of 1897, when in addition to the ad valorem duty certain specific duties were placed upon watches. Under this invigorating tariff the watch industries flourished in this country, so that there are now in this country twelve manufactories of watch movements and eighteen manufactories of watch cases, or thirty all together. Their total output is about 3,300,000 watches.

I have compiled the most accurate statistics that I can get from the Bureau of Statistics and from such of the watch manufacturers as have given me information, and these statistics show that during the last year we have been able to export about 300,000 watches, or about 9 per cent of our total product. As against these 300,000 watches that have been exported, over 700,000 Swiss watches are annually brought into this country. So that, in the opinion at least of the workers and mechanics in the watch factories, whose views I think I represent, there should be at the present time not only no repeal or reduction of the duty on watches, but a slight increase to prevent the successful competition of the cheaper made Swiss watches. And in this connection I wish to say to my colleague, who had such violent assertions to make in reference to the parties that he represented in this discussion and the parties that I represented, that surely upon reflection he will wish to modify his language. I represent no one; he represents no one. Surely he would not admit that in any accurate sense of the term he represents Keene, of Broadway.

What's Hecuba to him or he to Hecuba
That he should weep for her?

Neither do I in any sense represent anybody or anything in this discussion, but the absolute truth as I can get it and as it comes to me unsolicited; and the truth of this whole business is, so far as I can get at it, that there is no better, cleaner, industry in this country than the watch industry to-day; no industry in which there is more perfect rivalry among these thirty institutions engaged in turning out 3,300,000 watches.

I would like to ask any of the gentlemen present who are acquainted with business methods and manufacturing enterprises whether there is any other industry where there are thirty factories engaged in turning out 3,300,000 units of the average value of watches? I do not believe there is any example in the United States in any of the great industries of a more healthy rivalry than that which prevails in the watch industry, and yet my colleague, without a bit of corroborative evidence, sees fit to attack grossly the reorganization of the Waltham Company. I know nothing about this except what I have seen in the public press. I was interested in it because what I saw confirmed the statement of the officers of that company, which I submitted here some weeks ago, that the stock at that time, instead of being watered, was worth 285 cents on the dollar and was paying a dividend of 10 per cent. Is there anything culpable in that? The stock had been placed at four millions in 1885 by special act of the legislature of the State of Massachusetts, under a strict law requiring all of the capital to be paid in in full in cash and requiring the commissioner of corporations to so certify. They have now reorganized the company, or, as I understood the accounts, they have organized a new company, with $12,000,000 of stock, $1,000,000 to be paid in cash, eleven millions to be exchanged for the four million worth 285 cents on the dollar. Is not that a splendid showing of the ingenuity, of the industry, of the economy, of the thrift, and of the sagacity of the men who established the Waltham Company?

Does my colleague complain of success? Are there not many

instances of success like that in his beautiful district in Illinois? Does he think them culpable or heinous? Let me call his attention to the fact that the State banks and private banks throughout the United States pay a larger average dividend than the Waltham Company has ever paid, some of them as high as 70 per cent annually. I know of one bank in my colleague's own district that pays 10 per cent semiannually simply on the wise and discreet loaning of money. The value of the Waltham Company stock is based upon patents, upon good will, upon trade-marks and trade-names that have been increasing in value for many years, as well as cash, material, stock, and real estate. Instead of there being anything heinous or culpable about that, is it not something for those men to be proud of, that all the men engaged in it, and as shown by one of the mechanics, the stock books of the Waltham Company have been always open to the employees of the company, and many of them stand now as stockholders and derive a beneficial interest from this increase in the value of the stock?

Have we come to such a pitch in this country, Mr. Chairman, has such a wave of hysteria swept over this country that we must say, "Whatever is is wrong; whoever succeeds, hit him on the head, and that the ogres and goblins of finance dominate all our manufacturing enterprises?" Mr. Chairman, I do not look at our industrial situation with such a "dropping eye," and I am surprised to find a man like my colleague, from the district he represents, taking such a view of such a splendid industry, represented in our own State not only by the Elgin Company, but by the Illinois Company, at Springfield, and by the Rockford Company, at Rockford, Illinois.

Again, I have just received to-day from the secretary of state of Massachusetts a document which I sent for when I had read my colleague's speech in the paper three weeks ago, a certified copy of the articles of incorporation of this new company, and I find by referring to the statute of Massachusetts that any company organized there has to satisfy the corporation commissioner that the amount of stock issued is represented either by cash or by property tangible or intangible having a cash value equal to the stock. He read here last night affidavits of the officers of the Waltham company of their return for taxation simply scheduling patent rights at, I think, $180,000. Then he said that in organizing this company they had scheduled the patent rights at over $4,000,000. I have the certificate here, and what they schedule at $4,500,000 was patent rights, which are all that are taxable under the Massachusetts law, and therefore the only thing referred to in the affidavit read by my colleague—plus trade-marks, plus good will—and the good will of the Waltham company is worth more than all its tangible property put together. [Applause on the Republican side.] And that certificate, Mr. Chairman, bears on its front the certificate of the corporation commissioner of the State of Massachusetts, saying that the laws of that Commonwealth have been complied with, and signed William D. T. Trefry, commissioner of corporations, and if there is any Massachusetts man here on the other side of the House, I want him to say who Mr. Trefry, of Massachusetts, is.

Mr. WEEKS. Mr. Trefry is a Democrat.

Mr. BOUTELL. He is not only a Democrat, but he is a Democrat who ran with Russell, whom his Democratic friends lovingly referred to as "Billy Russell," for the office of auditor of Massachusetts, and was overwhelmingly elected. He was afterwards appointed to an administrative office by Governor Russell as a Democrat and reappointed commissioner of corporations by Governor Douglass, the great tariff reformer and trust buster of the Democratic party. This Democrat of the highest integrity certifies that all of those provisions of the State of Massachusetts have been faithfully complied with, and that the organization for $12,000,000 is in accordance with the laws of that old Commonwealth. [Applause on the Republican side.] So when my colleague attacks that organization and attacks those men he stands there confessedly attacking the administration of the law in the grand old Commonwealth of Massachusetts by Democratic officials——

Mr. RAINEY rose.

Mr. BOUTELL. I decline to yield, Mr. Chairman. Now I raise the question again, Why is it that my colleague, of all persons in the world, should take such a singular view of this situation? I have no particular interest in it. I never met but one officer of each of these companies, and one of them I only met once; but all of this information came unsolicited into our committee room, and I am glad to avail myself of it, and as between believing Mr. Fitch, the president of the Waltham Company, who worked himself up from a position at the bench after forty years of labor to the presidency of this magnificent enterprise, between taking his word and presenting it as truth to the country, and taking the word of that palpable charlatan Keene, of Broadway, I stand by Mr. Fitch, of Massachusetts. [Applause on the Republican side.]

Now, I can not for the life of me conceive why my colleague went into this matter in the way he has done. I can not imagine why he went into it in this spirit, of all the persons in the world. Do any of you know where my colleague comes from? He comes from that splendid district in my State that the old Indians called the "Sangamo country," the country of abundant plenty. There may be other lovely spots on earth, but there is only one Greene County, Illinois, and that is where my colleague comes from. Nowhere on earth are the fields more golden at harvest time; nowhere do the orchard boughs hang under a heavier load of fragrant fruit; nowhere do the birds sing more sweetly or the flowers exhale a more delightful perfume; nowhere are the men braver or more cheerful; nowhere are the women more beautiful or intelligent; nowhere do they have such ravishing roasted corn or such savory game chowder. I can not fittingly describe in words the happiness, the prosperity, and the content that reign supreme in Greene County. I can only illustrate it by an incident.

An old farmer and his wife who were born in Greene County, born on Apple River, in the year of the "great snow," owned acres upon acres of corn and wheat and orchards, with stock in the 20 per cent dividend Carrolton Bank. They were happy. They had brought up their children to all of the advantages of life, and they loved to travel. They were sailing one day down the Illinois River—and you must understand, gentlemen, that when the Illinois River touches the banks of Greene County it sings for very joy as it ripples over the gravel. Even the whistles of the steamboats play Mendelssohn's Songs Without Words as they go by Columbiana. [Laughter.] Even the boilers of the boats seem bursting with joy as they enter the waters of Greene County, and on this occasion they blew up, and everyone on board, including the farmer and his wife, met instant death. As the old gentleman and his wife came to in the New Jerusalem and found themselves sitting side by side on a flowery bank on the borders of a crystal stream and heard the heavenly music and the songs of birds, and saw the beautiful vistas of the trees of everlasting fruit, the good woman heaved a deep sigh of relief, and turning to her husband said: "Well, husband, we may be some miles from home, but, thank Heaven, we landed in Greene County." [Great laughter.]

And so I can not understand why it is that my colleague should be the only inhabitant of that splendid, prosperous region, who in this happy, prosperous time takes such a one-sided, prejudiced, dark, and clouded view of our present industrial conditions and of one of the best and healthiest industries in the State of Illinois and in the nation. [Loud and long-continued applause on the Republican side.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

APPENDIX—PART I.

THE WATCH INDUSTRY—RAILWAY WATCH INSPECTION.

I am glad to be able to print a letter disproving the disparaging charges made by my colleague against a class of honorable railroad employees.

J. W. FORSINGER,
RAILWAY TIME AND WATCH INSPECTION,
AMERICAN WATCHES AT WHOLESALE,
New York, June 23, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: My attention has been called to a speech by Hon. HENRY T. RAINEY in the House of Representatives June 25, printed in the CONGRESSIONAL RECORD. In this speech Mr. RAINEY has made some astoundingly erroneous statements touching the system of railroad-watch inspection in the United States. I am now chief watch inspector for more than thirty-five railroad companies, covering upward of 30,000 miles, and have had twenty years' experience in this capacity. Mr. RAINEY'S statements on the subject have no foundation in fact. He says: "In most cases where watch inspection is ordered, there is some graft in it somewhere." This statement is wholly unwarranted, so far as it applies to any of the railroads by which I am employed. He says the watch inspector "is really selected by the watch trust, but nominally * * * by the general superintendent."

My appointment to that office has always been without the knowledge of any watch-manufacturing concern or anyone connected with it. Furthermore, the chief watch inspector is not selected by the general superintendent, save, perhaps, in rare instances. The appointment is made by the president or the general manager of the road, and if at all by the general superintendent, it is so only by authority of either of the two higher officials. The conditions of the order are not dictated by the watch inspector, as Mr. RAINEY says, nor even suggested by him, except in so far as a technical or trade knowledge is requisite. Mr. RAINEY declares "if this order is made, no matter how good a watch may run, it is sure to be condemned if it does not comply with the order." I presume he meant to say no matter how well a watch might run. When official watch inspection is adopted by a railroad company, a circular is issued by an official of the company, wherein is

specified the minimum standard of excellence adopted for watches to be used by the employees. This is almost invariably what is known as a "nickel 17-jeweled patent regulator movement," that is adjusted to heat, cold, and three positions, the variation of which must not exceed thirty seconds per week.

The railroads with which I am associated as watch inspector specify certain well-known, regularly manufactured makes and qualities of American watch movements to illustrate this minimum standard of excellence and to prevent either misunderstanding among inspectors or any imposition upon the employees. The roads of which I speak with knowledge, mention and accept the products of the Illinois Watch Company, the Waltham Watch Company, the Hampden Watch Company, the Hamilton Watch Company, and the Elgin National Watch Company. No preference is shown by me, as chief inspector, for any make of watch. Every employee exercises an untrammeled right in his selection of a watch from among those scheduled in the circular order issued by the railroad company. No employee is compelled to buy his watch from the company's inspector; he may obtain it where he pleases. It should also be noted that any watch in service at the time the inspection order is issued, and of a quality equal to the specified minimum standard of excellence, is accepted.

Mr. RAINEY declares that employees are required to buy watch movements, the value of which is fictitiously raised by special named dials or bridges. That statement is untrue as to the 30,000 miles of road of which I am chief inspector. Upon each and all of these roads the use of special named watches is forbidden unless they were previously in service. In nearly every instance the inspection order distinctly states that no watch specially made and named by or for any jeweler will be accepted. I quote from one of the inspection orders: "The intention of jewelers in offering watches specially made is generally understood to be for the purpose of removing the regular factory grade and name, thus enabling them to charge the employees a higher price for same."

I beg to remain, respectfully, yours,

J. W. FARSINGER.

Affidavit relating to sale of Elgin watches for export, showing the correctness of my statements, which the gentleman from Illinois, Mr. Rainey, questions. (*See first column, p. 9478, Congressional Record.*)

STATE OF PENNSYLVANIA,
County of Philadelphia, ss:

John F. Eisley, being duly sworn, deposes and says: I reside at 2632 Brown street, Philadelphia, Pa. I am manager of the export department of the Keystone Watch Case Company of that city. I have been in the employment of that company for nearly twenty years. The Keystone Watch Case Company is the export selling agent of the Elgin National Watch Company, of Elgin and Chicago, Ill., and has been such for about ten years. During that period no watch movements of the Elgin National Watch Company have been exported by that company except through the Keystone Watch Case Company as export selling agent. Since November, 1901, all Elgin movements exported to Europe have been sent by the Keystone Watch Case Company either to its London office or to its Hamburg office, and have been distributed from one or both of these offices. Two sets of records of all Elgin movements so exported have been kept since said date, November, 1901, as follows: All such movements, before being sent abroad, are entered in stock registers under descriptive headings, from which it can be ascertained with certainty just what movements and how many of any particular grade have been exported to said offices. After any watch movements are sold from the London or Hamburg offices, a carbon copy of every sales sheet is returned to the Philadelphia office. These are bound by months and can also be readily examined, and the number of watch movements of any particular grade sold from either of the London or Hamburg offices can be quickly determined with accuracy.

Deponent is quite familiar with both these sets of records, and has personally examined them from November, 1901, down to May 1, 1906, and the following statements are based upon deponent's examination of these records. The statement made by Mr. BOUTELL, in his speech delivered April 27, 1906, to the effect that since 1901 only thirty-seven of Elgin Veritas 21-jewel and Elgin Father Time movements in all had been exported to Europe was based upon an examination of the said records made by deponent in February, 1906. Having brought such examination down to May 1, 1906, deponent now states that since November, 1901, no Elgin B. W. Raymond 19-jewel movements and but three Elgin Veritas 23-jewel movements have been exported to Europe by either the Elgin company or the Keystone Watch Case Company, and only one of the above-mentioned 23-jewel Veritas movements has been reported as sold on the carbon copy of sales sheets returned to the Philadelphia office by either the London or Hamburg offices, and that only fifty-nine movements in all of the Elgin Veritas 21-jewel and Father Time movements have been in the same period exported to the London and Hamburg offices of the same companies conjointly. Out of this total of fifty-nine movements the sales sheets returned from the London and Hamburg offices show that up to the 26th day of April, 1906, only forty-six movements in all of the said Elgin Veritas 21 and 23 jewel and Elgin Father Time grades had been sold from these offices.

The statement made in the advertisement of Charles A. Keene, published in the Globe newspaper of New York on Friday, May 4, 1906, that the said Keene has been buying "Elgin watches by the thousands in the open markets of Europe," if intended to apply to the Elgin B. W. Raymond 19-jewel, Elgin Veritas 23-jewel, Elgin Veritas 21-jewel, the Elgin Father Time, or to any and all of the higher grades of movements made by the Elgin National Watch Company, is utterly false, since there have not been thousands of all the said high-grade movements collectively exported to Europe in the period of about ten years during which the Keystone Watch Case Company has been the export sales agent of the Elgin Company.

JOHN F. EISLEY,

Subscribed and sworn to before me this 9th day of May, 1906.

[SEAL] JOHN J. MANNICK,
Notary Public.

Letter from Mr. W. H. Cloudman to Mr. W. H. Kinna, agent of the Elgin Watch Company, showing how the former had been cheated by Keene, of Broadway.

BOSTON, MASS., *May 15, 1906.*

Mr. W. H. KINNA,
11 John street, New York.

MY DEAR MR. KINNA: I was in your city on the 10th instant, and wishing to get a watch for my boy dropped into the Keene jewelry store on Broadway, near John, having seen his advertisement in the papers, stating how cheaply he could sell an American-made watch.

The attendant gave me to understand that on account of their going to Europe for their Elgin and Waltham movements he could sell me at greatly reduced rates.

I finally purchased of him a No. 12 size Elgin watch, No. 11247867, with a twenty-year warranted gold-filled case, for $25 cash, the attendant assuring me that I was getting the watch at much less than I would have to pay at any other retail store.

Now I find that the jewelers are selling the same outfit with the same movements and case for from $6 to $8 less than I paid for it, and naturally feel very sore about it. I think I was imposed upon. I took a bill, and they promised to exchange the movement for a 19-jewel (this being 15) if I would at any time pay the difference of $10.

I believe that man Keene is not square, and I would not advise any of my friends to trade there. I will let you see the watch when I go over again.

Yours, truly,

W. H. CLOUDMAN.

Letters from two of the eighteen watch-case manufactories in the United States denying the existence of a "watch trust."

ROY WATCH CASE COMPANY,
21–23 Maiden Lane, New York, May 21, 1906.

Hon. HENRY S. BOUTELL, *Washington, D. C.*

DEAR SIR: We have been very much interested in reading your speech of April 26, 1906, in answer to Mr. RAINEY, and beg to state that we are one of the largest exclusive gold case manufacturers in this country, doing business with the majority of the largest jobbers throughout the country, also with the largest jobbers in other countries.

We have always selected our list of jobbers, with whom we have been doing business for a great number of years, and have been free to state to our customers that we know nothing of the so-called "watch trust," and have known for a fact that there has been no trust, or no so-called "trust" of the watch movement manufacturers or the watch case manufacturers.

We have sold our cases to jobbers who are handling movements of the largest manufacturers in the country, and are casing these movements in our cases, and our business has been steadily increasing, and have been selling as many goods as we have been able to manufacture to our jobbers, although the competition has been somewhat keen with the different watch case manufacturers as regards quality and workmanship, but we have been able to prove to our customers that our quality and workmanship have been superior to the cheap class of goods that have been put on the market. In that way we have been able to sell our output, which will prove to you there is no watch trust in existence.

We remain, yours, very truly,

ROY WATCH CASE COMPANY.
A. L. STEARNS, *President.*

DUBOIS WATCH CASE COMPANY,
MANUFACTURERS OF FINE SOLID GOLD WATCH CASES,
Brooklyn, June 2, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Having read the pamphlet containing your speech in denial of the existence of a trust in the watch trade of this country, we wish to add our mite in the cause of right as follows:

Our corporation has been in business for thirty years, and during that period has had dealings with most of the concerns in our trade from time to time.

State that we do not know of our own knowledge and belief of the existence of any such trust.

In conclusion wish to say that any change in the tariff from present conditions will be, in our opinion, very detrimental to the watch business of this country.

Yours, respectfully,

DUBOIS WATCH CASE CO.,
CHAS. L. DEPOLLIER, *Treas.*

The gentleman from Illinois [Mr. RAINEY] invokes the hearsay evidence of retail jewelers to substantiate his assertion that the Waltham and Elgin companies are members of a trust. Mr. W. J. Johnston, upon whom the gentleman from Illinois relies for much of his information, says in his printed circular to the trade that there are 30,000 retail jewelers in the United States. According to figures given in some of the trade journals 23,000 would be a more accurate estimate.

The gentleman from Illinois says that he has received letters from 105 retailers indicating that there is a "watch trust." This number is less than one-half of 1 per cent of the members of the class that he calls as a witness.

He publishes fifty-seven such letters, or less than one-quarter of 1 per cent.

Here are a few letters from the 99¾ per cent of this class that the gentleman from Illinois received but did not print.

His letter to the retailers being a circular letter, those who replied were entitled to have their replies made public and treated as circular letters for public distribution.

Letters from retailers.

CHARLES E. GRAVES & CO.,
JEWELERS AND SILVERSMITHS,
Chicago, May 7, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washingon, D. C.

DEAR SIR: We have been interested in following your speech, and the subsequent reply of the Hon. Mr. BOUTELL, and we have felt that we should give you some information from the retail jeweler's point of view.

In the first place, we have no knowledge of any watch trust or combination, nor have we in any way ever been approached by any manufacturer to adopt a policy which would be injurious to any other manufacturer's business.

As we have handled a general line of watches, both of foreign and domestic make, since 1857, we feel very positive that if there had been any movement on foot among any of the manufacturers to advance prices beyond a reasonable profit it would have been brought to our notice.

Yours, very truly,

CHARLES E. GRAVES & CO.

THE NEVIUS COMPANY,
New York, May 8, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: A dealer has shown me a copy of a letter from you inquiring about a watch trust. If there is a combination or trust in the trade, I have no personal knowledge of its exisence, and I am not aware that it has ever interfered with or dictated our buying watches in the market as we have chosen. If there is such a combination as "The Big Four" I could not name the firms which compose it.

Yours, very sincerely,

BENJ. C. NEVIUS,
Secretary and Treasurer.

LOUIS MANHEIMER & BROS.,
Chicago, May 8, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: We are in receipt of your lines of April 30, and will state in reply that we know of no watch trust of any kind.

We deal largely and exclusively in American watches and buy of and sell to whom we see fit; as a matter of fact, we buy of every case and movement manufacturer in this country.

Yours, respectfully,

LOUIS MANHEIMER & BROS.

MAY 16, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to your letter of the 11th, we have to say that we have been buying and selling watch movements and cases of all American and foreign manufacture for ourselves for the past thirty years, and prior to that for firms by whom we were employed for, say, seven years.

In all that time any jobbers who have been dropped from the lists of manufacturers, so far as our opinion goes, has been for the best interests of both manufacturers and jobbers, and so far as we are concerned, "all channels have always been open to us."

Yours, respectfully,

LAPP & FLERSHEM.

H. FIELD, WATCHMAKER AND JEWELER,
Chicago, May 8, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: From my practical experience in the watch business, I beg to state that I know nothing about any trust, combination, or "Big 4" mentioned in your circular letter, and repeated reductions in price of watch movements show that there is strong competition.

H. FIELD.

BINGHAMTON, N. Y., *May 7, 1906.*

Hon. H. T. RAINEY.

SIR: Your note of May 1 reached me several days ago, and in reply to your questions will say that I know of no trust or combination in the watch trade. I know nothing of any "Big 4" except what I have seen in print.

I am reading your speech in the House, and I can not quite agree with you on American watches; the profit on them is entirely too small. I can not afford to handle them to any great extent. I think the contract plan if carried out faithfully is a step in the right direction; it does no more than give the retail jeweler a fair profit on his sale on that class of goods, and would like to see it applied to all kinds of American watches.

You say that I am interested in this matter. I am, to know how the jeweler can make a living profit by selling American watches at the low price they are selling at to-day.

Respectfully, yours,

J. M. HENWOOD.

JOHN C. LEPPERT, WATCHES, DIAMONDS, JEWELRY,
Chicago, May 8, 1906.

Hon. H. T. RAINEY, *Washington, D. C.*

DEAR SIR: With a practical experience in the watch business of over thirty years, I know of no combination or trust existing among the manufacturers. Many and repeated reductions in the price of watches have brought them down to a figure 50 per cent less than twenty years ago, and of a superior quality and workmanship than ever.

Very truly, yours,

JOHN C. LEPPERT.

CHICAGO, *May 7, 1906.*

Hon. H. T. RAINEY,
House of Representatives, Washington.

DEAR SIR: We have seen you circular letter to the retail jewelers, asking if there is a combination or trust among the watch factories, and beg to state that I know nothing about the Big 4 mentioned, and to the best of my knowledge there is no watch trust or combination.

Yours, truly,

J. S. TOWNSEND.

CHICAGO, *May 7, 1906.*

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In answer to your circular letter of the 30th of April, we beg to say we do not know of any trust or combination in the watch trade, nor of any organization known as the "Big 4."

From our dealings with the great watch-manufacturing concerns in this country, we are led to believe their methods of doing business benefit the retailer rather than injure him.

Yours, truly,

SPAULDING & CO.

A. J. YOUNGDAHL,
JEWELER AND WATCHMAKER,
Chicago, May 7, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: Having seen your circular letter in regard to the Elgin and Waltham watch companies, and beg to say that I know nothing about any trust or combination between above-mentioned concerns.

Yours, respectfully,

A. J. YOUNGDAHL.

PERKINS & MAYERS,
DIAMONDS, WATCHES, JEWELRY, AND SILVERWARE,
New York, May 7, 1906.

Hon. H. J. RAINEY, *Washington, D. C.*

DEAR SIR: We have seen copy of letter sent by you to retail dealers. We have been selling watches for fifteen years; have heard of no trust or combination of manufacturers in the watch trade, except what has been said in the papers recently.

Yours, respectfully,

PERKINS & MAYERS.

J. KLEM, WATCHES, DIAMONDS, AND JEWELRY,
Rochester, May 15, 1906.

Hon. H. T. RAINEY, *Washington, D. C.:*

Replying to your circular letter of the 30th ultimo, would say that during the period of thirty-one years we have been in the watch and jewelry business we have never known of any trust or combination to exist among the watch manufacturers of the United States.

There is not within our knowledge or experience any such organization as the "Big Four," nor does there appear to be any collusion between the various manufacturers.

The fact that they are almost universally represented by high salaried and efficient traveling salesmen would disabuse the mind of any idea of mutual agreement. In fact the competition in the watch trade to-day is so active that the retailer is obliged to accept a profit equal to about 8 per cent less than the dealer in boots and shoes and similar commodities.

If the matter under debate in the House of Representatives has for its ultimate object the reduction or abolition of the protective duty on foreign watches, we desire to express the opinion that the introduction of a cheap, unbranded result of underpaid juvenile labor into this country would be a detriment to the best interests, not only of the manufacturer and retailer, but to the public at large.

Respectfully, yours,

JOSEPH KLEM.

S. C. MCKNIGHT, JEWELER AND WATCHMAKER,
Chicago, May 8, 1906.

Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: In reply to your circular letter under date of April 30, relating to watch combine or "trust" known as the "Big Four," I will state that, as far as any personal knowledge is concerned, there is no such organization. As far as my information upon the subject extends, the only tendency in the line of a combine is a friendly understanding existing among the leading watch manufacturers of this country whereby the interests of both the manufacturer and the dealer are protected to the material betterment of general trade conditions.

Very respectfully, yours, S. C. MCKNIGHT,

Letters from jobbers.

There are 250 wholesale jewelers or jobbers in the United States. The gentleman from Illinois [Mr. RAINEY] prints letters from eight of these jobbers, who assume that there is a "watch trust." It seems unnecessary to suggest that trusts are not the only parties who decline to deal with undesirable customers and drop such from their lists. Even a gentle, kindly minded individual might, if he were a fairly shrewd business man, refuse to sell goods to a man who failed to pay his bills or who, for other reasons, was an unprofitable customer.

Here are forty-three letters and one telegram from leading jobbers in the jewelry trade that have come to me unsolicited during the past month, and I insert all the letters that have come to me on this subject.

HENRY GINNEL & CO., DIAMONDS AND WATCHES,
New York, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have read with satisfaction your recent speech in Congress in answer to one delivered by Mr. RAINEY, who endeavored to show the existence of a watch trust in this country.

We are sure that had Mr. RAINEY interviewed the leading houses in New York and Chicago who are engaged in the wholesale watch business he would never have reached the conclusions expressed by him. We have been for the past thirty years large handlers of the products of the Waltham and Elgin watch companies, and we are yet to know of the existence of a watch trust in these United States. There could not have been one without our knowledge. We buy of other watch movements companies, who compete with the products of the Waltham and Elgin companies, and we deal with the products of the Waltham and Elgin companies; and we deal in these goods without restraint or interference, either directly or indirectly exercised or attempted by either of the watch companies above mentioned. In fact, we buy from whom and where we please, and, in doing so, we take only our own interests into consideration.

We beg to remain, dear sir, yours, respectfully,

HENRY GINNEL & CO.

WOODSTOCK-HOEFER WATCH AND JEWELRY COMPANY,
Kansas City, Mo., June 9, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Having been directly in the watch business for over twenty-five years, we were very much interested in your speech delivered in the House of Representatives on April 26. We do not know of a so-called "watch trust." We are selling the product of six American watch manufacturers, and have always found them competing strongly with each other. We also carry Swiss watches. We consider the watch market an open one, and we buy what we want, whether American or foreign manufacture. Competition is very keen between the different manufactures, as is shown by the prices that are now in effect.

Yours, very truly,

WOODSTOCK-HOEFER WATCH AND JEWELRY COMPANY.

OTTO YOUNG & CO., IMPORTERS AND JOBBERS,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have noticed several articles in the newspapers of late, giving what purported to be accounts of discussions in Congress

relative to watch trusts, combinations, restraint of trade, lack of competition, etc. Would say that as far as we are concerned we find an unlimited amount of competition, at times in fact more than is good for us. We buy from the Elgin and Waltham watch companies and have done so for years; we also buy and sell imported watches and watch movements and complete watches and watch movements made by nine other American manufacturers. We buy them as freely as we can afford and sell them as openly and as rapidly as possible.

Trusting that this information will be of service to you, we are,

Yours, truly,

OTTO YOUNG & CO.,
J. SCHNEERING, *Treasurer.*

EISENSTADT MANUFACTURING COMPANY,
St. Louis, June 11, 1906.

Hon. HY. S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: From various sources we learn there is an intention to establish the existence of a watch trust. Our business relations with the members of the so-called "trust," covering a period of a quarter of a century, does not verify a single fact on which to base this assertion.

We do business with every watch manufacturer in the United States, with no attempt on the part of any individual manufacturer to restrict our business with another.

Competition between these various manufacturers is such in the face of the largest demand for watches during the past six years prices, considering quality, are comparatively lower than at any other period. We purchase from whom we please, sell to whom we please, and at prices to conform with percentage necessary to conduct our business.

Very respectfully,

EISENSTADT MANUFACTURING COMPANY,
M. EISENSTADT, *President.*

BALDWIN-MILLER COMPANY, WHOLESALE JEWELERS,
Indianapolis, Ind., June 11, 1906.

Hon. HENRY S. BOUTELL, *Washington, D. C.*

DEAR SIR: We have read with much interest the speech delivered by you in the House of Representatives April 26, together with a great many comments regarding the watch industry, and therefore take the liberty of addressing you regarding same. It may be possible that we do not know or understand the full meaning of the words "trust" or "combination," but to our knowledge no such terms would apply to the watch business. We have been established here in the jewelry business since 1882, and have never known competition to be so fierce as it is at the present time. We handle several lines of American watches, and at no time have any of the manufacturers tried to dictate to us what lines we could or could not buy. We are, and always have been, free agents, buying such watches as best suits our needs.

Trusting that this information may be of benefit to you, we remain,

Yours, truly,

BALDWIN-MILLER CO.
BALDWIN-MILLER COMPANY,
Per J. E. REAGAN, *Secretary.*

KING & EISELE,
SELLING AGENTS, ELGIN, WALTHAM,
HAMILTON, NEW ENGLAND WATCHES,
Buffalo, N. Y., June 11, 1906.

Hon. H. T. BOUTELL, *Washington, D. C.*

DEAR SIR: The writer has been greatly interested in reading your speech in the House of Representatives on the tariff on watches.

We, as a firm, are very glad the subject-matter pertaining to the watch trust has been agitated and brought before the public.

Our firm has been in the jobbing business for about thirty years and has handled American lines of watches during all this time. Our relations with the Elgin and Waltham companies have been of the most cordial at all times, although we have always acted independent.

In the history of our business career we have never known of a watch trust, and know of none to-day, and we believe we are in position, should there be a watch trust, to know exactly what the relations would be with the very best of jobbers.

As above stated, our relations have always been the most cordial, and we can frankly state we have at no time been approached or threatened by either company desiring us to handle only their manufacture.

We handle other lines to-day, and propose to do so as long as we are in business. We believe this question of a watch trust is entirely false, and is only hatched up by new people who are coming into the field.

Wishing you success, we are,

Very truly, yours,

KING & EISELE,
E. A. EISELE.

M. F. BARGER & CO., WATCH JOBBERS,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Since Mr. RAINEY'S speech in regard to the tariff on watches we have been very much interested in reading all that has been said by Mr. RAINEY, yourself, and others. We are at a loss to understand how anyone who is at all acquainted with the manufacture of watch movements and cases, also the selling of same by the jobber and the retailer, can come to the conclusion that there is any watch trust or restriction in the buying and selling of watch cases and movements.

Speaking for ourselves, would say that we are at liberty to buy and sell watch movements and watch cases made by any manufacturer, either in the United States or abroad. We find the competition among the manufacturers of these lines to be very keen.

In buying goods of the manufacturer and selling to the retail trade we try to buy the best goods and the goods most sought for by the legitimate retail trade.

Respectfully, yours,

M. F. BARGER & CO.
M. F. BARGER.

C. G. ALFORD & CO. (INCORPORATED),
WATCHES, DIAMONDS, JEWELRY, AND CUT GLASS,
New York, May 31, 1906.

Hon. H. S. BOUTELL, M. C.,
Washington, D. C.

DEAR SIR: We have been shown letters written by the Hon. HENRY T. RAINEY to some of the jobbers or wholesale dealers in American watches in which he says that he is investigating the "watch trust," and that he is anxious to find out what jobbers have been dropped from the lists of what he calls the "allied companies," giving as a reason for their being dropped that they handled "independent goods."

We have been in the wholesale jewelry business for nearly forty years and for the past twenty-five years have been handling American watches very largely. We employ a large number of traveling representatives and reach every State in the Union. We buy largely from the manufacturers of both watch movements and watch cases whom Mr. RAINEY designates as the "watch trust." We also buy other makes of watch movements and cases where we find it profitable to do so, and we *know* that we can continue to buy any makes of watch movements or cases without interfering with our supply of goods from the so-called "watch trust."

In our opinion, the whole talk about there being a "watch trust" is ridiculously absurd. Possibly there may be jobbers who can not buy everything they would like to carry, but if so, it is not because of any discrimination made against them for buying any legitimate line of goods. In our business, as in all others, there are numerous malcontents who seem more anxious to dispense "hot air," so called, than they do to attend strictly to their legitimate business.

If there is a "watch trust" we know nothing of its existence.

Very respectfully, yours,

C. G. ALFORD & CO.

L. BAUMAN JEWELRY COMPANY,
IMPORTERS AND JOBBERS IN DIAMONDS, WATCHES, ETC.,
St. Louis, June 11, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

HONORABLE SIR: According to newspaper reports, a controversy has arisen in the United States Congress regarding a watch trust in this country. We are dealing, and have been for years and years, in American watches of all descriptions, which we are selling to-day, and we do not know of any cause why we should not uphold the American manufacturers, as the prices for the last ten years have been gradually reduced and the quality of goods improved, and to our best knowledge and belief we do not know of any existing trust in that direction. The competition in our line is very keen, and we are compelled to handle all kinds of watch movements in order to meet same, and while we admit that the Waltham and Elgin makes have the preference among the dealers, yet we do not know of any restrictions in regard to selling the products of other companies.

Very respectfully, yours,

L. BAUMAN JEWELRY CO.,
Per M. STRAUSS, *Manager.*

M. SICKLES & SONS,
MANUFACTURING JEWELERS,
Philadelphia, June 7, 1906.

Hon. H. S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have carefully read the speech made by you in answer to your colleague, Mr. RAINEY, and have also read Mr. RAINEY'S contention of the existence of a watch trust in the United States. We have been jobbers in American watches for a quarter of a century or more, and this is the first time we have been told that there is a watch trust in existence. Throughout this period we have handled nearly every make of American watches, but there has never at any time been any pressure brought to bear upon us in favor of any particular make of goods, and we consider ourselves free and independent jobbers, and do and would buy any goods that we choose.

Yours, respectfully,

M. SICKLES & SONS.

H. O. HURLBURT & SONS,
WHOLESALE DEALERS IN AMERICAN WATCHES,
Philadelphia, June 16, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have read with a great deal of interest your reply to Mr. RAINEY'S speech on the watch question, and wish to express our pleasure at your exposure of the misinformation supplied by Mr. Keene, in New York.

Our firm has been in the wholesale jewelry business for more than fifty years, and has been selling Elgin and Waltham movements since these movements were first put on the market, and we know, of our own knowledge, that there is not any such thing as a watch trust. Both the Elgin and Waltham companies are now, and always have been, in active competition for our business, and while a large part of our watch sales is of these two makes we do handle and sell quite a number of movements made by other manufacturers.

It is the sentiment of our customers, almost without exception, that the fixed retail price adopted by the Elgin and Waltham companies on railroad movements is an advance step in the policy of the companies interested and that it acts for the best interest of both the retail jeweler and the consumer, and that the trade of the country and the general public would be better off if it could be adopted for all grades of movements.

It fixes a fair price for the watches, which enables the jeweler to make a living profit, no more, and prevents the dishonest dealer from charging his customers an exorbitant price.

The Elgin and Waltham companies were the last of the American watch manufacturers to put a fixed retail price on their railroad grades, and were forced into doing it by loss of business.

Yours, very truly,

H. O. HURLBURT & SONS.

H. F. HAHN & CO.,
WATCHES, DIAMONDS, JEWELRY, AND SILVERWARE,
Chicago, June 1, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We learn from the newspapers that there is considerable argument in reference to there being a watch trust. We have been

handling American and Swiss watches for over thirty years, and so far as we know there is no watch trust. The competition between the watch-movement makers and the watch-case makers in quality and price is as strong as at any time in our experience.

Respectfully submitted.

H. F. HAHN & Co.,
Per HERMAN F. HAHN, *President.*

M. J. RUBENSTEIN,
JOBBERS IN ALL GRADES OF MOVEMENTS AND CASES,
DIAMONDS, FINE JEWELRY,
Syracuse, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: Your speech pertaining to watches delivered in the House of Representatives on April 26, 1906, meets with my approval. I know of no restrictions placed on the jobber as to his buying either American made movements or cases, and from whomever he may please, and in my case it applies to an experience as a jobber covering a long period of years.

Yours, respectfully, M. J. RUBENSTEIN.

EDWARDS & SLOANE JEWELRY COMPANY,
WHOLESALE AND MANUFACTURING JEWELERS,
Kansas City, Mo., June 11, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: We have noticed in the press a number of statements in regard to the so-called "watch trust."

We have been in the watch and jewelry business many years, and so far as we know there is no trust among the watch manufacturers. We ourselves handle a number of different makes of these goods, both movements and cases. We buy the goods on which we think we can make the most money, and we are governed in making our selections by the quality, price, and demand.

We write this letter in justice to certain manufacturers, concerning whom we understand certain charges have been made in Congress.

Yours, respectfully,

EDWARDS & SLOANE JEWELRY CO.
GEO. H. EDWARDS, *Secretary.*

A. H. POND & Co., WHOLESALE JEWELERS,
Syracuse, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: We have read your speech in reply to one delivered by Congressman Rainey on the subject of "Tariff on Watches." We noted particularly the endeavor of Mr. Rainey to prove the existence of a watch trust in the United States.

We have been engaged in the wholesale watch business during the past fourteen years, and to our knowledge there is not now, and never has there been, a watch trust in this country.

During our business career we have handled the products of a great many different watch factories, and we are now handling those watches for which we have the largest demand and which afford us the greatest profit.

Yours, truly, A. H. POND & Co.

N. H. WHITE & Co.,
WHOLESALE DEALERS IN DIAMONDS AND AMERICAN WATCHES,
New York, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to your speech in Congress on April 26, concerning the tariff on watches, we beg to say that we have been engaged in the business of selling American watch movements and cases for same at wholesale for the past twenty-five years, and during that time we have never known of a watch trust, nor has any manufacturer of movements or cases ever presumed to dictate to us from whom we should buy these goods.

We always have been and expect to continue to be absolutely free to buy American watches wherever we please. When we can not do this we shall be ready to quit the watch business.

Yours, very truly, N. H. WHITE & Co.

ROSENZWEIG BROTHERS,
MANUFACTURERS AND DEALERS IN
DIAMONDS, WATCHES AND JEWELRY,
New York, June 2, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of a pamphlet with the copy of your speech delivered in the House of Representatives on Thursday, April 26, 1906, and we have carefully read same and must say that the statements of Hon. Mr. RAINEY are not facts, because if a watch trust existed we certainly would be aware of same, having been in the watch business for the past twenty-five years, and buying watches of different makes. We are also importers of watches, which certainly is convincing that we buy when and where we please.

Respectfully, yours, ROSENZWEIG BROTHERS.

J. W. FORSINGER,
AMERICAN WATCHES AT WHOLESALE,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Permit me to call your attention to a matter which is of much importance to all jobbers of American watches in the United States. I refer to the statement made by Representative RAINEY relative to American manufacturers of watches, "the watch trust," so-called, etc.

As a representative jobber and in justice to the manufacturers, I desire to state that in my opinion there is no such thing as a "watch trust." I know positively that there is competition between the manufacturers.

Furthermore, I handle all makes of American watches, and there has never been any pressure brought to bear upon me to restrict my purchases either in movements or cases. I do a large business both at my New York and Chicago offices, and have felt perfectly free to buy wherever I saw fit.

Yours, truly, J. W. FORSINGER.

A. G. SCHWAB & BRO., WHOLESALE JEWELERS,
Cincinnati, Ohio, June 11, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have read with great interest the speech delivered by you in Congress recently on the subject of watch combinations, which struck us with the idea that there is an impression somewhere that there is a combination of watch manufacturers existing at the present time which is supposed to control our action in reference to handling watches, and we take the liberty to address these few lines to you giving you our experience in this matter.

We have been engaged in this business for forty years and we know of no combination existing which in any way controls us in buying our goods in this line. We are absolutely uncontrolled in regard to our purchases of watches, and are simply guided by the quality, demand, and stability of the goods. While we have always handled certain lines of goods we are aware of the fact that for the past twenty or twenty-five years there has been a constant endeavor on the part of certain manufacturers whose goods the leading jobbers do not handle, to create an impression amongst the public that there is a watch trust, which controls the principal output of American watches. But so far as our knowledge goes, as already stated above, we know of absolutely no such combination, and are free to buy our goods wherever we see fit.

Trusting that this may assist you in correcting a wrong impression in reference to this matter, we remain,

Respectfully, yours, A. G. SCHWAB & BRO.

M. A. MEAD & Co.,
WATCHES AT WHOLESALE,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: A few days since I had the pleasure of reading your speech on the watch situation, and having been engaged in the business for over thirty-five years I was very much interested.

I wish to add our experience as jobbers, which may help to throw light on the situation. In the first place we certainly know of no trust in the business; the competition has always been strong during all the thirty-five years of my connection with the trade, with a general tendency of lowering in price. As far as our experience goes, never has there been any attempt to control us in any way as to what we should buy or where we should buy, our choice in these matters being entirely dictated by our knowledge of the quality of the goods and the market demand at the prices given.

Hoping that these few words may be of use to you in getting at the truth, we remain,

Yours, truly, M. A. MEAD & Co.
M. A. MEAD, *President.*

THE WEBB C. BALL WATCH COMPANY (INCORPORATED),
WATCH MANUFACTURERS,
OFFICIAL STANDARD WATCHES FOR RAILROAD SERVICE,
Cleveland, Ohio, June 11, 1906.

Hon. H. S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have noticed from time to time articles appearing in the papers concerning the "watch trust," which it is alleged by some Representatives in the House at Washington to be in operation, as they claim, detrimental to the interests of the American watch-buying public.

We have been interested in the American watch industry for more than thirty years. Our business has been retailing, wholesaling, and manufacturing, and we believe that our experience in these several capacities would bring us in contact with any trust or combination that would be detrimental to our interests in some one of the three departments; but up to this time we beg to state that no manufacturer, wholesaler, or retailer, has ever approached us with any trust propositions of any kind whatever.

We have been entirely free to buy from all the different manufacturers, and we do not believe there is any trust or combination at the present time which is in any way harmful to the interests of the American watch industry, either on a retail, wholesale, or manufacturing basis.

This agitation, we believe, is being brought forward and urged on by interests which are not able to meet the competition on quality and finish of the manufacturers who have shown more progress and skill in keeping abreast of the times.

If these interests would spend their time, talent, and money in improving their product, the results of such effort would be decidedly to their credit and to the helpful advantage of the American watch industry.

Merit and integrity will win success in spite of trusts and combinations. The American watch buying public are ever willing to recognize merit and pay a reasonable price for reliable and durable watches. They want value received.

We hope yourself and associates will be able to meet this unjust agitation against American watch manufacturers on a basis that will be fair to the several interests involved.

Very respectfully,

THE WEBB C. BALL WATCH CO.
WEBB C. BALL, *President.*

BAUMAN-MASSA JEWELRY COMPANY,
IMPORTERS AND JOBBERS OF WATCHES, DIAMONDS,
JEWELRY, OPTICAL GOODS, AND JEWELERS' SUPPLIES,
St. Louis, June 11, 1906.

Hon. HENRY BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Our attention being called to Mr. Rainey's speech, in regard to there being a watch trust, will say we do not know of the existence of any watch trust, having been in the watch business a great many years, and have never been restricted from buying from any company we desired. We sell Elgin, Waltham, and other makes of watches, but the keen competition in watches has constantly decreased the prices of them, until to-day we have to sell, especially high-grade watches, at a very low price.

Hoping this letter will be of benefit to you, we remain,

Very respectfully,

BAUMAN-MASSA JEWELRY CO.,
E. MASSA, *Treasurer.*

DESPRES, BRIDGES & NOEL,
WHOLESALE DEALERS IN WATCHES, DIAMONDS, AND JEWELRY,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

HONORABLE SIR: We wish to compliment you on the stand you have taken in presenting the position of the American watch companies, in your address before the House of Representatives, in Washington.

We wish to uphold you in the stand you have taken. We, as wholesalers of American watches, find there is much competition in the watch business, and that it is the result of competition, which places us in the position we are, selling high-grade American watches at the low price they are being offered at, at this time, to our customers.

We wish to state that we do not know if there is any trust or combination in the watch business. We are not restricted or interfered with, handling such makes or manufactures of watches as we may be disposed to purchase.

We are not restricted from handling such manufactures and makes of watches as we may find it to our business interests to deal in.

We believe that the present competition in watches has placed the consumer in a position to buy a better American watch to-day for less money than at any period since watches have been made in this country.

Yours, very truly, DESPRES, BRIDGES & NOEL.

A. PAUL & CO.,
MANUFACTURING AND WHOLESALE JEWELERS,
Boston, May 31, 1906.

Hon. HENRY S. BOUTELL.
House of Representatives, Washington, D. C.

DEAR SIR: We have read your speech on the watch industry and would like to say that we have been customers of the American Waltham Watch Company for many years. We do not know of their being connected with any watch trust. During all our years of business with them we have never been coerced and are in good standing.

Yours, very truly,

A. PAUL & CO.

ALBERT BROTHERS,
WHOLESALE DEALERS IN WATCHES, DIAMONDS, JEWELRY, CLOCKS,
Cincinnati, June 11, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: As jobbers of American watches we have been very much interested in your recent speech.

We have been in the watch business for the past fifteen years, and at no time has it been in as good a condition as at present, and we would not like to see any changes made that would alter same. No restrictions have been placed on us as to what make of movements and cases we should handle. We have always bought such goods as our customers desired.

Yours, very truly, ALBERT BROS.

NORRIS, ALISTER & CO.,
WHOLESALE JEWELERS, DIAMOND IMPORTERS,
Chicago, May 31, 1906.

Hon. H. S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: As jobbers of American watches, we have noted with interest the difference of opinion expressed at Washington pertaining to the watch industry, and also your own position in the matter.

We are dispensers of the product of several of the larger American houses who manufacture watch movements and cases, and therefore we are naturally interested in all that has been said and printed regarding the subject. We have been recently asked, by letter, several pointed questions bearing on the subject, to which we have already replied. In this reply we briefly stated our independence as a jobbing institution, purchasing in the open market with a natural freedom where we can to the very best advantage.

The American watch market presents a broad, comprehensive, and desirable line for selection, a condition not possible except where the keenest competition and independence of action on the part of the individual manufacturer exists. The natural result of this strong competition has caused steady decline in the prices to the consumer, at the same time creating a better product and more reliable timepiece. Please pardon the intrusion of these expressions on your valuable time.

With the hope that the present discussion before the House on this matter will be brought to a satisfactory conclusion for the benefit of the watch industry and the general trade, we remain,

Very respectfully, yours,

NORRIS, ALISTER & CO.

AVERY & BROWN,
WHOLESALE WATCHES AND JEWELRY CHAINS,
New York, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: The agitation and speeches in Congress regarding the alleged trust in American watches have been of interest to us, and having carefully read the facts, pro and con, as presented, and having been entirely free from any domination or direction in the exercise of our business transactions, we feel justified in taking the liberty of addressing you, both in fairness to ourselves, as well as to the manufacturers, who seem to have been grossly misrepresented.

Both members of this firm have been engaged in the American watch business for nearly thirty years; the last eleven years we have passed together under the above firm name as jobbers in American watches, buying from watch factories and selling to retail jewelers throughout the United States; and as our active business has been of considerable volume we believe that our experiences and views are entitled to be considered in this connection. In all that period we individually or jointly have positively never known of any watch trust. Spiteful references about alleged watch trusts have frequently been circulated for about twenty-five years and mostly dwelt upon by those least calculated in business relations to know what they talked about, and mostly stimulated by parties who have some object to gain in business competition by seeking to poison the minds of jewelers and the public at large, by circulating false and misleading information, hoping thereby to gain some sentimental or commercial advantage against competitors, based upon well known prejudices against the idea of trusts. We have been free to buy movements and cases of all makes as we chose and of whom we pleased, and our numerous customers have never given us any intimation that they felt the influences of so-called "trust methods."

The prominence recently given this general subject has resulted in a more general discussion at large than we have ever heard of before, and those who are directly interested, standing as we do as jobbers between the manufacturers and the retail jewelers, should surely be the first ones to have a grievance against trust methods if there were any; but being entirely free from any such feelings and not knowing of any other jobbers who have, we can unqualifiedly state that our business is entirely free from any such molestation. In fact, on the contrary, we sometimes wish there had been some influences of this nature to have made the business of jobbing watches generally more satisfactory and profitable than is promoted by free and open competition such as now exists.

Yours, respectfully,

AVERY & BROWN.

C. H. KNIGHTS & CO., WHOLESALE JEWELERS,
Chicago, May 31, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: As jobbers in American watches, we wish to state that, so far as we know, there is not in existence what would be called a "watch trust." There is competition in prices between the various manufacturers, and there are no rules in existence restricting the purchase of the various makes.

Yours, very truly, C. G. KNIGHTS & CO.

FREUDENHEIM BROTHERS & LEVY,
IMPORTERS OF DIAMONDS, MANUFACTURING
JEWELERS, JOBBERS IN AMERICAN WATCHES,
New York, June 2, 1906.

Hon. HENRY S. BOUTELL.

HONORED SIR: As jobbers in American watches, we wish to express our extreme appreciation of your masterful speech, which you delivered in the House of Representatives on April 26, in answer to the remarks made by the Hon. Mr. Rainey against the Elgin and Waltham watch companies.

We have been buying from these two watch companies for a quarter of a century, and at no time had we reason to regard them as a trust in any sense that this term may imply. Never during the course of our dealing with them have we been dictated by them as to the manner of transacting our business. We have always been at perfect liberty to buy our watches from whomever we considered profitable.

The methods of the Elgin and Waltham companies, as far as our dealings with them entitled us to judge, have always been strictly in keeping with the most honorable, broad-minded principles of any honorable trade, and we don't exaggerate when we say that it is due to these excellent methods of the companies that both the jobbers and the retailers have been able to successfully compete against the enormous importation of Swiss watches to this country.

In conclusion we wish to compliment you upon your splendid arraignment of the gentleman from lower Broadway, and only wish it could be sent broadcast throughout the country.

Asking your pardon for transgressing upon your valuable time, we remain,

Yours, truly,

FREUDENHEIM BROTHERS & LEVY.

A. & J. PLAUT,
WHOLESALE JEWELRY AND DIAMONDS,
Cincinnati, June 11, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to Mr. RAINEY'S speech in Congress and your answer to same, would state that we are jobbers of watches, and have no knowledge whatever of the existence of any watch trust in this country.

We find that the competition among manufacturers is keener than ever, and reductions in prices of both movements and cases have taken place periodically, and we think they are now lower than at any time during our twenty-nine years' business experience.

In the handling of these goods we are guided altogether by their quality and popularity, as well as the price of the same. It is only natural that we should prefer makes of well-known standard qualities to those of obscure makes and unknown qualities, enabling us, as it does, to transact a larger volume of business.

Yours, truly, A. & J. PLAUT.

C. B. NORTON JEWELRY COMPANY, WHOLESALE JEWELERS,
Kansas City, Mo., June 9, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Having read Mr. RAINEY'S speech in regard to the watch situation, and having also been very much interested by what has been said by yourself and others, we wish to state as jobbers of American watches that, so far as we know, there is not in existence a watch trust. There is a competition in prices among the various manufacturers, and there are no rules in existence restricting the purchase of the various manufacturers.

Very truly, yours,

C. B. NORTON JEWELRY CO.
C. B. NORTON, *Pro.*

B. F. WILLIAMS COMPANY, WHOLESALE JEWELERS,
Philadelphia, June 7, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: Having read the speech made by Mr. RAINEY, and having handled all kinds of American watches as wholesale dealers for over

forty years, we have never heard of the existence of a watch trust, and it is not possible that such a trust could exist without our knowing it. We are at liberty to buy watches where we please.

Very truly, yours,

B. F. WILLIAMS CO.
C. EDGAR RIGHTER, *Treasurer.*

MORRIS ROSENBLOOM & CO.,
JOBBERS IN WATCHES, DIAMONDS, JEWELRY, OPTICAL GOODS,
Rochester, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: We have read your recent speech on the watch question. In regard to the efforts of Congressman RAINEY to show that there is a watch trust in this country, we take the liberty of saying that we do not know of any trust in existence now or in the past. We have been jobbers of American watches for a number of years, and we have always bought from manufacturers from whom we could buy to the best advantage.

Respectfully, yours,

MORRIS ROSENBLOOM & CO.

L. P. WHITE, WATCHES, CLOCKS, AND JEWELRY,
Philadelphia, Pa., June 8, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

MY DEAR SIR: Your speech, in answer to Mr. Rainey with regard to the watch situation, has been read by me with considerable interest. With regard thereto, permit me to say that I am very much interested in both sides of the proposition, but that Mr. Rainey has submitted many supposedly facts of which in my twenty odd years' experience I have had no knowledge, notwithstanding the fact that I consider watches my stronghold, and particularly those of American manufacture in which I see it to my advantage in profit to handle. At the present time there is no watch trust in existence, so far as I am aware, and I believe that I am in a position to know the situation quite well.

Very truly, yours,

L. P. WHITE.

L. LEVY, WHOLESALE JEWELER,
Syracuse, June 9, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: I have read your speech in Congress answering Mr. Rainey on the watch question. Mr. Rainey, as I understand it, is trying to demonstrate there is a watch trust in America, whereas such is not a fact. To this I can assert from experience as a jobber in American watches for a great many years. I, for one, run my business to suit myself, and am not interfered with. If there were a trust I surely would know it.

Respectfully,

L. LEVY.

MARKS & LIBERMAN,
JOBBERS AND IMPORTERS OF WATCHES, DIAMONDS, JEWELRY,
Syracuse, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
Washington, D. C.:

DEAR SIR: We have received and read with interest your recent speech on the watch tariff.

We notice Mr. Rainey's attempt to show that there is a watch trust in this country. Our business career, as wholesale dealers in all kinds of American watches, covers a period of twenty-five years. We are prepared to say that there has never been any watch trust nor is there one now, nor could there be one without our knowledge. We deal in such goods as we choose without advice of or consultation with anyone outside of this firm.

Respectfuly, yours,

MARKS & LIBERMAN.

ABELSON & LIBERMAN, WHOLESALE JEWELERS,
Utica, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We take the liberty of thanking you for the views which you expressed in your recent speech concerning the watch business. Mr. Rainey is positively mistaken in making any claims that there is a watch trust existing in this country. We have been in the watch business for the past twenty years selling all kinds of watches at wholesale, and we are in a position to know and state emphatically that we are not aware of any watch trust whatsoever.

Thanking you again for the position you have taken in this matter in putting the truth before the public, we remain,

Yours, respectfully,

ABELSON & LIBERMAN.

PHILLIP PRESENT,
WHOLESALE DEALER IN WATCHES, DIAMONDS, JEWELRY,
Rochester, N. Y., June 9, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

MY DEAR SIR: I have read with great pleasure a speech which you delivered in Congress on Thursday, April 26, in answer to an address delivered by Congressman Rainey.

It certainly impressed me with the real knowledge that you have gained regarding the watch industry of this country. You are also justified in absolutely denying the accusation against the Elgin and Waltham watch companies being a trust, or parties to a trust. I have been in the wholesale watch business here for the past twenty-two years and have sold various makes of American made watches. I do not know of any trust in this industry ever existing during that time or now. I am certainly in a position to know if a trust in the watch business were in existence.

With highest regards and esteem, I am,

Very truly, yours,

PHILLIP PRESENT.

LINDENBERG, STRAUSS & CO.,
WATCHES, DIAMONDS, JEWELRY, AND SILVERWARE,
Cincinnati, June 11, 1906.

The Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: We have noted in the newspapers your speech referring to a so-called "watch trust," and as jobbers of American watches we feel very much interested.

From our experience with the various watch manufacturers we are not aware of the existence of any such trust, as no restriction has been placed upon us by any American watch manufacturer. We guide our purchases only by the best the market produces, considering only quality and price.

Very respectfully,

LINDENBERG, STRAUSS & CO.,
Per sig. STRAUSS.

L. GUTMANN & SONS,
WHOLESALE JEWELERS—DIAMOND MERCHANTS,
Cincinnati, June 11, 1906.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

SIR: Being interested in the jewelry and watch business, we have read your speech of April 26, 1906, delivered to House of Representatives, and we, from our experience of thirty years, fail to see where certain watch producers are a "trust" simply because they have created a demand for their product over their less-fortunate competitors. We have every reason to believe and know that there is no trust or combination formed for the purpose of controlling watches in the United States, we confining our purchases as regulated by beauty of design and quality of workmanship.

Very respectfully, yours,

L. GUTMANN & SONS.,
Per D. J. GUTMANN.

OSKAMP, NOLTING & CO.,
MAMMOTH WHOLESALE JEWELERS,
Cincinnati, June 11, 1906.

Mr. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: For many years we have been jobbers of Elgin and Waltham watch movements, and, truthfully speaking, we were the ones that solicited the privilege of jobbing the watch movements manufactured by them. We know of no watch trust, and all the talk now in circulation is, we believe, entirely imaginary.

Very truly, yours,

OSKAMP, NOLTING & CO.

THE SCRIBNER & LOEHR COMPANY,
WHOLESALE AND MANUFACTURING JEWELERS,
Cleveland, Ohio, June 11, 1906.

Hon. H. S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: As jobbers of watches we are naturally interested in all topics or literature relating to that line of our business, and your speech of April 22, 1906, has come to our notice. We wish to heartily approve of the stand which you have taken in relation to the sale of watches in this country and the able manner in which you have defended our two great American factories. We have been handling both the Elgin and Waltham watches, together with similar goods made in other factories, and we wish to say that the sale of the Elgin and Waltham watches exceeds that of all the other watches combined by a great percentage. In fact, it seems these watches almost sell themselves, and we have no difficulty in placing them on the market.

It gives us great pleasure to read your remarks about the New York fakir who advertises to do things and then fails to do them. In the course of our business we have had a great many amusing incidents on just such questions. We have been approached by small dealers whose minds have been poisoned by nefarious advertising and by jobbers who tell the small dealers not to buy goods from the Elgin and Waltham people, as they are in a watch trust. This statement is made recklessly, and there is no effort made to prove the same, and it is very annoying to us to be obliged to correct this report and convince the various dealers that there is no such thing as a watch trust, at least so far as the Elgin and Waltham companies are concerned. We find that they are very great competitors, and are in no way connected, as far as we can learn, in any such a thing as a watch trust. In fact, both of these companies are making every effort honestly and in strict competition to sell goods, one against the other. The advertising that is done in the daily newspapers of our big cities is ample proof what these companies are trying to do to sell honest American goods at honest and reasonable prices. After reading many of the remarks made by the various gentlemen during the course of your speech, we have come to the conclusion that the more light there is thrown on this matter the better it will be for all concerned. We think that you have handled the case in a very able manner, and that some of your opponents were greatly misinformed. We should like very much to have an airing given to the methods of some of the "pirates" in the watch trade, and we think the atmosphere would be much clearer therefor, and would enable all jobbers who wish to do business in an honest and legitimate way to sell the best American products at a reasonable profit. If you will take the trouble to investigate you will find that the jobber makes a minimum of profit only.

We wish to thank you on behalf of the watch dealers in our vicinity for the effort you have made in our behalf.

Yours, respectfully,

THE SCRIBNER & LOEHR CO.,
Per GEO. W. SCRIBNER.

SPROEHNLE & CO., WATCH JOBBERS,
Chicago, June 1, 1906.

The Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.

DEAR SIR: In reading your speech, as well as others, recently delivered in the House of Representatives, we were particularly impressed at what efforts were being made to create the impression that a trust or combination exists between the watch manufacturers of the United States.

With a view of giving information, and to avoid a serious mistake being made, we wish to emphatically state that in our experience in the watch industry, covering over twenty-five years, we know positively

that a watch trust or combination does not exist between the watch manufacturers of this country, and that there is a decided competition in the marketing of all makes of cases and movements manufactured in this country.

If we can assist in giving you any further information on this subject we shall be pleased to do so.

Yours, very truly,

SPROEHNLE & CO.,
Per F. M. SPROEHNLE, *Secretary.*

[Telegram.]

BOSTON, MASS., 31.

Hon. HENRY S. BOUTELL,
House of Representatives, Washington, D. C.:

Have read carefully your remarks in Congress. Pertaining to the watch-movement business, no attempt at coercion has been made on us by any manufacturer of watch movements and we have always been free to buy where we pleased.

D. C. PERCIVAL COMPANY (Incorporated).
D. C. PERCIVAL, Jr., *Treasurer.*

Letter from Hon. W. B. Brinton, of Dixon, Ill., to Hon. J. G. Cannon, calling attention to the absurdity of the statements made by the gentleman from Illinois, Mr. Rainey.

GRAND DETOUR PLOW COMPANY,
Dixon, Ill., May 10, 1906.

Hon. JOSEPH G. CANNON,
Speaker, House of Representatives, Washington, D. C.

MY DEAR MR. CANNON: I have received a copy of the speech made by Mr. RAINEY on the tariff question. He states that plows and agricultural implements are sold abroad from 25 per cent to 50 per cent cheaper than the American farmer who lives within 50 miles of the different factories can buy them.

As a manufacturer of such implements for many years, I wish to state that I will thank you to obtain from Mr. RAINEY the evidence to make good this statement unless he should find some isolated case where some bankrupt goods were sold. There is not 25 per cent profit, much less 50 per cent profit, in goods sold by the manufacturer to the dealer 40 miles from our factory.

Thus you will observe that Mr. RAINEY'S statement is simply ridiculous, and does the implement manufacturers a great injustice in that it makes our customers in this country feel as if they were being robbed by the manufacturer of agricultural implements.

A friend of mine in the manufacturing business in Kentucky states that he has written Mr. RAINEY and also Mr. WILLIAMS, and has heard nothing from them in reply to his letters; hence the writer takes the liberty of writing you as above, feeling that he is privileged to do this owing to the fact that it has been his pleasure to know you personally all his life.

Wishing you well, and thanking you for such of your time as it may be necessary to take to dig into this—for we are entitled to the facts—I am,

Yours, very truly,

W. B. BRINTON.

A.

Editorial from Brooklyn Eagle showing the injurious effect upon the watch industry in Great Britain of the "fetich of free trade."

WATCH MAKING.

The fact that the United States has forged ahead of Great Britain in the manufacture of watches is made the subject of an article in the Magazine of Commerce, by T. P. Hewitt, the managing director of a Lancashire watch company. Mr. Hewitt asserts that the watch trade of Great Britain is being gradually transferred to the United States.

"Forty years ago," he says, "the best-known devices in the modern watch were invented by English makers, and at that time only 50,000 watches were made in the United States and 164,000 in Great Britain. But in the course of these forty years the whole situation has been reversed, and while in Great Britain only 226,000 watches were made in the year 1902, in the United States the enormous number of 2,750,000 were turned out. Against the very nearly 3,000,000 watches made in this country somewhere about 6,000,000 are made on the continent of Europe, but these do not seem to compete with the American watch. The American watch is rapidly superseding the Swiss and English watches."

Mr. Hewitt attributes the decay of the watch-making industry to what he calls the "obsolescent assay laws" of Great Britain and the strict enforcement of them, and also to what he calls the "fetich of free trade," which has hindered Parliament in its legislation. Birmingham is the great center of the watch industry in England, and that is referred to in connection with the reelection of Mr. Chamberlain on a protection platform.

Extract from "Model Factories and Villages; Ideal Conditions of Labor and Housing." By Budgett Meakin, lecturer on industrial betterment, etc. London, 1905.

One of the most beautifully situated examples of modern factories is afforded by the Waltham Watch Works, near Boston, Mass., the handsome buildings of which, surrounded by well-kept lawns, overlook on the one side the river and on the other a park-like village, inhabited by the employees, one-fourth of the married among whom own their own homes. The treasurer has expressed the opinion "that all the investments of the company which tend to make the environment of the worker pleasant—the parks, the lawns, and the gardens near the factory—pay in many ways. Their chief value is in their moral influence upon the work people."

Articles from Daily Consular Reports, May 18 and May 24, 1906, showing that the cheaper American watches are winning their way in England against the higher priced British and continental watches.

WATCHES IN BRITAIN—DECLINE IN ENGLISH PRODUCTION—INCREASED IMPORTS.

Consul-General Wynne sends a cutting from the London Daily Telegraph concerning the decline in the manufacture of watches in Great Britain. The article, in part, is as follows:

Among English industries which have suffered severely from foreign competition that of watch making occupies a prominent place. The cheap trade, of which Clerkenwell used to be the flourishing headquarters, has practically gone. It has been captured outright by the enterprising foreigner, and though Clerkenwell road and its purlieus are still the great market center for everything connected with clocks and watches, scarcely a single watch factory survives there. We give some remarkable figures bearing on the influx of foreign watches:

Official returns showing the number of watches made at home and abroad in the last four decades.

Year.	Continental.	American.	English.
1862	2,500,000	50,000	164,000
1872	3,000,000	400,000	145,000
1882	3,500,000	1,250,000	227,000
1892	4,500,000	2,250,000	204,000
1902	6,000,000	2,750,000	226,000

In 1904 more than a million and a half watches were imported into the United Kingdom from foreign countries, representing the sum of £838,000. This means an average of more than 10 shillings for each watch, and considering the flood of common watches of foreign origin that can be bought for much less than that sum, it is evident that a large proportion of those imported can not be classed as inferior goods. Switzerland led with 1,100,000 watches; Germany was the next, with 213,000; France was third, with 80,000; and America fourth, with 64,000. Besides this, almost as many clocks as watches entered our ports, Germany in this instance leading the way with a million, and the United States being second with a quarter of a million. The effect of the better American watch on the English market has been to make people disinclined to pay more than $20 or $30 for a watch for everyday use.

THE ENGLISH WATCH TRADE.

Consul Hamm, of Hull, England, gives below some interesting facts concerning the growth of the watch trade. He quotes figures published showing the comparative increase in the industry on the Continent of Europe, in America, and in England. They are as follows:

Year.	Continental.	American.	English.
1862	2,500,000	50,000	164,000
1872	3,000,000	400,000	145,000
1882	3,500,000	1,250,000	227,000
1892	4,500,000	2,250,000	204,000
1902	6,000,000	2,750,000	226,000

From this table it appears that there has been a great difference in the comparative increase in the watch trade on the Continent during forty years past, in America, and in England. English manufacturers are complaining that the trade is being taken away from them by the competition they have to meet on account of free trade. About 3,000,000 watches made abroad are imported into England annually.

The question of selling abroad more cheaply than at home assumes different aspects when regarded from different standpoints. It makes all the difference in the world whether a country is the one that dumps or the one that is dumped upon; whether it is the "dumper" or the "dumpee." England was the great original "dumper." She is now realizing what it is to be the "dumpee." To the great credit of American manufacturers, not only of watches, but of numerous other articles, we are beating England both in her home markets and in the Orient.

Much of our dumping is to secure the market for American goods. When they have been tried and their superiority demonstrated, the market will be under our control, and prices can be raised. One of the best instances of selling abroad more cheaply than at home for the purpose of securing the market is in the cotton-goods industry, where our manufacturers are striving for the markets of the Orient against the manufacturers of England, Germany, and Japan.

The following article by an English economist of high rank is interesting from the point of view of the "dumpee:"

[From article by Sir Robert Giffen on "Imports and home productions," in the Economic Journal, vol. 15, December, 1905, pp. 489–490.]

Then, there are the various cases of dumping. Our industries, it is alleged, are not merely exposed to the free competition of normal foreign industries, but they have to contend with fitful and spasmodic interferences when foreigners "dump" a surplus on our markets and upset the ordinary conditions of business. To cultivate a market or to prevent some other market being swamped of which he happens to possess a monopoly or to get rid of bankrupt stocks at slaughter prices the foreigner sends goods at prices which are ruinous to the home producer of like articles. There is consequent injury of a grave kind to some producers at home without corresponding gain to the rest of the community. But apart from the exaggeration incidental to all such statements, can it be said that such "dumping" from abroad is in any way different from ordinary incidents in all home competition? Liquidation sales or clearing sales at prices much below normal or average are the ordinary features of shopkeeping, as anyone may see who walks along Regent street, or Oxford street, or Piccadilly, or the streets of any great city. So also are sales below cost price in order to make a market, or sales of leading articles, like sugar, by grocers, who count on making their profit on sales of tea to the customers whom cheap sugar attracts. A more recent illustration of leading articles in business has perhaps been given by the Times in its offer of the advantages of a book club as a means of inducing intending members to become subscribers to the Times. "Dumping" is no other than an artifice of competition, and it is hardly a special evil to be dealt with in a question of the policy of restricting imports. It belongs rather to the category of what the State may be called on to do for the protection of individual interests when they are threatened by exceptional mischiefs of a specially grave character, such as earthquakes, or inundations, or fires on a large scale. The question of a policy of restricting imports and that of free trade is hardly to be determined by passionate arguments and prejudices excited by "dumping."

As the wages of labor in the watch industry have been doubled since the establishment of this business and its development under the beneficent influences of the Republican protective tariff policy, the following table showing the trend of prices in the watches of the Elgin Company is interesting and suggestive. While wages in this business have *doubled*, the average price of watches has gone down to about *one-fourth*.

Comparison of prices on Elgin watches.

PRICES ON ELGIN WATCHES, 1871.		PRICES ON ELGIN WATCHES, 1906.	
Eighteen size:		Eighteen size:	
B. W. Raymond, 15 jewels	$80.00	B. W. Raymond, 17 jewels	$18.50
G. M. Wheeler, 15 jewels	21.00	G. M. Wheeler, 17 jewels	8.00
7 jewels (nickel)	24.00	7 jewels (nickel)	4.00
Naught size:		Naught size:	
15 jewels, adjusted	50.00	17 jewels, adjusted	13.00
15 jewels, adjusted	35.00	15 jewels, adjusted	10.00
11 jewels, adjusted	25.00	11 jewels, adjusted	8.00
7 jewels, adjusted	20.00	7 jewels, adjusted	6.50

Article from the Chicago Tribune of May 31, 1906, recounting the good work that has been done in Illinois in enforcing the laws against child labor.

CHILD LABOR IS REDUCED—INSPECTOR'S REPORT SHOWS DECREASE OF 80 PER CENT—EDGAR T. DAVIES SUBMITS TABLES SHOWING THE RESULTS ACCOMPLISHED BY HIS WORK—GOVERNOR DENEEN GETS INFORMATION REGARDING THE WORK OF THE DEPARTMENT—MANY VIOLATORS ARE PROSECUTED, THE MAJORITY BEING IN CHICAGO—FINES ARE COLLECTED.

There is proportionately one-fifth as many children now employed in Illinois as there was twelve years ago, owing to efficacious child-labor legislation and the enforcement of the law by the State department of factory inspection. This is one of the results shown in the annual report of Chief Inspector Edgar T. Davies, which he forwarded yesterday to Governor Deneen.

The report shows the steady decrease of child labor in the State during that time. Especially marked has been the decrease since the enactment of the new child-labor law in 1903. In 1893 there was one child employed for every eleven adults. In 1902, the year before the new law went into effect, this ratio had been decreased to one child to every twenty-five adults. The operation of the new law, as enforced by the department, has resulted in thinning the number of child laborers to one for every sixty-five adults.

DECREASE IS SHOWN BY FIGURES.

The percentage of children employed in 1905 was 1.5, as compared with 1.9 in 1904, and 3.7 in 1902. Constant progress in the diminution of child labor is shown by this table:

Year.	Adults for each child employed.	Percentage of child labor.
1905	64.44	1.5
1904	62.01	1.9
1903	33.06	2.9
1902	25.06	3.7
1901	23.04	4.1
1900	22.17	3.3
1899	29.27	3.3
1898	28.47	3.3
1897	28.19	3.4
1896	26.27	3.7
1895	20.95	4.6
1894	13.76	6.2
1893	10.80	8.2

The department secured 1,001 convictions in Illinois in prosecutions for violations of the factory laws. Of this number 799 were in Chicago and 202 in the State at large. With the exceptions of 7 cases, all the convictions were for violation of the child-labor laws. Summarized, the convictions were as follows:

	Chicago.	Outside Chicago.
Employing children under 14	24	11
Employing children without age certificates	358	127
Employing children more than eight hours a day	388	62
Employing children in dangerous work	3	----------
Employing children at night	19	2
Failure to protect polishing wheels	1	----------
Employing persons outside family in home	4	----------
Obstructing deputy	2	----------
Fines and costs collected	$6,827.70	$1,680.50

MANY INSPECTIONS ARE MADE.

For the year the department reports 71,358 inspections, of which 65,797 were to enforce the child-labor law, 229 for enforcing safety appliances in the operation of metal-polishing wheels, and 5,332 were additional inspections, in which the law was found to be habitually ignored. This work represents 20,536 more inspections than were made in 1904, and 49,017 more than made by the department in 1901.

The chief inspector reports 769,352 persons employed in the State, of which 592,559 were men, 165,038 women, 7,127 boys, and 4,628 girls. In Chicago the number of persons employed was 540,018, as follows: 399,346 men, 131,230 women, 5,347 boys, and 4,095 girls. The total number of children under 16 employed in the State was 11,755, as compared with 12,411 in 1904.

Mr. Davies describes in detail the operation of the new child-labor law and of the bureau for the issuance of age and school certificates. He suggests several changes which he believes will result in eliminating fraud in obtaining the certificates.

APPENDIX—PART II.

PRESENT PROSPEROUS CONDITIONS THROUGHOUT THE COUNTRY; THE REASONS THEREFOR; AND DEMOCRATIC OPINIONS FORTELLING A DIFFERENT STORY.

Opinions of Democratic leaders as late as 1900 on the free-silver delusion, from debates in House of Representatives on Gold Standard and Banking Bill of March 14, 1900.

[December 8, 1899. Fifty-sixth Congress, first session. Page 160.]

Mr. RICHARDSON of Tennessee:

"For the first time in our history, Mr. Speaker, a proposition is presented to us here to fasten upon this country by statutory enactment the single gold standard. That is something new in this country."

[December 11. Fifty-sixth Congress, first session. Page 208.]

Mr. MADDOX of Georgia, in charge of opposition:

"This bill in my judgment is a scheme by which, I think, will be operated the most gigantic trust that ever cursed any nation or country. * * *

"I want to say now that this bill as proposed has been considered in financial circles but has not been asked for by the great body of the people of this country.

"Let every Democrat vote no, thereby putting the seal of his condemnation on the most dangerous and baneful measure that has found its way into Congress in a half century."

Mr. WHEELER of Kentucky (December 13, 1899. Page 304):

"I am opposed to the principle and every section of the bill. I stand by the declaration of my party and declare nothing short of the free and unlimited coinage of both gold and silver at the ratio of 16 of silver to 1 of gold will ever settle this question."

Mr. COWHERD of Missouri (December 13. Page 329):

"Believing, as I said, that it is more dangerous to the commercial and business interests of the United States than the wildest scheme of finance ever devised or seriously offered to the American people, I shall surely vote against the measure."

Mr. KLEBERG of Texas (December 13. Page 350):

"In the name of the common people, in the name of Democracy, I protest! Gentlemen of the majority you may pass this bill, but the American people are apt to reverse your judgment in 1900 by the election of W. J. Bryan and a Congress which will stand by the Chicago platform. You are sowing the wind, you will reap the whirlwind."

Mr. COONEY of Missouri (December 13. Page 357): "I congratulate the people of the United States on the heroic struggle they have made for financial freedom, and that this is the last of all the great nations to succumb to the corruption and injustice by which the gold standard has been everywhere enacted into law."

Mr. HENRY of Texas (December 13): "I can not permit this bill to pass without recording my unequivocal protest against it. * * * This bil is the first step, and the funding project wil come next. Then the toiling millions, the brawn and muscle of the honest yeomanry will be chained for years to come as financial serfs to the money oligarchy of the nation."

Mr. LANHAM of Texas (December 14. Page 384): "Oh, what a radical, cruel, and far-reaching inconoclasm is about to be perpetrated, and with what indecent haste is the rush to its accomplishment!"

Mr. BURKE of Texas (December 14. Page 394):

"I may be mistaken, sir, but I believe a large majority of the people of this country are opposed to the financial system sought to be established by this bill."

Mr. GILBERT of Kentucky (December 14. Page 402):

"Banks of deposit and discount are a benefaction, but those of issue are a curse to any citizenship.

"For these reasons the national-bank features of this bill are seriously objectionable, and in the name of the splendid constituency I represent I not only protest against this extension of the Government favors to these institutions but appeal for a withdrawal of those they now enjoy."

Mr. WILLIAMS of Mississippi (December 15. Page 466):

"Mr. Chairman, answering for myself, I stand here to say that I have never yet made a public utterance by which I would not abide, because the utterance has always been not only the conviction of my constituens, but my own. [Applause on Democratic side.] And had I the power now, standing here as I do, if I were the Czar of America and had unlimited power, I would to-morrow open the mints to the free coinage of silver at the ratio of 16 to 1, with but one doubt in my mind, and that doubt would be as to whether it were not better to go to the world's legislative ratio of 15½ to 1."

Mr. BAILEY of Texas (December 15. Page 483):

"Mr. DALZELL: The gentleman still thinks that silver ought to be coined at the mints at the ratio of 16 to 1?

"Mr. BAILEY of Texas: I do. [Loud applause on the Democratic side.]"

Extracts from debates in the Senate and House of Representatives on the passage of the Dingley tariff of 1897, giving opinions of prominent Democrats on—

I.

The conditions that prevailed in the country under the last Democratic Administration.

MISSOURI.

Mr. VEST (May 25, 1897): Mr. President, there is no disposition on my part or that of my colleagues to make facetious opposition to the passage of the pending measure. We fully appreciate the desperate condition of the country. We know how many ruined homes, how many broken hearts, how many blasted hopes now surround the Congress of the United States, and if prosperity can come from any source, even from our political opponents, we shall welcome it, and not only welcome it, but bless the moment in which it comes. * * * But, Mr. President, I am more interested, I must confess, and naturally, in the effect of such legislation upon the people whom I immediately represent. My State is a large agricultural State; one of the largest in the Union. In my life, now verging upon three score years and ten, I have never seen in that land of plenty such ruin and depression as exists to-day. * * * I think that I state the feelings of everyone upon this side of the Chamber when I say that if our friends can bring relief, if they can shed light upon our darkened path, I shall hail that light with joy, no matter in whose hands the lamp may be. * * * Give prosperity to the country, relieve the people, and for myself I shall give the meed of praise where it belongs, and shall gladly accept the result, no matter from what source it comes.

VIRGINIA.

Mr. SWANSON (March 23, 1897): Each of these recurring years has brought times harder than the preceding; each brought greater business depression, greater fall in prices, greater poverty. Increasing debt and distress have come along with increased industry and frugality. The people's woes have grown despite the largest agricultural crops ever produced. * * * In less than four years, in time of profound peace, with bountiful crops and harvests, two extraordinary sessions of Congress have been called to furnish measures of relief to a suffering people.

TENNESSEE.

Mr. BATE (July 6, 1897): There comes on the wind from every section of the country the wail of an impoverished people.

Mr. McMILLIN (March 24, 1897): Ruin is abroad in the land, and it is not confined to any particular vocation. The bank doors are closing and bank presidents are going to Canada and the penitentiary. * * * Out in the West the bins and reservoirs of industry are bursting with the wheat and corn for which there is no market.

KENTUCKY.

Mr. SMITH (March 31, 1897): Stagnation and depression rule with despotic sway in every department of business life. Able, enterprising, and cautious men have been swept into the vortex of hopeless and irretrievable insolvency. Want and penury are visible in the faces of countless thousands who wander up and down the streets of the great metropolitan cities in search of employment that can not be had at any price, and in numberless homes erstwhile radiant with the glow of success and contentment there is now the somber hues of discontentment and destitution.

II.

That only free silver could bring prosperity.

VIRGINIA.

Mr. SWANSON (March 23, 1897): The Wilson bill has been a benefit and not a detriment. The curse of the country has been the gold standard, and not reduced tariff taxes.

TEXAS.

Mr. BAILEY (May 3, 1897): If you demonstrate, as demonstrate you will, that a high tariff under a gold standard will not bring prosperity, I will stake my political fortune on the proposition that the American people will then vote to restore bimetallism as the only means of restoring prosperity to this country.

ARKANSAS.

Mr. DINSMORE (March 30, 1897): There will never be international agreement, but there will be bimetallism in this country; there will be free, unlimited, and independent coinage of silver, and then there will be prosperity. [Applause on the Democratic side.]

GEORGIA.

Mr. TATE (March 24, 1897): Sir, the people of this country will not have prosperity until we restore the money of our fathers.

III.

Prophesying what the effects of passage of the Dingley bill would be.

TEXAS.

Mr. BAILEY (March 19, 1897): You promised to make the times better for all the people, and you must redeem that promise or be driven from the high places which you occupy. * * * Four years of the taxation proposed in this bill will prove a severe drain upon the energies of our people and the resources of our country, but if they demonstrate, as I believe they will, the vicious error of the protective system, the lesson, though costly, will be worth its price. [Applause on the Democratic side.]

(April 10, 1897.) If you succeed, the Democratic party might as well not make a nomination in the next Presidential election. If you fail, you might as well not make a nomination in the next Presidential election. [Applause on the Democratic side.] Now, let us give the country a chance to decide who is right and who is wrong. You have applied your remedy. I am confident it will fail. I am so confident of its failure that I want to raise no other issue. I want the country to decide between your wisdom and ours upon the measures which you have already proposed. Let the country see whether it is tariff revision or financial reform which shall work out our redemption. [Applause on the Democratic side.]

MISSOURI.

Mr. CLARK (March 30, 1897): We may be "fools" and "leatherheads" and all that sort of thing, but I tell you, gentlemen, the people living west of the Allegheny Mountains and south of the Potomac have sense enough to know when they are sandbagged and held up.

Mr. BLAND (March 31, 1897): Mr. Chairman, the effect of this bill known as the Dingley bill will be to largely increase the taxes of the people. It will tend to shut out importations, and in that mode the bill will necessarily interfere with the exportation of agricultural products from this country.

Mr. DOCKERY (July 19, 1897): The highways of ocean commerce and the markets of the world are to be again surrendered to England and other nations and the business enterprise of our own people limited to our own shores. * * * It was Waterloo for the Republican party in 1890 and 1892. It will be Waterloo, Sedan, and Pultowa, all in one, in 1897 and 1898.

Mr. DE ARMOND (July 24, 1897): We will meet you at every cross road; we will defy you upon every stump; we will strip bare your skeletons; we will show that your tariff bill just passed, about which you boast so much—the bill that is to herald in prosperity for the few and adversity for the many—is the most iniquitous, the most villainous, the most oppressive tariff bill ever made.

TEXAS.

Mr. BALL (July 19, 1897): Why, sir, this bill is a declaration of commercial war upon the nations of the earth. It will not open a single market for anything we make or produce; it will close many to various industries; it will not add a customer to our mills or factories from abroad, and domestic consumption can not be increased by raising the cost of our own wares to a people without money to buy their present output at existing prices. * * * The days of the Republican party will be "few and full of trouble," and the wrath of an outraged people, which reached high-water mark in 1892, will come again and cover them in 1900, as the molten lava from Vesuvius did the ancient cities of Pompeii and Herculaneum. [Loud applause on the Democratic side.]

Mr. LANHAM (July 19, 1897): Pass your bill, reeking as it does with blight and burden, carrying as it does disaster and distress, freighted as it is with woe and waste, filled as it is with injustice and oppression to your fellowmen; but it will but briefly blot and blur the statute books of this mighty nation, for it is against the genius of our institutions, the ethics of civilization, the properties of life, the equities of good government, and the conscience of a free people that Mammon shall be enthroned and that money shall rule in this land, consecrated to liberty and to justice. [Applause on the Democratic side.]

MISSOURI.

Mr. DE ARMOND (March 25, 1897): You may give some prosperity—I do not know whether you will or not—you may give some prosperity to favored spots in New England, New York, New Jersey, and Pennsylvania, to that favored region which lies east of the Alleghenies and north of the Potomac. You may do it; I do not know. But you will only do that temporarily if at all. Yours will be but a fitful gleam of prosperity, until something is done which will bring relief to the West and to the South; until something is done which will bring prosperity to the country in general without wrong to any class, without hardship upon any, without partially toward any. Your measure will not do that.

TEXAS.

Mr. SAYERS (March 24, 1897): The bill before us not only imposes burdens to the extent named, but reaches every section of the country and lays its heavy hand upon every man, woman, and child in the United States.

HAS THE DINGLEY TARIFF BROUGHT "BLIGHT AND BURDEN," AS PROPHESIED BY GOVERNOR LANHAM, OF TEXAS, TO THOSE PARTS OF THE COUNTRY WHICH MR. CLARK SAID WOULD BE "SANDBAGGED" BY A REPUBLICAN TARIFF? READ THE FOLLOWING:

History of industrial conditions in Texas traced in the biennial messages of her governors from 1895 to 1905.

Message of Gov. C. A. Culberson to Texas legislature, January 16, 1895.

The net decrease of $20,000,000 for 1894 in the total taxable values will, if maintained the present year, reduce the revenue $30,000 per annum at the present tax rate. This condition of affairs affects the credit of the State, embarrasses State institutions, and creates widespread hardship and injustice.

As illustrating this the State is the owner by purchase of university bonds amounting to $576,540, the interest upon which is used for the support of that great institution, the maintenance of which at its present high standard should touch keenly the pride of every Texan. There has been default in the payment of the current interest of these bonds, which is embraced in the registered warrants named, and unless speedily remedied the university will be seriously crippled. And every character of State warrant, whether for salaries, supplies, or on other accounts, is now subject to discount. The total deficiency, including the public schools and the general fund, is $1,455,349.89. * * * And repeating part of speech made by him on the 29th preceding September: "These taxes, together with the fact that all values are depressed, and that the great body of the people feel the pressure of debt and enforced economy, render a further burden indefensible unless unavoidable."

[Governor Culberson's message to Texas house of representatives, January 14, 1897.]

It is true Texas is growing toward a destiny that passes our vision, and public needs will naturally and inevitably enlarge with this progress, but we are in the midst of industrial stagnation and financial distess which press heavily upon the people. Every citizen is constrained to curtail expenses in his private affairs, and for the legislature to add to the burden by unnecessary expenditure or increase in public charges would be both indefensible and inexcusable.

[Message of Governor Culberson to Texas legislature, January 12, 1899, House Journal, p. 13.]

So gratifying indeed is the general condition of State affairs that it should inspire congratulations and pride in all who are concerned for the public weal.

[House Journal, Twenty-seventh legislature, January 10, 1901, page 18.]

MESSAGE FROM THE GOVERNOR, JOSEPH D. SAYERS.

To the senate and house of representatives:

It is indeed gratifying that you have convened under circumstances so auspicious.

Excepting not more than 15 of the 243 counties—organized and unorganized—into which the State is divided, prosperity prevails in them all to an extent not exceeded in any year of their history.

Abundant crops with a remunerative market have well rewarded the husbandman, and never before has the demand for labor—skilled and unskilled—been so great and universal, or the compensation of wage-earners more satisfactory.

The cattle and sheep industries are prosperous; railway construction has been actively renewed, and manufacturing enterprises of many kinds are being inaugurated.

Money has become more plentiful, and its circulation more general, resulting in a marked decline of the interest rate.

A desirable immigration is being attracted in large numbers, through the healthfulness of our climate, the fertility and freshness of our lands, and the many opportunities that here await industry, economy, and thrift.

The resources of the State, in all their variety, wealth, and abundance, are unknown even to ourselves; but with the continuance of present conditions, though for a few years only, and with a prudent and conservative administration of the public affairs, such development may be safely anticipated as will not disappoint the most sanguine expectations.

With the construction of the Isthmian Canal, nothing except inexcusable folly in matters of government will prevent this Commonwealth taking within the next two decades the foremost place among the States of the American Union.

[House Journal, Twenty-eighth Texas legislature, p. 43, 1903.]

MESSAGE FROM GOVERNOR JOSEPH D. SAYERS.

At this juncture Mr. N. A. Cravens, private secretary to the governor, appeared at the bar of the House and, being duly announced, presented the following message from the governor:

To the Senate and House of Representatives:

Though more severely afflicted than in any like period of its existence, except only during our civil war, the advancement of the State in all directions for the past four years has been without precedent in its history.

[Texas House Journal, January 12, 1905, p. 41.]

MESSAGE FROM GOVERNOR S. W. T. LANHAM.

To the Senate and House of Representatives:

To assemble as you do under circumstances so generally favorable is a matter upon which we can all felicitate ourselves. The people, as a

rule, have enjoyed good health and great prosperity, while the outlook for continued well-being is truly encouraging. Our resources are abundant and their development gratifying.

[Texas House Journal, January 10, 1905, p. 4.]

Speech of Hon. H. P. Breisford, of Eastland County, nominating Hon. F. W. Seabury, of Starr County, for speaker of the house.

To make the laws of this great Commonwealth is a trust of grave responsibility.

It is well for us to realize that upon the proper discharge of this trust depends to the farthest extent the weal or woe of Texas.

The happiness and prosperity and contentment of nearly four millions of people depend upon the good laws that this legislature enacts, as well as upon the firmness and sound judgment with which it refuses to experiment with ill-considered innovations, and, too eagerly grasping for the new, thereby release its hold upon the old and tried and safe in legislation.

Present conditions do not demand, will not permit, legislative convulsion.

The great cattle industry of northwest and west and southwest Texas sturdily stemming the current of depressed values; the planters and farmers of the black and red and sandy lands whose good sense at last has checkered the wide spread of the cotton fields with truck patches and alfalfa and corn; the great railroad interests of Texas, with a total mileage now greater than any other State; our banks and trust companies, whose vaults are teeming with dollars not borrowed from the North and East, but the savings of a prosperous people; all of these great factors in the prosperity of grand new Texas sends to us a message set to the new music of whirling looms and spindles and ringing hammers and the clanking machinery of new factories, and the message is: "Let us have peace."

A prosperous people is a conservative people, and when Texas struck a balance sheet at the end of the year just gone her people found reason for exultation.

No one who has lived in Texas long enough to become acclimated has doubted the almost illimitable wealth of her resources or has failed to note the steady and resistless trend toward her destiny as queen regent in the imperial sisterhood of States.

[Editorial from the Washington Post, of Sunday, April 8, 1906, giving a wise view of the effects of our present all-pervading national prosperity. It is sane, cheerful, healthy, optimistic.]

THE EFFECTS OF GENERAL PROSPERITY.

During the political campaigns of 1896 and 1900 radical orators dwelt much upon the concentration of wealth in the hands of the few.

It was evident in the bad times succeeding the memorable panic of 1893 that the per capita of currency in circulation was at a minimum and that the purchasing power of money had greatly increased.

In the sense, therefore, that those who owned cash in large amounts were few in number, and that the currency they held possessed increased purchasing power, there was actual concentration of increased values in the hands of the few, and the orators' statements were correct.

Since 1898 the processes which produced the financial conditions of the period from 1892 to 1898 have been steadily reversed, and in the last six years the currency of the world and that of this country has steadily increased in amount. The products of the mines, the fields, and the forests, of the furnaces, the mills, and the factories, the laborer's work, the artisan's skill, the farmer's crops, and the stockman's cattle have all brought greater prices, while the purchasing power of money has steadily fallen. The few rich may have grown richer, but millions of poor men have become independent and thousands of men formerly struggling have become wealthy. Hard times do concentrate values in the hands of the owners of money, but general prosperity destroys that undesirable and dangerous condition

The prosperity since 1898 has made numerous classes of men independent financially—merchants, manufacturers, brokers, planters, farmers, all of them energetic in affairs; readers, thinkers—men who have real, live interests in the country's progress—men who know their rights and are ready to maintain them. Again, the workingmen of the country are fully aware that there is ample demand for labor, at good wages all over the country, and do not feel dependent upon one or a dozen corporations, bankers, or employers for the means to buy their daily bread. Prosperity has lessened the power of the rich and vastly increased the power of the middle and poorer classes. Instead of concentration of wealth, it is now diffusion of wealth, and in the years to come, for decades of the near future, the purchasing power of money will steadily decline and the world will be rid of the danger resulting from the concentration of money in the hands of the few.

General prosperity lessens the power of money. It reduces the influence of the few and increases the independence of the many.

Editorials from leading Democratic papers of Texas.

[The Denison Daily Herald, Saturday, June 16, 1906.]

"SOUTH'S COTTON MILLS."

The Manufacturer's Record published a detailed statement recently, giving the name, address, and number of spindles and looms of every cotton mill in the South. The list shows a total of 642 cotton-mill companies or firms, many of the companies owning two or more mills, with an aggregate of 9,470,000 spindles.

Comparing this with the statistics of the past, we have the following statement of the growth of this industry in the South.

Year.	Spindles.	Capital.
1880	667,000	$21,000,000
1890	1,712,000	60,000,000
1900	4,452,000	112,837,000
1905	9,470,000	230,000,000

Since 1900 this industry, as represented by the number of spindles and the capital invested, has more than doubled, and but for the scarcity of labor, which has prevailed for the last year or two, it is quite probable that at least 1,000,000 more spindles would have been added to the total in the South. The Record says that while some new mills are under construction, and old mills are to some extent being charged, we have reached a point where there can be no great increase in cotton-mill building until we have solved the question of how to provide a more abundant supply of labor.

Friday, June 1, "Texas has no time to give to listening to the calamity howler. It is too busy growing and developing."

Effect of cotton manufacturing in the South under a protection tariff.

Charles C. Thach, of Auburn, Ala., president Alabama Polytechnic Institute, at sixteenth annual meeting American Economic Association, at New Orleans, discussing cotton industry, said:

"Thirty years ago the capital invested in all the mills from the Potomac to the Rio Grande would not have aggregated $3,000,000, to-day it approximates $175,000,000; spindles have increased from 667,000 to 7,500,000, and the South now manufactures one-half of all the cotton now consumed in the United States. Larger population, higher wages, increased purchasing power of operatives, a higher standard of life, better school facilities, and a general uplift in the community life are some of the attendant results.

"And great as is the economic value, still greater is the sociological value of this new form of factory-village life. For this mill people is drawn not from foreign immigrants nor from distant States, but it is drawn from the poor native-born white population. Now, for the first time in their history, they are organized into community life and taking their first step toward civilization and enlightenment."

[Denison Daily Herald, February 25, 1904.]

That Bryan refused to vote for Crisp or Mills for Speaker because they were ex-Confederates, Mr. Bryan should not have a friend in any man who wore a uniform of gray. It has often been asserted that Democracy has returned to sanity. If that be true it must cast the Bryan of dead ideals and selfish sordidness into the outer darkness of political oblivion.

[Waco Daily Herald, Sunday, April 29, 1906.]

AN EXPLODED THEORY.

In their platform the Democrats of Kansas "congratulate the Democratic party and the country upon the triumphant vindication of the quantitative theory of finance. This is a great scoop; nobody else knew that such a thing had taken place. We are surprised that these Kansas Democrats did not copyright their information.

Now the truth is the Government went out of the business of trying to create supplies of money for the people; it abandoned the quantitative theory of finance, with the result that a panic is impossible.

The surprising thing is that a body of men supposedly sensible should indulge a statement contradicted by obvious facts. The quantitative theory of finance is so thoroughly discredited that it is never mentioned in other sections of this country.

[Two editorials from Washington Post, Friday, June 22, 1906.]

INTO MISCHIEF AGAIN.

There was an echo of the silver question in the House of Representatives the other day, and it is much to be feared that the Democratic party did not make any capital out of the debate. Somebody said something about "basic money," and held that the silver dollar is that sort of money. So it is, in the letter of the law; but whenever it shall be so in the administration of the Treasury, then and there, for practical purposes, gold will be as effectively demonetized as it would be if it were dropped from the coinage, and its legal-tender quality taken from it.

"Basic money" is coin that was as valuable in the bullion as it is in the coin, and absolutely without taint of fiat. The silver dollar is one-half fiat, and for "basic" purposes the difference between it and the greenback is in degree only. If the Democratic party had learned this self-evident truth thirteen years ago, and acted upon it, it is pretty certain that everything political in this country would be enthusiastically and triumphantly Democratic this blessed moment. Then was the feast set for them by the President they had chosen, but they preferred to prey on the garbage of error, and quaff the bitter cup of defeat—and they hanker for it to this day.

We have of this so-called "basic" stuff some $550,000,000; worth, in the melting pot, about half that amount. Because of the Republican party, it is granted indulgence to masquerade as "basic coin," though everybody knows that when the next financial panic and industrial depression comes it will be employed as an "endless chain" to deplete the Treasury of gold, and force another sale of bonds to avoid the silver basis. The bill that was discussed the other day provided for turning a part of this basic sham into subsidiary coin. It should have been passed, and will be passed some day or other. Every argument in favor of the gold standard is an argument for this bill; every "argument" for 16 to 1 is an "argument" against this bill. Old "quantitative" made its appearance in the discussion, wearing the same disguise it appeared in in 1896.

The quantitative theory is all right, if you confine it to the real "basic;" but our 16-to-1 friends made the fatal mistake of trying to wed a dollar worth 50 cents to a dollar worth 100 cents. The affinity was lacking, and a divorce would have been inevitable had not the people forbidden the bans.

It would be of immense advantage to the Democratic party to turn all the full legal-tender silver in this country into bullion and sell it in the market at the rate of 5,000,000 ounces a month.

It would, at least, keep the Democratic party out of mischief; that is, that sort of mischief they always get into when they talk about "basic money" and the "quantitative theory."

A BIG BLUNDER REPEATED.

Again Mr. Bryan's Commoner is moved to shout in big, black, signboard letters, "The Chicago Platform Still Lives!" Unlike the guns heard at Brussels on the night before Waterloo, this second shouting by Mr. Bryan's organ is not "nearer, clearer, deadlier than before," but if it happens to fall on the ears of those who do not know that the soul of that platform no longer inhabits its body, the result may be a call "to arms! they come!" The Commoner says: "The Washington Post is offended because the Commoner said 'the Chicago platform still lives.' The Post says that 'free coinage at 16 to 1 was the only vital issue' in the Chicago platform." The Post is not "offended" in the usual sense of that word. It is simply disgusted. The cadaver, 16 to 1, the only object suggested to the general public by a mention of that platform, is extremely unfragrant, in spite of Mr. Bryan's embalming of it in 1900 and his successful effort to prevent its burial in 1904. The Commoner tries to magnify other planks in

that far-famed declaration of policies, but it is undeniable that the currency issue, 16 to 1 versus the gold standard, was the only issue of the campaign. Conclusive proof of the dominancy of that issue is furnished by the fact that Mr. Cleveland and a million or more of his political brethren, including the extreme antiprotection element of the Democratic party, rallied to the McKinley standard and practically voted for the Dingley tariff as the only means of preventing currency debate. It seems strange—it is, in fact, incomprehensible to us—this blurting out by the Commoner, "The Chicago platform still lives!" simultaneously with the effort in several quarters, more or less influential, to make Mr. Bryan the Democratic candidate in 1908. Of course there can be no considerable faction of the Democracy so utterly gone daft as to wish, under the present relative positions of gold and silver, to fight over again the battle of the standards. It is highly improbable that Mr. Bryan contemplates a revival of the hoodoo. But it will not be forgotten readily that he has used his controlling influence upon the Democratic party so potentially and so disastrously to that party as to leave 16 to 1 the latest of its platform declarations on the currency.

The Commoner objects to The Washington Post's remark that the Democratic party "needs to forget the Chicago platform." It adds, among other statements equally extravagant, that "you could almost palm off the Chicago platform as a Republican editorial in some sections of this country." If the Democracy needs anything, it needs to cut loose from all sorts of rotten-money schemes. For forty years it has been experimenting with financial delusions. Happening to elect a sound-money citizen to the Presidency, and he being honest and brave enough to do his duty by preventing currency debasement, the party repudiated him and plunged into the 16 to 1 delusion under the lead of Bryan. Has it not suffered sufficiently for its financial blundering to cure it of that fateful tendency? And what but harm to the party can come of flaunting at this time the legend proclaiming the vitality of the platform that is remembered only for its great and overwhelmingly condemned mistake? Not only does the Democracy need to forget the Chicago platform, but the country needs that the Democracy should forget it and climb to higher and safer ground. For the abdication of the Democracy on the heels of its first complete victory since 1856, the only victory that clothed it with both executive and legislative power, has been a misfortune to the country. There is always need of a strong and safe opposition party, an opposition strong enough to really oppose. Democratic impotency since 1894 has been a national misfortune.

[Extracts from the English translation of British Imperialism and Commercial Supremacy, by Victor Berard, London, 1906, pp. 67 et seq., showing a great French economist's view of the encroachments of American trade upon English and German trade in foreign countries, and affording excellent illustrations of dumping.]

But danger does not only threaten on the German horizon; another enemy, after having successfully conquered the other oceans, is beginning to appear in European waters. Agricultural America is the inventor of the best machines and implements for modern agriculture. In the Baltic Sea and in the Black Sea, at Riga, at Stockholm, at Odessa, American machines are preferred; German industry alone, by reason of its cheap articles, has been able to maintain the struggle. American bicycles and sewing machines have driven similar English productions from Germany, Italy, and France. At Barcelona the Americans have tendered for the laying of electric trams, and their watches are sold in all the European bazars. But they seek to monopolize all the Americas, Asia, and the entire Pacific world. Their manufactures have already conquered the American shores of both oceans. To-day all the intervening ports, from New York to Buenos Ayres and from San Francisco to Chile, receive their machines and tools. German and Belgian competition had already compromised the monopoly which was once enjoyed by Sheffield and Birmingham in the South American continent.

"In Chile," writes the consul of Valparaiso, "the first blow was dealt to our trade by the International Exhibition held at Santiago, in 1875, under the auspices of the Germans, French, and Belgians. At that time we supplied 41 per cent of the total imports into the country; the ensuing year we had no more than 37 per cent, and each year has shown a further shrinkage ever since. German machines, German clocks and watches have monopolized the market. From 1880 onward, American wares became an economic factor in the situation; to-day all agricultural machines and implements arrive here from the United States. German cutlery with English marks is on show in all the shop windows. American saws are much preferred. We continue to lose ground; Belgian iron wire and American nails are considered superior to ours. The greater part of the hardware trade is in the hands of the Germans. But the efforts of the Americans are making themselves increasingly felt. Chicago firms have sent their agents to study our market."

"In Peru," says the consul of Callao, "English trade in other articles is still prosperous. But as for implements, we are rapidly losing our once dominant position. American implements, on account of their finish and cheapness, are held in higher esteem than ours to-day. Plows come exclusively from the United States; it seems as though the English manufacturer can not or will not supply the model asked for. Iron sheets are American. English locks, too heavy and too dear, and of an obsolete type, have been replaced by the German, American, or French locks."

"America has swallowed up the Mexican trade. One by one English houses withdraw. Brazil, once upon a time a big and good customer, now rejects English articles. Earthenware and glass are of German origin, lamps of Belgian, needles and sewing machines of German. The United States have appeared on the scene with jewelry and agricultural machinery; they seem ready to lose, in the first instance, all the money necessary in order to obtain the eventual monopoly. Argentina, the pet financial sphere of the stock exchange and English banks, has for some time past had cause to remark the influx of German capitalists and German enterprise; the tramways are in German hands. Nails, iron wire, posts, and rails arrive from Belgium and Germany. In the big bazaars of Buenos Ayres, German agents offer German cutlery with English marks at absurdly low prices. The Americans next appear on the scene. Their mowing and reaping machines are already preferred on account of their light weight and cheapness. Other successes are sure to follow."

In short the whole of South and Central America seem as though they must be indissolubly tied to the industrial centers of Pitsburg and Chicago. But what will be the eventual destiny of the Pacific market if the interoceanic canal is ever cut, so that the productions of Pennsylvania may be transported over a continuous waterway by the Mississippi and the seas to Japan, China, and Australia? Without even awaiting the opening of the canal, what will be the future of the far eastern market when the Americans have at length effectively occupied the Philippines? Already great efforts seem to have been put forth in order to find customers for American iron in Asiatic Oceania, and even as far as South Africa. A regular "trans-Pacific" mercantile service has been established which has passed almost unnoticed.

"The Northern Pacific Steamship Company," writes the consul of Portland, Oreg., "has established headquarters at the American port of Tacoma and founded a considerable trans-Pacific traffic, which is principally fed by raw or manufactured iron exported from America and articles taken by way of exchange, viz: Chinese rice, Japanese silks, African wheat, and Australian wool. Other American companies—the Pacific Mail, Pacific Coast, etc.—have their headquarters at San Francisco and do a similar trade. The Japanese companies of Kobe and Yokohama, especially the Nippon Yusin Kaisha, complete this network of trade routes, and by this means American irons find their way into China, Japan, Australia, and even the Cape."

"The American surplus production," writes the English consul at Tokyo, "has flooded our market with nails, rails, and locomotives, which are sold at ridiculously low prices with fixed intent to destroy local prejudice, which has a preference for European articles. Our English articles still occupy the first rank, but latterly American and German shipping companies have opened up an important trade with the coast of California. The United States have a great advantage over us on account of proximity, and more particularly on account of their export of raw articles. They will change their iron and manufactures against the silk and rice, which they come and fetch; they are to-day Japan's largest customers."

"To the Chinese market America began by exporting petroleum and wheat. They, in fact, still remain the two principal articles of export. But others follow in their train. In 1895 machinery accounted for £13,000, and for £26,000 in 1897. Implements and saws, nails and hardware, have grown fivefold in two years. Present figures give no idea of what this trade is destined to become. Americans reckon on the China market growing rapidly into one of their best customers for all these articles. Their success in Japan proves that, so far as rails, locomotives, and railway materials are concerned, they can beat all comers."

In Australia American tools have held the market since 1889. Surgical instruments commence to find favor, and already they have the reputation of being better finished. Musical instruments, watches, clocks, wire, nails, iron tubes, arrive from London, but they are merely German or American articles reexported from England. As for hardware and toys, the Americans have earned a reputation for skillful and conscientious work. Germans can only compete with them by copying their models.

"In 1895 American exports to South Africa amounted to £1,000,000, the progress having been continuous since 1892. In 1896 they were doubled and exceeded £2,000,000. Enormous quantities of bicycles, furniture, and agricultural plants are sent there; old-fashioned agricultural machines which are obsolete in America find there a satisfactory outlet. Cargoes are of the most varied description, viz, hardware, locks, door and window frames, pig iron and cast iron, etc. The Cape has a large demand for vehicles, tables, chairs, tools, etc."

From America the consuls sound a note of warning as to the formidable organization which sooner or later will throw rails, billets, machines, raw and manufactured metals on the markets of the world at extremely low prices.

MAGNIFICENT CONDITION OF THE NATIONAL TREASURY AT THE CLOSE OF THE FISCAL YEAR 1906.

The first session of the Fifty-ninth Congress will come to an end on the 30th of June, 1906, the last day of the fiscal year. During the closing hours of this session—after nine years of Republican administration—the nation will be making record marks in three branches of her financial operations.

First. When the books close on the night of June 30 the annual customs receipts will, for the first time, have passed the $300,000,000 mark.

Second. Our aggregate foreign trade will have crossed, for the first time, the $3,000,000,000 mark, with exports over $500,000,000 in excess of imports.

Third. The total stock of gold in the Treasury will have passed for the first time the $800,000,000 mark.

Seven years ago our interest-bearing debt was $1,046,048,750 and our annual interest charge was $40,160,000; while to-day the principal of the debt is only $895,158,340, and the annual interest charge has been reduced to $24,590,944.

During this fiscal year our receipts will exceed our expenses by about $25,000,000, and we will have in the Treasury about $175,000,000 available cash balance, over and above all current indebtedness.

Mr. WILLIAMS. Mr. Chairman——

Mr. PAYNE. Mr. Chairman, a parliamentary inquiry. I make the point of order that the gentleman is not entitled to the floor, having already had an hour for debate since this discussion under this bill commenced, which he yielded, it is true, to other persons, but under the rule he is not entitled to the floor——

Mr. WILLIAMS. I leave that to the Chair without discussion. I suppose the gentleman's object is take up my time.

Mr. PAYNE. My simple object is——

Mr. WILLIAMS. I will leave the gentleman's point of order to the Chair without discussion.

The CHAIRMAN. The Chair will state that no arrangement has been made for control of the time except by the Chair. The gentleman from Mississippi last night yielded the floor, but the gentleman from Mississippi had no time in his control. And to-night the gentleman from Mississippi has asked, since the commencement of the address of the gentleman from Illinois, that the time on his side be divided according to a schedule which those whom the Chair had agreed to recognize had concurred in. Since then, by their consent, as I understand from the gentleman from Mississippi, four minutes has been per-

mitted to be taken from their time that he may reply to the gentleman from Illinois in regard to certain statements. So the Chair is not taking time from others.

Mr. PAYNE. The Chair holds that the gentleman is entitled to an hour to-night?

The CHAIRMAN. The gentleman from Mississippi is not entitled to any time to-night except that yielded by others, and at 9.30 the floor will be given to the other side of the House, and those promised recognition have arranged to allow the gentleman from Mississippi four minutes.

Mr. PAYNE. How can the gentleman from Mississippi take away the control of the time from the committee?

Mr. WILLIAMS. If the gentleman is simply taking up the time due this side of the House, let him say so frankly. He is too well acquainted with the rules of the House to imagine for a moment that there is anything parliamentary in what he is trying to do.

The CHAIRMAN. The gentleman from Mississippi has no control of the time.

Mr. PAYNE. I ask unanimous consent that the gentleman from Mississippi [Mr. WILLIAMS] have control of the time until 11 o'clock to-night.

Mr. WILLIAMS. The gentleman asks unanimous consent for what?

The CHAIRMAN. That the gentleman from Mississippi have control of the time until 11 o'clock to-night. Is there objection?

Mr. WILLIAMS. Mr. Chairman, I would decline to take control of the time even if it were granted to me, unless it comes under the rule of the House, and the rule of the House has put the time under the control of the Chairman. The gentleman from Mississippi is recognized for four minutes. This can not be granted if the House here wanted, and the gentleman from New York knows that. I suppose the gentleman's game is to take the four minutes intended to be given me. If that is so, let him frankly say so.

Mr. PAYNE. The time in general debate is controlled by the Chairman, and the gentleman knows that.

Mr. SULZER. The gentleman from New York is not in order. [Cries of "Regular order!"]

Mr. PAYNE. The gentleman has a right to proceed until 11 o'clock.

Mr. WILLIAMS. I make the point of order that the gentleman is out of order.

The CHAIRMAN. The gentleman from Mississippi is recognized.

Mr. WILLIAMS. Mr. Chairman, I hope the two minutes, or whatever it is, has not been taken out of my time, or any other time on this side.

Mr. Chairman, the gentleman from Illinois is inimitable; but even to a wit or humorist a fact—the truth—is or ought to be precious. So far as the cotton part of the gentleman's speech is concerned, it displays these things: Ignorance, a pretense of knowledge where none exists, an empty assertion as a fact of a thing which is not a fact. [Applause on the Democratic side.] Now, as to the cotton facts. If the gentleman had taken the trouble to inform himself, he would have found that, in cotton parlance, there may be roughly said to be four kinds of cotton raised in this country: First, "short staple," or "upland;" second, "benders;" third, "long staple," and fourth, "sea island." The bill of the gentleman from Florida [Mr. CLARK], brought before the House by the gentleman from Illinois [Mr. BOUTELL], and upon which he interrogated me, did not refer to "sea-island" cotton at all. It referred to long-staple cotton, because it was intended to check the importation of Egyptian cotton, which comes chiefly into competition with "long staple," which runs, in length of staple, from one and a quarter to sometimes one and three-quarters inches. "Sea island" is much longer and is worth nearly twice as much, and proposed to put a tax of 10 cents a pound on that cotton in the lint and 4 cents on that cotton in the seed. The gentleman from Florida [Mr. CLARK] was right when he said that sea-island cotton is not raised in the State of Mississippi or anywhere outside of "the sea islands" off Georgia and off South Carolina and Florida. But Mississippi, Arkansas, Louisiana, parts of Alabama, and small parts of nearly all the other cotton States raise "long-staple" cotton. Now, the gentleman, I suppose, aimed to be somewhat humorous in intent, no doubt, but it is a point of honor, I think, that, even when indulging in humor, the humorist should stop short of impugning the veracity or sincerity of honorable people. His intent was to impugn by insinuation my sincerity and veracity.

Mr. BOUTELL. Not at all; simply a mistake the gentleman made I referred to.

Mr. WILLIAMS. It was not a mistake.

Mr. BOUTELL. A very palpable one.

Mr. WILLIAMS. And it could not be a mistake. Mississippi either raised long staple or it did not raise it; and I raised it myself or I did not. It could not have been a mistake. It was absolutely impossible. Mississippi does raise long-staple cotton, and I raise long-staple cotton, and any assertion to the contrary is absolutely untrue. [Loud applause on the Democratic side.]

Now, I am not a watch expert, but I do know something about cotton. [Laughter.] If the other "facts" in the gentleman's speech are as far away from the real fact—that is, the truth—as his assertions on the cotton question, and if his knowledge of other matters alleged by him is equal to his lack of knowledge as displayed in his assertions in regard to cottons, then I pity his situation.

Mr. BOUTELL. Will the gentleman yield to me?

Mr. WILLIAMS. Mr. Chairman, how much time have I taken?

The CHAIRMAN. The gentleman has half a minute.

Mr. WILLIAMS. How much have I taken?

Mr. BOUTELL. Will the gentleman yield to a question?

Mr. WILLIAMS. No; I will not.

Mr. BOUTELL. Not in the interest of absolute truth?

Mr. WILLIAMS. I will not yield any courtesy of any description, Mr. Chairman, to a man who undertakes even by insinuation or under the license of humor to impugn my veracity. I do not yield.

Mr. BOUTELL. The "gentleman from Illinois" has not attempted to impugn the veracity of the gentleman from Mississippi.

Mr. WILLIAMS. Now, Mr. Chairman, I have finished.

Mr. BOUTELL. Very well.

The CHAIRMAN. The gentleman from Mississippi [Mr. SPIGHT] is recognized for fifty-five minutes.

Mr. SPIGHT. Mr. Chairman, I desire to submit a few suggestions of fact in reference to a matter which has attracted the attention of the Congress of the United States and of the country for quite a number of years. I refer to what is known as the "ship-subsidy proposition." The first determined effort to enact legislation of this character was made in the Fifty-sixth Congress, and under the leadership of Senator Hanna a bill was passed by the Senate and came over to the House and was referred to the Committee on Merchant Marine and Fisheries, of which I was then a member, and of which I have been continuously a member since that time.

That bill was favorably reported by the Republican members of the committee unanimously. The Democrats of the committee were united in their opposition to it; yet, notwithstanding that unanimous Republican report, there was so much opposition in the House to that kind of legislation that its friends were never able to get consideration of it after it was placed upon the Calendar, and it died with the expiration of the Fifty-sixth Congress. In the Fifty-seventh Congress the same kind of legislation was proposed, but resulted in nothing.

About the close of the first session of the Fifty-eighth Congress a law was enacted creating the Merchant Marine Commission, composed of five Senators and five Members of the House. Four of those, two from the Senate and two from the House, were Democrats; and I had the honor of being one of those two Democrats from the House. That Commission, during the summer and fall of 1904, visited every important port on the Atlantic, the Pacific, and the Gulf coasts, and the Great Lakes. A mass of testimony was taken, representing the different views as to what was the best method for upbuilding the American merchant marine. The Commission made a report. This testimony was printed in three volumes and presented to Congress. The majority of the Commission, the Republican members of the Commission, presented also a bill known as the "ship-subsidy bill." That bill was passed during the second session of the Fifty-eighth Congress by the Senate and was again referred to the Committee on the Merchant Marine and Fisheries of the House, and again reported favorably by a majority of the committee, all the Republicans voting for it. The Democrats not only on the Commission, but the Democrats in both committees in the Fifty-sixth Congress and in the Fifty-eighth, presented minority views, opposing such legislation. The bill in the Fifty-eighth Congress had the same fate as that in the Fifty-sixth, and never reached consideration in the House. About the beginning of the present session of Congress bills were introduced in both Houses in line with the recommendations of the Merchant Marine Commission. The bill as then introduced differed materially from the bill which afterwards passed the Senate. That bill was heralded to the coun-

try as a remedy for all the evils from which the shipping interests of the country were suffering. One of the special arguments used was, that by the terms of that bill provision was made for a large increase in what is known as "tonnage taxes," and that from the funds derived from this source a great part of the expense of the subsidy proposition would be met without any expense to the Treasury.

In February of this year that bill passed the Senate, but when it left the Senate it had stricken from it the provision for tonnage taxes. It was done solely upon the ground that it was a provision for raising revenue and must therefore originate in the House. No other argument was presented. But a few days ago that Commission presented a supplemental report, in which they utterly repudiated their former contention in favor of tonnage taxes, and now it is left to stand alone upon the naked proposition of taking from the Treasury of the United States money and giving it to these shipbuilders and shipowners. That bill, since its passage by the Senate, has been pending before the House Committee on the Merchant Marine and Fisheries, and for the first time in the history of that committee, in the consideration of this question, the Democrats have been reenforced by a number of thoughtful and intelligent Western Republicans who are earnestly opposed to this proposition, and we have every hope that the bill will never be able to get out of the committee room. It has been claimed in certain quarters that a majority of the committee is favorable to the bill. I am in a position to know that this is not true. Every possible effort has been made to secure favorable action without result. The members of the committee, Democrats and Republicans, who are opposing it do so on principle, and I do not believe that any influence can ever drive them from their position.

I make this speech now because I wish to show to the House and to the country how fallacious are the arguments relied upon by the advocates of the measure.

A number of reasons have been offered in support of this character of legislation, some of them with apparently plausible ground, but the whole scheme resolves itself at last into one proposition, which is of a twofold nature—first, that it costs more to build a ship in an American yard than it does in a foreign, and, second, that it costs more to operate a ship under the American than under a foreign flag. All of these subsidy bills profess to have for their fundamental object the equalizing of these differences in cost of construction and operation. It is proposed that this shall be done by a gift of a sufficient sum of money from the United States Treasury to enable our shipbuilders and shipowners to successfully construct and operate their vessels in opposition to their foreign competitors. Other incidents are added arguendo; but in the final analysis of all these propositions it resolves itself at last into the bald, naked, unholy effort to take, by the exercise of the Federal power, money contributed by way of taxation from all the people engaged in every other vocation and give it to these two classes of shipbuilders and shipowners to enable them to more successfully conduct their private business affairs.

The advocates of this kind of legalized robbery of the masses for the benefit of the favored few are loud in their quotation of Thomas Jefferson in support of their pet theory. Perhaps the strongest expression of Jefferson to which they refer in this contention is found in this language:

> The materials for maintaining our due share of navigation are ours in abundance, and as to the mode of using them we have only to adopt the principles of those who thus put us on the defensive or others equivalent and better fitted to our circumstances. (American State Papers, Foreign Relations, Vol. I, p. 303.)

That was the age of wooden ships, and the "abundance of materials" referred to was the almost unlimited supply of the finest timber in the world to be found in our virgin forests. England at that time was almost our only competitor in the carrying of our commerce, and, smarting under the result of the Revolutionary war and the loss of her American colonies, she was endeavoring by hostile legislation and unjust discriminations to strangle our infant merchant marine. These efforts were met by our policy of discriminating duties upon imports so successfully pursued until it was unwisely surrendered. Our abundant materials were utilized, and with the skill and enterprise of American artisans and sailors we soon built up fleets of seagoing vessels which carried more than three-fourths of all our commerce. This was the Jeffersonian policy, but this newborn idea of subsidies was never dreamed of. If it be true that the spirits of the departed are permitted to revisit the earth or take cognizance of what is going on here, the shade of the father and great apostle of Democracy would be horrified to learn that, in the fertile imagination of these advocates of ship subsidy, his utterances have been distorted into such radical conflict with his great and cherished doctrine of "equal rights to all and special privileges to none." Gentlemen are hard pressed for argument when they undertake to align Thomas Jefferson under the piratical banner of those who are seeking to plunder the masses for the benefit of the classes. [Applause.]

It is true that the day of the wooden ship has passed, but we still have an abundance of the materials used in modern shipbuilding. We have the iron and the coal in the same field. We have the skilled mechanics, who are said by all disinterested witnesses to be the best in the world and capable of doing better work and more of it than any others. Only a few years ago the Russian Government wanted some battle ships built, and a French company offered to take the contract and complete the work in five years. On account of the political and financial relations existing between Russia and France, the French company was preferred, but the Cramp Ship Building Company at Philadelphia took the contract to do the work in thirty months—just half the time, and at less cost. This same company competed successfully with the world in building battle ships for Japan about the same time. This work was done at a time when steel was higher in American markets than in foreign, whereas it is now said to cost no more, if not less.

DIFFERENCE IN COST OF BUILDING HERE AND ABROAD.

Mr. William Livingstone, president of the Lake Carriers' Association, of Detroit, Mich., in testifying before the Committee on Merchant Marine and Fisheries a few days ago, said: "I think the statistics show that our best skilled workmen do turn out more work in a given number of hours than they do across the water. We pay more wages, but I think they earn them, as a general proposition. When the conditions are right, I think now the difference between the cost of a ship built abroad and our American ship built at home has very largely disappeared. Perhaps the difference has not entirely disappeared, but to quite an extent."

This witness also stated that a steel steamship of 10,000 gross tons was completed and ready for business last November—in just two months and twenty days from the time of laying her keel—and another of about the same size has been launched and will be completed in about five days shorter time than the other. No shipyard in the world has ever equaled this.

At the beginning of the agitation of this subsidy question it was argued that the cost of material in our shipyards was very much greater than in foreign yards, but now all admit that this difference has disappeared, or, at least, there is no reason why it should exist. But these patriots must have some excuse for putting their hands in the public Treasury, and they now say that there is about 25 per cent difference in the cost of labor, and are asking Congress to make up that difference. There is a hopeless conflict in the statements of these subsidy advocates. One class contends that the mechanics have no steady employment. One of these who appeared before the committee a few days ago complained rather bitterly that sometimes instead of getting from $3 to $4.50 a day he had to work for $1.50 to $2, and this little colloquy occurred:

> Mr. SPIGHT. I want to ask you this question: I understand now that your men when employed get from $3 to $4.50 a day.
> Mr. DONAHUE. Yes.
> Mr. SPIGHT. Now, you think in order to give that wage to more of your men that the millions of other American citizens who work year in and year out at not to exceed $1 a day ought to be taxed to give more profitable work to your men? Is that your idea?
> Mr. DONAHUE. That is my idea. They should be taxed.

I quote this as a sample of the spirit which animates many of these would-be grafters.

In opposition to the statement of this man and some others, who testified that there is no steady employment for this class of laborers, is the testimony of Mr. Edwin S. Cramp, vice-president of the great Cramp Ship Building Company, of Philadelphia. When he was before the committee this conversation occurred:

> Mr. WILSON. Do you have any trouble in finding plenty of labor for your yard?
> Mr. CRAMP. Of course, in good times we always have trouble in finding the best men. For a number of years the amount of such labor available has been very small. I do not suppose in the history of the country there has been a time when labor has been so well employed as it has been during the last four or five years.
> Mr. WILSON. A good mechanic coming to your yard could secure employment now?
> Mr. CRAMP. Yes, sir.

In 1904 this same Mr. Cramp said, while testifying before the Merchant Marine Commission, that at the beginning of the McKinley Administration the cost of ships in America had approximated the cost of the ships of a similar type by first-class builders in England within 10 or 15 per cent, and that was when steel was much higher in this country than in England.

In 1904 steel was worth in this country $40 per ton and $25 in England, a difference against America of about 60 per cent. Mr. Cramp then estimated the difference between the cost of construction of ships in American and foreign yards at 40 per cent. It must be understood that this estimate of difference in the cost of construction included both the cost of material and labor. The accepted estimate of difference in cost of labor is 25 per cent, which is certainly no greater now than it was in 1904, when, according to Mr. Cramp, the total difference was not more than 40 per cent, all of which has been wiped out by the present approximate equality in the cost of material. The fact is that the estimate of difference as stated by Mr. Cramp is too great. I remember that Mr. Clyde, a large owner and manager of steamships, stated to the Commission when we were in New York that the difference in cost of construction at that time (May, 1904) was only 25 per cent. Mr. James C. Wallace, of the American Ship Building Company, of Cleveland, Ohio, stated before the Commission at Cleveland in June, 1904, that in 1900 his company built two large tramp steamers for the ocean trade for about the same they would have cost in English yards. At that time steel cost more here than in England. Now it is or ought to be about equal in price, and experienced shipbuilders say ours is better in quality.

In the Grand Review of March, 1900, Mr. George Veulersse, a distinguished French economist and writer, in an article entitled "The expansion of America," said:

To-day ships can be built at Bath, San Francisco, Wilmington, Chester, and Newport News as cheaply as anywhere in the world.

So much credit and importance was attached to this statement that it was quoted in our consular reports for that month.

Now that the difference in the cost of material, which was one of the battle cries in the beginning of this subsidy agitation, has been, by their testimony, eliminated, the advocates of this legislation are forced to fall back upon the labor question, upon which they "ring all the changes."

I may be permitted to stop here long enough to say that if no other good was accomplished by it, the Merchant Marine Commission of 1904 aided very materially in driving from cover the gigantic steel trust, which was systematically robbing the American people for its own enrichment. I remember with what horror the "stand-patters" on the Commission heard witness after witness of the highest respectability and greatest opportunities tell how American steel was delivered in foreign yards at prices far below those charged American consumers by the same manufacturers for the same products. I well remember that when this statement was first made the distinguished chairman of the Commission, Senator GALLINGER, of New Hampshire, said:

I want to say, what I think I am privileged to say as chairman of this Commission, that if the situation is as has been described it is a great outrage.

Mr. WALLACE. We have thought so for some time, and we have thought that in some way it ought to be remedied.

The same facts were stated by many other men of equally high character, notably by Mr. G. W. Dickey, superintendent of the Union Iron Works, of San Francisco, the largest shipbuilding plant on the Pacific coast. He told what he saw and knew, and neither Mr. Gary, of the steel trust, nor anybody else has ever denied or questioned the accuracy of Mr. Dickey's statement. He told the Commission at San Francisco in August, 1904, that the steel mills in this country were favoring the foreigner. He said, amongst other things:

In 1900 I was going through a shipyard in Dundee, Scotland, and they were building a vessel almost a duplicate of the *California*, that we were building here at the same time, and their material was being landed there from a vessel from New York, furnished by Carnegie & Co., who were furnishing the material for the *California*. They were paying £7 15s. 8d. per ton. We were paying £10 9s. 2d. It was supplied by the same people and the distance transported was about the same.

These prices when reduced to our currency made a difference of about $13.80 against the American builder. It has been estimated by expert shipbuilders that a vessel of 8,000 tons, which is now only medium in size, will require about 3,500 tons of steel. At the rate of difference given by Mr. Dickie the American builder would pay to the steel trust nearly $50,000 more for the material in his ship than the foreigner paid for his. It is a misnomer to call this a "profit," because the steel was sold at a profit to the foreigner. It is robbery under the guise of law, and the men engaged in this nefarious business are among the most persistent advocates of subsidy legislation. They have been robbing the shipbuilder until they have grown rich and arrogant, and now ask the people's representatives in the Congress of the United States to solemnly authorize them to rob the National Treasury and the toiling millions of the country who must bear the burden of taxation. Let others do as they may; speaking for myself, I will never vote for it, so help me God. I want it to go out to the country, too, that after a careful investigation I am able to say that, with possibly one exception, there is not a Democrat in either House of Congress who will vote for it. Standing side by side and shoulder to shoulder with us are some noble Republican Members from the great Middle West who will not "bow the knee to Baal." All honor to them. [Applause.]

So serious has become this question of discrimination against the home consumer in the price of steel that the subsidy advocates have found it necessary to contradict the evidence which has been presented, and a few days ago they had Mr. Gary, who is chairman of the board of directors of the United States Steel Corporation, commonly called the steel trust, which controls not less than 60 per cent of the steel output of the United States, and indirectly, perhaps, nearly all of it, appear before the committee to demolish the men who had dared to prefer these charges. To show how eager Mr. Gary was to "get down to his work," he began by denying a statement made before the Merchant Marine Commission in Cleveland, Ohio, June 28, 1904. Here is what he said:

Mr. GARY. Perhaps I ought to refer specifically to a statement made by Mr. Wallace, of Cleveland, Ohio, president of the American Shipbuilding Company, in which he says:

"Recently one of our largest steel mills sold abroad 100,000 tons of steel plate. They delivered it, I understand, at Belfast at $24 a ton."

On the next page, then, is this question by Representative GROSVENOR:

Q. I want to know who bought the steel plate you speak of.
A. Harlan & Wolff Company, Belfast.
Q. From whom did they buy it?
A. The United States Steel Corporation.

Mr. Gary, proceeding, said:

I notice that Mr. Wallace apparently speaks from information. If he had such information it is entirely unreliable. The statement is not founded in fact.

Mr. SPIGHT. Do you know of any steel company that has delivered goods in foreign yards cheaper than at the mill to the domestic consumer?

Mr. GARY. I do not. I know of no such case.

In this answer Mr. Gary displays a remarkable want of information, for a man in his position, to say the least of it.

Now, it must be borne in mind that one of the most important constituent members of the United States Steel Corporation is the Carnegie Steel Company, by whom the steel was sold to the Scotland yard mentioned by Mr. Dickie.

In the printed hearings of the Merchant Marine Commission the following is found:

Mr. WALLACE. Recently one of our largest steel mills sold abroad 100,000 tons of steel plate. They delivered it, I understand, at Belfast at $24 a ton. That would practically mean, with the ocean freights as they now are, $22 a ton at tide water. They are charging to-day, at Pittsburg, $32 a ton.

The CHAIRMAN. What does it cost to transport it from this country to Ireland?

Mr. WALLACE. As near as I understand, the rates at the present time are $2 a ton. That would be $22 a ton at tide water.

Mr. GROSVENOR. What is the freight from Pittsburg to tide water?

Mr. WALLACE. I think it is about $1.40 a ton. I am not positive about that, though.

Mayor JOHNSON. That would make $11.40 difference between the Pittsburg price to you and the price abroad.

Mr. WALLACE. Yes. I am not positive about just what that rate is.

Mr. MINOR. Do they lay that down in Europe at the present time at that price?

Mr. WALLACE. Twenty-four dollars a ton in Belfast. They made no secret of it. It was published in all the papers at the time.

The CHAIRMAN. I assume that in that instance you have cited, as to the sale of steel abroad, you have taken pains to verify it beyond a peradventure?

Mr. WALLACE. It was given to me by the assistant sales agent of the Carnegie Steel Company.

The testimony of Mr. Gary was considered so important by the friends of ship subsidy that advance sheets of it were published and sent, I suppose, to every Member of the House several days before the publication of the entire hearings.

Mr. Gary has been, perhaps not inappropriately, denominated "the defendant in the case." Every lawyer knows that in courts where the defendant is permitted to testify the rule of evidence is that his testimony is to be weighed and considered in connection with his interest in the result of the trial. Here the defendant is positively contradicted in a material matter by at least two disinterested witnesses. For two years this charge has been pending against him in the public records, and he is bound to have had notice of it, and not a word in denial has been heard until long after the testimony against him has been closed and the jury ready to return a verdict. It would have been far better for him to rely upon his evidence that the conditions are changed and that steel is now selling in the

American and foreign markets at the same price; but he did not elect to do this, and "guilty as charged" is the verdict of public opinion.

But is it true that steel mills in this country are not discriminating against the domestic purchasers even now? And is it true that the prices of steel in this country and in foreign countries are practically the same, as the steel trust witnesses have testified? For answer to these questions I here offer an editorial clipping from a New York daily, The Press, of the 7th of May of this year, which contradicts both propositions:

All records in the exports of iron and steel material through New York and other Atlantic seaboard points were eclipsed last month when close on to 80,000 tons were consigned to almost every part of the civilized world. The heaviest increase was made in the shipment of steel billets, upward of 35,000 tons having gone abroad during April, as compared with 24,000 tons exported during the previous month. They are sold here for export at a price around $18 at the mills, whereas the existing quotation for billets for domestic consumption is $27.

It has been shown by recent testimony before the committee that the ocean freight on steel is about $2 per ton, which would make it cost $20 per ton delivered in foreign ports, against $27 to domestic purchasers. This difference of $7 per ton makes the comfortable sum of $245,000 extorted from the American consumer by the steel trust in the month of April on the item of steel billets shipped abroad from Atlantic ports alone. At the same ratio for one year this would amount to $2,740,000. This robbery of the American was going on at the very time when the witnesses of the steel trust were asking us to believe that the prices in Europe and America are the same and that steel is not sold more cheaply for export than for home use. Now, what reliance can we place on the evidence of such witnesses in any other statements they have made? There is an old Latin maxim familiar to every lawyer, "Falsus in uno, falsus in omnibus," which fits this case. [Applause.]

I haven't seen nor heard of any denial of this statement of the Press. It was found in the first column on the editorial page under large head lines, and is presumed to have been made with a full knowledge of the facts. But in order to verify it I wrote to the editor of the Press on the 8th of May, and received in reply the following statement, furnished by the gentleman who regularly supplies the paper with such information, and whose reliability is unquestioned. "I can say that the price in England (Wales) yesterday for steel billets was $22 a ton. As the freight between the mills here and Wales is around $4 a ton, American billets must be sold at $18 for export, as specified in the news story, in order to meet competition on the other side. The selling of billets for export at the price of $18, or around that figure, in order to meet the market conditions on the other side has been going on for a considerable time. Notwithstanding the contradictions of the steel-trust officials, any man posted in the metal trades here knows the fact of the discrepancy between the export and domestic prices of billets, rails, and, in fact, all iron and steel material."

Mr. Hanscom, of the Eastern Shipbuilding Company, New London, Conn., who appeared before us to advocate this subsidy legislation, stated that two or three years ago he had information that steel was shipped from here and landed on the Clyde at $19 or $20 a ton, when it was being sold to domestic purchasers for $32 to $38 a ton.

Notwithstanding this state of affairs, which Senator GALLINGER denounced as an outrage, nothing has been done to remedy this evil, and every proposition to revise the tariff schedules which makes possible this outrage upon the American people is met by the "stand-patters" with the stereotyped declaration that there is neither necessity nor demand for revision, and the robbery proceeds unchecked and unabashed. Gentlemen can not protect themselves by the comforting assurance that these facts are not established. They are proven by the testimony of a cloud of disinterested witnesses, and are denied by no one except the "defendant." Any jury of honest men in any court on such evidence would write a verdict of "guilty" in two minutes. You say: "When the tariff needs revising its friends will do it." The time is approaching when it will be revised, not by the friends of the tariff, but by the friends of the long-suffering American people. [Applause.]

THE COST OF LABOR IN AMERICAN SHIPYARDS.

I have already shown by a number of witnesses that the problem of higher labor in American than in foreign shipyards is more imaginary than real. The better opinion, as expressed by the men who have appeared before us, is that while the rate of wage is a little higher here the difference is largely overcome by greater efficiency, longer hours, and improved implements. As long ago as 1896 Mr. John Roach, the great shipbuilder, said:

The labor question is misstated. We are prepared to meet that difficulty and to ask no further legislation on the subject.

Admitting for the sake of the argument that labor in American shipyards is higher than in foreign, and that it is not overcome by the greater efficiency of our mechanics and other ameliorating causes, what shall Congress do about it? What authority have we to tax all the people in order to enable shipbuilders to pay higher wages to their employees? I do not believe it is right, nor do I believe it is necessary. The mechanics say that the benefit to them in ship subsidies would be steady employment. The shipbuilders say the good to them would be more work. Yet Mr. Cramp says he is employing 6,000 men now and needs more, and that every man who wants to work has employment. The trouble is that all these people have been demoralized by this ceaseless prating about subsidies. They want something for nothing, and they want the Government to give it to them. They have gone crazy on protection. Every man who appeared before the committee to advocate this proposed legislation made the keynote of his song "Everything is protected but the shipbuilding and shipowning industries; give it to us, too." If Congress would put a final quietus upon all this subsidy agitation, conditions would change. Tell the boilermakers who leave their shops to go out and clamor for more pay through Government help to go to work in some of the many fields of remunerative labor as millions of other toilers are doing. Tell the steel trusts to be satisfied with legitimate profits in their business instead of fattening upon robbery of both Government and people. Tell the shipowners to plow the seas with their craft or quit grumbling and plow the face of a generous soil, as millions of others as good as they are have done all their lives. [Applause.] Tell the shipbuilders to start the wheels of their machinery and do like Cramp and others are doing—build all the ships they can, give employment to all the men they need, and quit depending on the Government to help them. There is no estimating the stagnation that has resulted from this talk about Government aid.

DIFFERENCE IN COST OF OPERATION.

Practically driven from every other position, the advocates of this Government subsidy say that the cost of operation of ships under the American flag is so much greater than under foreign flags that our merchantmen are being driven from the high seas. It is true that the officers on American ships are paid somewhat higher wages than are paid on foreign ships, but the testimony is overwhelming that the wages of seamen are not controlled by the flag the ship flies, but by the port from which it sails and the destination, and that ships of all nationalities are governed by the same conditions. American ships are often manned by Chinamen and other cheap laborers just as ships of other nations, and hired at same prices. The impression is sometimes made that American ships are required to carry American crews, but this is not true, except as to officers. Practical and experienced seamen familiar with conditions on ships of all nationalities deny that wages are higher or food and accommodations better on American ships than on foreign. In the case of officers the wages on American ships are generally absolute, whereas on foreign vessels the officers are frequently paid so much in stated wages and a percentage of profits on the voyage. So that, taking it all together, the difference in the cost of operation does not amount to much after all.

It is not seriously contended that the proposed legislation will benefit the American seamen. They are all opposed to it, and all their unions on the coasts and on the Great Lakes have joined in denouncing it. In fact, as I will undertake to show later, it would work injustice and hardship to them and utterly fail in its pretended purpose to furnish recruits for the Navy.

It is shown by the testimony of Mr. William Livingstone, president of the Lake Carriers' Association, that the cost of operation on the Lakes is 25 per cent higher than on American ships in the foreign trade. There they are building new and large ships all the time, their freight rates are the lowest in the world, and yet they are prospering greatly. This is not merely because they are protected by the coastwise laws, for they are not only increasing the size of their fleets, but they are in sharp competition with trunk lines of railroads and Canadian shipping. The reason is to be found in the fact that, instead of hanging around the National Capitol begging for Government aid, they are building ships, navigating the waters, and attending to business. It must be borne in mind, too, that on account of the rigorous climate they are compelled to tie up for three or four months in the year. They are self-respecting, self-reliant typical Americans. If a great emergency should

arise, from the crews of their vessels the Navy could be recruited with some of the best fighting men in the world, who would go upon the decks of our battle ships not as conscripts or part of the Naval Reserve, but because they are patriotic American citizens. [Applause.]

WHO ARE ASKING FOR SUBSIDIES?

If you watch the committee rooms of the Senate and House when this sort of legislation is under consideration, you will find that its persistent advocates are lobbyists for the steel trust, the shipbuilders, and the shipowners. Like vultures, they scent the carrion from afar and come in flocks and gather in the hallways and perch in the empty chairs in the committee rooms until some of us have been constrained to breathe the silent prayer, "From these birds of prey, good Lord, deliver us." They tell us with great unction what blessings would be bestowed upon the agricultural and laboring classes if they only had sense enough to consent to be taxed to pay annually millions of dollars, the product of their sweat and toil and privation, to still further enrich a favored few. With "tears in their voices" and lugubrious faces they talk to us about the fabulous sums that we are paying to foreigners for carrying our commerce, and what a fearful plight we would be in if we should become involved in a war with some foreign power. They prate with patriotic fervor about our need of auxiliary cruisers and scout ships in time of war and want of men to man our battle ships. They shudder at the thought of the fearful waste of the products of our fields and factories should England and some other great European power go to war, because there would not be merchant vessels to carry our goods to foreign markets. They do not tell us of the millions of American capital invested now in foreign shipping because of our repressive tariffs and our antiquated navigation laws, all of which ships, in an emergency, could be readily transferred to American registry under the protection of the American Flag. They don't tell us of the 75,000 hardy seamen engaged in our coastwise trade and on the Great Lakes who could be depended upon to enter the Navy in case of a grave necessity.

No seamen in either domestic or foreign trade favor this legislation, but, on the contrary, have denounced it as an effort to entrap them into more degrading conditions than now confront them. They have repeatedly appealed to Congress to relieve them of some of the onerous burdens they are now bearing, and they resent with scorn any pretense that the pending subsidy bill is in any sense helpful to them. They say, "We have asked for bread and you have given us a stone; for fish and you give us a serpent." Mr. Andrew Furuseth, of San Franciso, an exceedingly well-informed man, appeared before the committee as the accredited representative of all the seamen of the United States on coasts and lakes, and strongly urged their opposition to the bill. Amongst other things he said, "If you say you will pass the bill because the American seaman in the foreign trade gets more pay, lives better, has a better forecastle, and the vessel is better manned, then we say that is not the proper foundation on which to put it, because that is not true." Speaking of the effort in this bill to compel them to enlist as naval volunteers as one of the conditions upon which they may secure employment on a merchant vessel, Mr. Furuseth read the following as one of a series of resolutions adopted by the seamen's union:

> The bill provides that the shipowner must have a certain number of naval reserves to get the subsidy. This means that the seaman must be in the reserves in order to get the employment. This is conscription pure and simple, and we protest against being selected for this while the men may, under ordinary conditions, choose whether they will enlist or not until the nation needs all its men. It would compel us to be in the military service from 21 to 47 or quit the sea.
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> Under such conditions we would rather quit the sea, since it would be notice to us that we must, as seamen, give up any hope of improvement in our lives. We have asked for laws in accord with American ideas and we are getting more servitude and discriminations against us.

This, you understand, is not the position or expression of Mr. Furuseth or any single individual, but is the solemn pronouncement of all the seamen in the United States. It is worse than nonsense to talk about enlisting a naval reserve under the provisions of this bill from a body of men who entertain this feeling in regard to it. It has been said that the American boy no longer wishes to go to sea. This is true, because he can find more profitable, congenial, and honorable employment in other vocations. It would seem harsh to say that the life of a seaman is a dishonorable one, but it will be better understood when it is remembered that he is in a class all to himself. He is practically the only American citizen who is subject to arrest as a criminal and imprisonment for violation of a civil contract. He is the only American citizen who may be lawfully arrested for forfeiture in a foreign country of a contract with another American citizen and imprisoned and held for extradition or returned to his master, the shipowner.

Need there be any surprise that under these degrading conditions boys who have been brought up in American homes and taught to revere the rights of man and to love human liberty seek other employment rather than place the shackles upon their own limbs by adopting a seafaring life? If to these repulsive conditions now existing there be added compulsory enlistment in the naval reserve as provided by this bill, where will you get your seamen in the over-sea trade? To my mind it is thus conclusively demonstrated that another one of the reasons assigned for the necessity for subsidy legislation is a hollow sham, and would not result in adding anything to our naval strength.

There is pending before the Committee on Merchant Marine and Fisheries another bill introduced by me which meets the approval of the seamen and has for its object the improving of the conditions on all our vessels, whether engaged in the domestic or foreign trade. It is believed that if this bill were enacted into law it would not only add materially to the efficiency of the service in our merchant marine and the safety of life and property on the waters, but would also do much to encourage Americans to engage in this service by removing the repelling causes which now keep them out. This is to be accomplished without any subsidy and without any conscription by making the life more attractive and honorable. It will supply men trained and fitted for the naval service and leave it to their patriotism to man our war ships when needed. This is, at last, the only kind of men who can be relied upon to preserve the honor of our flag, whether upon land or sea.

LABOR ORGANIZATIONS OPPOSED TO SUBSIDY.

Mr. Samuel Gompers, president of the American Federation of Labor, representing 3,000,000 or more of workingmen in every sphere of productive activity, appeared before the committee, by authority of this great organization, to protest against this kind of legislation. Mr. Gompers said, amongst other things, "I am against the general proposition of subsidies, but that is not the only reason. I am against the proposition to make the opportunity to earn a livelihood—to make it practically compulsory for a man to render himself a conscript in the naval service." He showed conclusively that the Federation of Labor had, in national convention, repeatedly declared against all subsidies, on both principle and policy.

FARMERS OPPOSED TO SUBSIDIES.

It would hardly appear necessary to argue that the great agricultural classes, who produce the wealth of the country, supply the commerce, and pay the taxes which support the Government, are opposed to any policy which takes from the masses of the people millions of dollars by way of taxation to add to the profits in the business of a favored few; but in some quarters it has been persistently argued that the farmers will be greatly benefited by the proposed subsidy policy. The only organized bodies composed exclusively of farmers which I know anything of in this country are the Farmers' Alliance and the Patrons of Husbandry. There have been and may now be some variation in the names by which they are known in different localities, but they are essentially the same in principle everywhere. There are other millions of farmers and farm laborers who belong to no organization, but are intelligent, patriotic American citizens. Not a word has come from any of these wealth producers in favor of subsidies. On the contrary, every expression from these organized bodies has been against the principle and the policy. As late as the 6th of April of this year the National Grange of the Patrons of Husbandry officially memorialized the Committee on Merchant Marine and Fisheries of the present House of Representatives against the passage of the pending bill. In commenting on the transparent effort to mislead and deceive the country by the use of the sugar-coated term "subvention," instead of the more universally obnoxious ones of "bounty" and "subsidy," they say:

> A subsidy by any other name smells as rank, and the National Grange protests against the use of public revenues for "subvention" to a few persons as against "bounties or subsidies" to the same class of citizens.

Further, they say in their memorial, which I read at this point because their position is so strongly stated:

> The language of the bill is obscure, perhaps intentionally so, but it is clear that under it there would be taken during the next ten years, from the money raised by taxing the people of the whole country, about $50,000,000, which would be given to a small number of persons building or owning steam or sailing vessels. In return for this immense amount of money, what are the taxpayers of the country, and especially the farmers, to receive?
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> It is claimed that as the result of this system of bounties the number of vessels built or owned by our citizens engaged in the foreign trade will be largely increased; that this will cause a reduction in freight

rates, and that this saving in freight, in so far as it affects the exportation of farm products, would go largely to the American farmer. There is absolutely no proof of this contention, but on the contrary all past experience has shown that it is the foreign purchaser who gets the benefit of lower freight rates. Lower ocean rates mean lower rates from Canada, the Argentine Republic, Russia, India, Australia, and other competing countries, and as it is the competition of the products of those countries that fixes prices in the foreign market a reduction in freight charges would simply mean lower prices to the foreign consumer.

In fact, it can be shown that the result of the subsidy policy would be to encourage foreign competition with our farm products in neutral markets. If the effect of this legislation would be, as its advocates claim, to increase the number of vessels owned by citizens of the United States engaged in the foreign trade, it is evident that such vessels would displace a certain number of foreign vessels which are now carrying our farm products to foreign ports. These displaced freight vessels would have to seek freight elsewhere, and their owners would naturally try to increase the export trade in farm products of competing nations by carrying such products as cheaply as possible. The result would be to stimulate competition with our surplus farm products in the neutral markets in which they are now sold. It would seem that there is no good reason why the American farmer should tax himself in order that foreigners can buy our farm products at a lower price.

When challenged to show how the "subvention" scheme will benefit the farmers, its advocates fall back on vague generalities as to trade following the flag, and the increase in exports which they claim would result from having our goods shipped in vessels owned by our own citizens. But they have never been able to show that foreigners would buy more of our goods merely because they were shipped on American vessels instead of foreign vessels. Foreigners are very much like Americans in one respect, they want to buy things as cheap as possible, and they will buy American goods when they are as good and as cheap as those of other countries. If our goods can be sold cheap enough, the foreigner will buy them. If our products can not compete in price in neutral markets with those of other countries, we can not expect the foreigner to be so foolish as to pay more for the goods he wants just because they may be sent to him on an American-owned vessel. The subsidy advocates complain that the foreign vessel carries freight so cheaply that American ships can not compete. This means that American producers get their goods carried to other countries on foreign vessels cheaper than they can be carried on American vessels, and there is no ground for believing that the foreign buyer will take any more of our goods shipped on an American vessel than on a foreign ship.

It is urged by the subsidy hunters that the cost of building vessels in this country is so much greater than in foreign countries that a Government bounty is necessary in order to equalize conditions. As a matter of fact the chief item of additional cost of American vessels is the high price of the steel plates, frames, bolts, etc., that enter into the construction of a vessel. It is notorious that the United States Steel Company sells steel plates, etc., to foreign shipbuilders at prices far below those charged American shipbuilders, thus directly aiding to encourage foreign competition and discourage shipbuilding in this country. If the believers in bounties will aid in getting legislation under which the steel trust will have to sell its products in the United States as cheaply as it does in foreign countries, our shipbuilders will soon be able to compete successfully with their foreign rivals.

THE PRESS AGAINST IT.

The Democratic newspapers are practically a unit in their opposition to this bill. This is true also of many of the Republican and independent papers. I will take the time of the House to read only some short extracts from two of the latter class. The Washington Post is recognized as one of the ablest of all the great independent papers in the country, and in recent issues it has contained the following editorials upon this subject:

Our manufacturers compete in neutral markets throughout the world for trade in locomotives, steel rails, sewing machines, farm machinery, and scores of other products of skilled labor. Higher wages are paid in Pittsburg than in any other town on earth, and yet, daily and hourly, Pittsburg sends abroad cargo after cargo of manufactured products, and successfully competes with all the paupers in the world. And if we do not do the like in ship making it is because we will not, and not because we can not. To believe otherwise may not be exactly unpatriotic, but it is un-American.

Our shipmasters have the absolute monopoly of about the finest market for ships in the world—the coastwise trade. No foreign ship can engage in it, and, besides, no foreign-built ship can be sailed under the American flag in the foreign trade without an act of Congress authorizing it. With all that protection, or, rather, prohibition, it is in the nature of the scandalous if our ship makers are unable to compete with Belfast and Glasgow.

Again the Post says:

CONFLICTING CONGRESSIONAL "HEARINGS."

Before the House Committee on the Merchant Marine and Fisheries was fairly through with the "hearings" on the ship subsidy, it proceeded to allow "hearings" in vindication of the steel trust. In the hearings granted to the shipmasters it was deposed and reiterated that the steel trust sold material for building ships to foreigners for considerably less than the same was sold to Americans. That fact was emphasized in the testimony of numerous witnesses, and it is one of the "conclusive arguments" with which Congress is deluged.

But those "arguments" are for subsidy only. The steel trust was much concerned, for it is manifest that the American people will put the enemies of protection to reforming the tariff if its office be for the benefit of foreigners, affording them lower prices for American goods than is exacted of the American customer; and so the steel trust came to town and demanded a "hearing."

As we have before remarked, you can establish whatever you please by a "hearing" before a committee of either House of Congress. Thus it had just been "established" that the steel trust so oppressed the shipbuilders that the latter could no longer do business unless the farmers hired them, by means of a subsidy, to continue in business. Of course that would have a tendency to make the steel trust unpopular, and Congress might be persuaded to "revise" the tariff on iron and steel. Hence the "hearing."

One of the head men of the steel trust, a Mr. Gary, appeared before the committee and said it was all a mistake, that there was no considerable difference in the domestic prices of steel products and the export prices. That was news to the committee, and it is news to the country. If it be true, there has been some tall lying done in this vicinity in the past half a dozen years.

The same paper says further:

The scheme to billet our shipyards on the United States Treasury and make them mendicants supported by public charity will hardly succeed this session. The bill has passed the Senate, but "subsidy" is an ugly word in the House, and it was not made much prettier by its understudy, "subvention." One who represents the tillers of the soil of the great Mississippi Valley will hesitate long before he imposes on the Treasury the duty of making good the losses of a self-confessed unprofitable business.

The excuses for this subsidy are: We can not make a ship as cheaply as foreigners, and if we could build it as cheaply, we can not operate it as cheaply. If that be so—and we do not believe it—it is best for the foreigner to build and operate the ship. We can make a sewing machine, a thrashing machine, a reaper, a mower, a railroad locomotive, steel rails, and a thousand other things cheaper than the foreigner can make them, and if we do not make a ship as cheaply it is because we will not, and not because we can not. Forty years ago our people thought it impossible to build a railroad across the continent without a subsidy. That notion cost the Government hundreds of millions. And yet James J. Hill built a Pacific railroad without a dollar of subsidy, and it is to-day the best one of the lot.

The New York Press, one of the great Republican dailies, which, though a staunch protectionist, is bold in denouncing many of the abuses which have grown up under a protective policy, has this to say of the pending bill:

THE SENATE SHIPPING PIRACY.

The ship-subsidy bill passed by the Senate ought not to receive even the courtesy of debate in the House. Divested of its sham virtues of naval reserves and fixed percentages of American seamen in the service, it is nothing but naked piracy against the United States Treasury to turn money into the hands of individuals already holding investments in shipping, but not satisfied with their financial returns.

The Senate piracy is not a bill to restore, enlarge, and maintain a flourishing shipping; it is a bill to fatten those already in the business, without creating a new merchant marine.

The people of this country do want a merchant navy. They realize that it must be built. They would favor any plan which embraced the creation of more shipping. From the Senate they would get nothing of the sort. They would, for the most part, only pay money into the hands of those owning existing shipping. This Senate scheme is not one to restore the merchant marine; it is one to enrich a few individuals, with absolutely no benefits following to the nation.

There is one way to assure enormous merchant fleets plying across the seas as successful and complete as the fleets on the Lakes and in the coastwise trade. There is no coastwise shipping anywhere else in the world to compare with ours. No subsidies have been called for by it. There is no whine for subventions; no lobbying for mail contracts. The powerful industry has grown and continues to grow, because it exists under a policy which provides business for it.

If there were a policy that provided business for transoceanic ships as for the coastwise vessels, capital would build and operate shipping for the ocean as for the Lakes and the coastwise traffic, and it would never ask nor want for subsidies; and the fleets, springing into being, would make money—they would flourish and increase. The American bottoms would regain the supremacy which they held on the oceans for half a century when the shipping policy of the nation provided business for American ships.

If the House is to make an effort to restore American shipping, and to provide that it shall be maintained as a self-supporting institution, it will waste no time on the Senate measure. It will insist on something that will provide business for American bottoms. A tonnage tax discriminating against foreign vessels engaged in the traffic with this country will do this; a discriminating tariff duty in favor of the vessel which sails into our ports under the Stars and Stripes will do it. Subsidy without business never will.

It will be observed that the Press advocates the old policy of discriminating duties and tonnage taxes under which, in our early history, we built up a magnificent merchant marine, and which was suggested by the report of the Democratic minority of the Merchant Marine Commision of 1904.

ENORMOUS COST.

What would be the cost of this scheme? The subsidy bill which passed the Senate in the Fifty-sixth Congress involved an annual expenditure from the public Treasury of $10,000,000 or $12,000,000. The friends of the pending bill claim that under this it would be very much less. Upon its face this is apparently true, but if, as its advocates claim, it should result in largely and rapidly increasing our tonnage there would necessarily be a heavy increase in the cost to the Government after the first year of its operation. What would be the ultimate cost if the policy once adopted should be adhered to no man can estimate. Some of the friends of the bill profess to believe that at the end of about ten years the shipping industry "will be on its feet," and it will be no longer necessary to continue the subsidies. I will not charge these men with a willful design to mislead the Congress of the United States and the American people, but I will say that if they are sincere in the expression of this opinion their judgment is worth so little that we can not afford to accept them as safe counselors on so momentous a question. Common sense ought to teach us that this is not true even though there were no object lessons to guide us. The fate of the Collins Line in the fifties has been and will be repeated every time under similar conditions. This line of the finest ships then afloat for a number of years received a subsidy of $850,000 a year, but when the bounty was withdrawn the line "went to pieces." Other in-

stances of a similar kind might be enumerated. These examples were doubtless in the mind of Mr. CANNON, now the honored Speaker of this House, when in a speech in the Forty-fifth Congress in opposition to a mail subsidy to a steamship line to run to Brazil he said: "When the subsidy ceases the steamship line wil cease to be operated."

Mr. Loud, formerly a distinguished Republican Member of this House from California, noted alike for his courage and his candor, said to the committee a few days ago, in effect, that if the policy should be inaugurated it would have to be perpetual, and that if other countries retaliated by increasing subsidies to their vessels, we must keep pace with them by a corresponding increase to ours or else "go out of business." This is the prevailing opinion of the most intelligent and thoughtful men who testified before the Merchant Marine Commission and before the committee of this House during the month of April last. The only surprise to me is that anyone should doubt the correctness of it. Now, shall we engage in a subsidy war with the world? It has been truthfully said that our principal competitors in ocean freight carrying are England, Germany, and Norway, none of which countries subsidize their cargo vessels. If we inaugurate a system of subsidies to our freight carriers, both steam and sail, as is provided in this bill, certainly England and Germany, the two richest and most powerful of all Old World countries, will do the same thing. Then a "merry dance they would lead us," with the "innocent bystander," the oppresed American taxpayer, to "pay the fiddler." A few other countries, notably France, pay subsidies to cargo vessels. The French system is so ridiculous that it is falling to pieces of its own weight. For several years they have been operating under a mileage bounty, by which their ships might sail all around the world and earn a bounty without carrying a pound of freight. For this reason they lowered freight rates by underbidding so enormously that no other ships would compete with them. This was particularly true on the Pacific coast, where most of their business was done. Mr. Sewall, a large shipbuilder and shipowner of Bath, Me., said a few days ago that for a number of years his fleet was engaged profitably in carrying freight from New York to San Francisco and from San Francisco to Europe and competed successfuly with ships of all other nationalities until these French subsidized tramp steamers entered the trade and so reduced freight charges that no other ships could remain in the business. English vessels suffered just as he did. He says that he could reenter that trade now but for these cheap French ships.

When the Merchant Marine Commission was on the Pacific coast we were told that these subsidized French ships had so abused the law under which they were operating that millions of dollars of subsidies already earned were then unpaid, and it was predicted that the French Government would be compelled to change its policy. It appears that this prediction has been verified to some extent already, and that the French Parliament, during the month of April of this year, has practically repealed the old law and has substituted a very complicated system of daily tonnage bounties on all ships of 100 tons and upward upon proof that they have carried freight of a certain percentage of their gross registered tonnage, and that the freight has been carried on at least a given percentage of the mileage traveled. So that the old practice of sailing in ballast and drawing subsidies will be measurably abolished, and the cutthroat system under which they have been operating will be hedged about with greater difficulties, which will inure to the benefit of ships of other nations.

Notwithstanding bounties upon construction and extravagant subsidies on operation by the French Government, the increase in tonnage has been very unsatisfactory. In a period of thirteen years, from 1890 to 1903, the total increase of French tonnage of every class and character was about 400,000 tons—an average of about 30,000 tons a year. During that time the Government was paying nearly $9,000,000 a year subsidies on construction, navigation, and mail service. So that every ton of shipping added during that period cost the Government $300. Nearly half of that increase in tonnage was in sail vessels, and many of them wooden. According to Mr. Sewall, an experienced builder of sailing vessels, the cost of building such in his yards in Bath, Me., is about $50 a ton, including everything. This would show a net cost to the Government of $250 a ton a year for the operation of a vessel that cost the owner only $50 a ton to construct—certainly a most foolishly expensive way in which to build up a merchant marine. Yet subsidy grabbers refer us to the example of France in aiding the shipping industry.

It must be borne in mind, too, that not all of this increased tonnage was the product of French shipyards, because the law provided that foreign-built vessels might be admitted to domestic register and be allowed to participate in Government subsidies when owned by French citizens or corporations.

During the same period of thirteen years, from 1890 to 1903, there were added to the American merchant marine a total of 1,662,848 tons, without any Government aid except to a few vessels for carrying ocean mails. During the last half of the month of March of this year more than 34,000 tons were added to our tonnage, as shown by consular reports, and of this there were five steamers, averaging more than 6,000 tons each. At this rate we are increasing our tonnage immensely every year. We are persistently told that our merchant marine is decaying, and yet the Commissioner of Navigation in his last report shows that since 1881, when our tonnage was lower than it has been in more than fifty years, there has been a steady increase, and that during the year ended June 30, 1905, 165,000 were added to our total tonnage, bringing it up to about 6,500,000 tons, a million higher than it was in 1860 and 2,500,000 higher than in 1881. This leaves out of consideration about 200,000 tons owned outright by American citizens, besides more than 1,000,000 tons owned largely by American citizens and all under foreign flags. Next to Great Britain we have the largest merchant marine in the world, including American-owned vessels under foreign flags. We may never equal the British Empire, nor is it necessary that we should. England is essentially a maritime nation. We are not. Our wealth is in our fields, our forests, our mines, and our factories, which furnish the most profitable investment for our energies and our capital, and we can not be expected to desert these for the less profitable and more hazardous business of "going down to the sea in ships."

While it is true that the tonnage under the American flag in the foreign trade is only about 950,000, it is not true that it has been decreasing during the last ten years, but it is now larger than it has been since 1890. About that time began the subsidy agitation, and in 1898, under the depressing influence of demand for Government aid, it fell to 726,000 tons, the lowest point it has ever reached since 1839. Our tonage in the foreign trade increased more than 50,000 tons last year, and at the same rate of increase we should have now at least 1,000,000 tons.

THREAT THAT SHIPS WILL BE SOLD TO FOREIGNERS.

Not satisfied with begging for subsidies, we are told that unless the Government opens its vaults to the shipowners they will sell their vessels to men or corporations who will put them under a foreign flag. Neither the American people nor their representatives in Congress will be gravely disturbed by these threats. No matter under what flag they are operated, they will still carry our exports and imports, and the American people will not be the losers. We have the money with which to pay the freights, and it is all nonsense to say our products can not be transported to the markets unless we have ships of our own to carry them. Our fields and factories, more than those of any other country, feed and clothe the world, and if we can not send our products abroad the millions who need them will send after them.

NOT HOSTILE TO SHIPPING INTERESTS.

The advocates of subsidies try to make it appear that we who oppose such legislation are unpatriotic and are enemies of the American merchant marine. Neither is true. If a desire to protect the great masses of the people from legalized robbery for the benefit of a favored few be unpatriotic, then we plead guilty, and without any shame. [Applause.] We do not impugn the motives of other Members of Congress who disagree with us on this question, but leave them to answer their own consciences and the judgment of their own constituents. We accept for ourselves the same tests, and are ready to abide the decision. Not one of us would not be glad to see our merchant vessels, under the American flag, plowing the waters of every sea; but desirable as this result may be, we are not willing, for its accomplishment, to violate every principle of sound economy and sacrifice upon the altar of private greed the paramount interest of the millions of Americans who by their sweat and toil support the Government in times of peace and ever stand ready, in the emergency of war, to defend with their lives, on field or flood, the flag of their country. [Great applause.]

Mr. RHINOCK. Mr. Chairman, on February 22, 1906, it was my pleasure to introduce in the House of Representatives a bill (H. R. 15438) which had for its title the following words: "A bill to declare certain persons, firms, associations, and corporations to be common carriers and subject them to the provisions of the interstate-commerce act."

The bill was a short one and was couched in the following language:

Be it enacted, etc., That all persons, firms, associations, and corporations operating any pipe line or lines for the transportation or conveyance of oils or other liquids from one place in any Territory of the United States to any other place in the same Territory are hereby declared to be common carriers and shall be subject to the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof in so far as same can be applied.

SEC. 2. That all persons, firms, associations, and corporations operating any pipe line or lines for the transportation or conveyance of oil or other liquids from one State or Territory or the District of Columbia into any other State or Territory or the District of Columbia are hereby declared to be common carriers engaged in interstate commerce and shall be subject to the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof in so far as same can be applied.

In the earlier days of this session of Congress this body took up what is popularly called the "rate bill"—H. R. 12987—"a bill to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," and by an almost unanimous vote passed it.

This bill went to the Senate of the United States, where it has been debated, amended, passed, and sent back for our consideration. One of the amendments favorably considered by the Senate is known as the "Lodge amendment," being proposed by Senator LODGE, of Massachusetts, and accomplished in part the object of my bill. The Lodge amendment as finally modified by the Senate was in the following language:

Any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines or partly by pipe lines and partly by railroad or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this act.

This amendment of Senator LODGE was introduced by him on April 16, and was adopted by the Senate in Committee of the Whole on May 4, 1906.

It will thus be seen that the bill I introduced in February last is, in general terms, almost the same as the Lodge amendment adopted by the Senate of the United States.

The bill introduced by myself was referred to the Committee on Interstate and Foreign Commerce, and will never be reported if the railroad rate bill with the Lodge amendment as passed by the Senate shall be accepted by the House.

The acceptance of the rate bill as amended will make the passage of a separate bill entirely unnecessary, and I now address the House as not only in favor of the railroad rate bill as we passed it some time ago, but more decidedly favoring it since the Senate has improved it, as I think, by incorporating the amendment relative to pipe lines for oil as an amendment to the original bill.

I have no desire to detract one iota of credit from Senator LODGE nor to assume too much credit to myself for the introduction of the bill.

Mr. SULZER. I understand that provision has been stricken out of the rate bill.

Mr. RHINOCK. No; it has not.

Mr. JAMES. My colleague is correct. The provision upon which the gentleman from Kentucky is addressing the House has not been stricken out by the conferees. That provision remains in. The only language which has been stricken out, which the gentleman from New York undoubtedly has in mind, is a proposition relative to a common carrier not carrying its own products. A majority of the conferees agreed to strike out "common carrier" and insert in lieu thereof the word railroad," so as to make this provision not apply to oil companies, but the Senate refused to accept this report of the conferees, and I sincerely trust that it will not accept it, and that oil companies will be denied the right to be in the transportation business and at the same time in the monopolization of oil or other products.

Mr. SULZER. I am in favor of the gentleman's bill.

Mr. RHINOCK. I thank the gentleman from New York, and I am heartily in accord with the statement made by Mr. JAMES.

As has been well said upon another occasion, "There is glory enought for all," [applause] and the privilege of voting for the provisions of the Lodge amendment will be glory enough for me. I want pipe lines to be common carriers under the law, and whether that end shall be reached under the separate bill introduced by me last February or by the adoption of the Lodge amendment to the Senate bill is immaterial.

Conformably to this idea, when I heard that Senator LODGE had announced his intention of introducing a pipe-line amendment I addressed him a letter of approval and transmitted to him for his use a number of letters from oil companies and manufacturers. The Senator responded, thanking me for the assistance rendered and hoping that the pipe-line agitation might result in an appropriate law. I am decidedly in favor of this pipe-line legislation, as are the vast majority of the people of my State and of the country. [Applause.]

It has been suggested that pipe lines for oil are private lines, private property, and that this legislation will affect them injuriously. If they are private lines, this bill will not affect them at all. No bill that we could pass would legally affect a strictly private line. The contention is, however, that all of the pipe lines now doing business throughout the country are public and not mere private lines. It is true that they claim that they only transport their own oil—that they carry only their own goods.

But this claim comes too late. They have already proclaimed themselves as common carriers by exercising the rights of eminent domain and can not now claim the immunity of a private line. These lines run not upon the property of the men who own them, but run from farm to farm, from county to county, and from State to State.

No objection of private landholders has been sufficient to keep them from laying their lines. When objections were made the companies proceeded to condemn under the law of eminent domain. They took private property for the only use they could lawfully take it, viz, a public use, and they can not now claim that their lines are merely private property.

Nor is this all. The mere fact that pipe-line companies do not do a general business for the public is not sufficient to keep them from the regulative operations of the Interstate Commerce Commission.

The highest court of the land, the Supreme Court of the United States, has passed upon this question in a case that came up from Minnesota. In 1893 Minnesota passed a law providing that all warehouses and elevators for storing and handling grain along the route of any railroad should be subject to the control and jurisdiction of the Minnesota railroad and warehouse commission.

There was an elevator company in Lanesboro, a small town in the southern part of the State, that claimed exemption from the operation of this law on the ground that they were simply buying grain for their own use and for their own business. They averred that they were not doing a general public elevator business for hire, but that they bought their grain from the farmers, shipped it as their goods to their own consignees, and that they were merely carrying on a private business and were not subject to public control. The Supreme Court of the United States held that they were doing a public business, and that they were amenable to the regulations of the Minnesota railroad and warehouse commission.

The Supreme Court laid down this principle for guidance. It held that this Lanesboro elevator company was occupying the position of a public market place, buying grain from every farmer who came there, grading it and weighing it on their own scales, and that these acts were those of a public business, and that the public had a right to control it.

So it is with the pipe lines. The Standard Oil Company, owning 90 per cent of all the pipe lines of the country, has a large pipe line running through the country, which is fed all along its length by a host of feeders. Private parties build pipe lines to the trunk line to run the oil from their own wells, which are connected with the pipe lines of the Standard Oil Company, which buys the oil from these smaller dealers. The different parties who have these feeding lines from their wells ship their oil to the trunk line, and stand in the same relation to the public that the elevator company does in Minnesota. The United States has as much right to control these interstate pipe lines as the State of Minnesota has to control the private elevator companies.

The Standard Oil Company needs this regulation most. It purchases the oil from the independent shipping oil owners who have built the feeding lines to the great trunk line of the Standard Oil Company. It purchases their oil and refuses to pipe it beyond the point of intersection for the oil owners to a possibly better market beyond. It monopolizes the trunk-line carriage, and is subject to control on the ground that it buys oil from the owners, measuring and grading it in their own way, and therefore occupies the position of a public market subject to public control.

The pipe lines ought to be brought under the control of the Interstate Commerce Commission. Its enormous traffic—the largest in the world—makes it peculiarly appropriate that it should be brought under this control. It has the right of eminent domain and exercises it; it occupies the place of a public market; it has been declared a common carrier by the legislatures of several States; and the company itself, through one of its counsel, has admitted that it is a common carrier in all

the territory of the United States east of the Mississippi River; it deals in an article most essential to public use, and by all means it should be regulated and controlled.

The independent refineries of the country try to obtain oil from their own wells, and are sometimes favored by the Standard Oil Company with carriage and at other times refused. In the plain language of the business world, they have the oil business by the throat. When they want to be common carriers, they are all grace and compliments; when they do not want to be, they are all vinegar and negation. If they are common carriers in a part of the country, on their own motion, let them be made common carriers in every part of the country by operation of law. If there is nothing wrong, the law will not hurt them. If everything is as correct as they say it is, and if they are really the public benefactors they claim to be, the regulation will do them no harm. If, on the contrary, there is something wrong—and the clamor of the people would seem to indicate this—then it is high time that the wrong should be corrected by the operation of law. And believing that a wrong exists, I shall vote for this bill, with the pipe-line amendment.

And I am opposed to any change in the verbiage of the bill which shall attempt to except such pipe lines from the operation of the law as do not "transport for hire" or "transport for the public." While the Standard Oil Company does the greatest business, it is not therefore necessary for us to legislate against them alone. The law must be general, and all pipe lines must be treated alike. Such as exercise the right of eminent domain or such as have the place of a public market must be regulated and controlled impartially. All others are beyond our control, as they should be.

The transportation of oil throughout the world is an immense problem. The world's production of petroleum in 1899, according to the report of the United States Geological Survey, approximated 5,000,000,000 gallons, or 100,000,000 barrels, of which the United States produced 2,500,000,000 gallons, or about 50,000,000 barrels. The quantity exported was about 1,200,000,000 gallons in 1905 and brought into the country a value of about $80,000,000, and the export quantity is very little compared with the quantity consumed at home. From the Mineral Industry it appears that the production of crude petroleum in the United States for 1905 was 117,063,000 barrels of 42 gallons each, or about 4,916,000,000 gallons, an amount approximately equal to the world's production in 1899. The figures from the Statistical Abstract of the United States are about the same. These figures show the tremendous value of the business, and explain many other remarkable truths.

Oil has made one man the richest man of the world. In Munsey's Scrap Book for June of this year is a list of the world's richest hundred men. At the head of the list stands the name John D. Rockefeller, with a wealth of $600,000,000, and the information that this money was made in oil. The tenth and eleventh ones on the list are William Rockefeller and H. H. Rogers, each with a wealth, made in oil, of $100,000,000. Henry M. Flagler stands twenty-fourth, with an oil wealth of $60,000,000. John D. Archbold and Oliver Payne come in for $50,000,000 each. The richest oil man of Russia—itself a great oil-producing country and almost equal to the United States—is M. Nobel, with a wealth of $25,000,000. [Applause.]

Six men of the United States have a combined wealth, made in oil, of $960,000,000, and these six men own just one-seventh of all the wealth owned by the 100 richest men in the world. These figures are amazingly large and illustrate the ease with which the master minds of the oil industry become multimillionaires when placed in positions where their monopolistic power may be exercised without control.

The history of Standard Oil is a record of uncontrolled rapacity, and the wealth it has drawn to itself is out of all proportion to the service rendered. Besides these great captains of the oil industry, there are hundreds of smaller men whose recorded wealth reaches the million mark. The interstate commerce necessitated by this industry is immense, and up to this good hour the pipe-line commerce, the greatest part of the trade, has been absolutely without Congressional and almost without State control.

To pipe the oil of the United States requires twenty-eight great pipe lines, nearly all of which are trunk lines. Besides these, there are fourteen local or feeding lines. Twelve of the twenty-eight great lines are in a single system and acknowledge a single control. These twelve lines cover a territory from Oklahoma to the Atlantic and from Tennessee to the Lakes.

Five other great lines form another monopoly, covering West Virginia, Ohio, and Pennsylvania. Of the twenty-eight great lines, at least nine cross State lines and will be subject to this law.

Twenty-one States have in one form or another attempted to regulate pipe lines. The right of eminent domain has been granted them in my own State—Kentucky—and in California, Colorado, Indiana, New York, Ohio, Pennsylvania, Texas, West Virginia, and Wyoming.

In New York and Ohio they are made common carriers by law, and in Pennsylvania by the decision of the courts.

It is very doubtful, however, whether the legislation of these States is effective. From a letter written to me by the president of the Lake Carriers' Oil Company on March 5 of this year it appears that the law is not effective in Pennsylvania. His whole letter is so interesting that I reproduce it entire:

CLEVELAND, OHIO, *March 5, 1906.*

Hon. JOS. L. RHINOCK,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of yours of the 1st instant, with copy of your bill, drafted with a view to making all the pipe lines common carriers.

In reply, we beg to say that such a bill, if effective, would have our hearty indorsement. Our understanding of the matter is, however, that a pipe line may be declared a common carrier and yet refuse to give any practical relief where such may be considered by the pipe-line owners undesirable from their standpoint. I refer to the pipe lines in the State of Pennsylvania. While they, as I understand it, are common carriers by law, yet the act does not compel the pipe lines to deliver generally. In other words, it is held by the pipe-line people that they are compelled by law to deliver only at their nearest station where the crude oil originates, and I know of instances where they have flatly refused to deliver otherwise.

I would like to hear, therefore, from you direct, if you will, as to what is being introduced into your bill, if anything, to provide against this abuse of power of the pipe-line people. Being assured on this point, we shall most willingly render any assistance possible in influencing the passage of your bill in the manner you suggest.

Very truly, yours,

LORTUS CUDDY, *President.*

The passage of this bill will make the interstate transportation of oil through pipes effective, and will meet the objections to the operation of State law so clearly outlined by the preceding letter.

Of the pipe lines doing an interstate business, the Standard Oil Company controls 90 per cent of the business and the Pure Oil Company controls the remainder. The United States Pipe Line Company claims to be the pioneer in the pipe-line business, and controls lines extending from Oil City to the Atlantic seaboard and also into West Virginia. In the testimony of Louis Emery, a member of this company, before Messrs. Clements and Prouty, of the Interstate Commerce Commission, at Cleveland, Ohio, on May 24 of this year, as reported by the Washington Post, he referred to the Standard Oil Company as the "devilfish that never invented anything, but absorbs the best of other men."

The necessity for national legislation is made clear by the following extract from Mr. Emery's testimony. He said:

We are to-day the only independent competitor of the Standard Oil Company to the seaboard, and that is the only way we can transport our oil, for the railroads are controlled completely by the Standard. We have been hounded to death by the Standard. They even tried to buy up our $1,000,000 issue of stock, and we were compelled to put our stock in trust, so that it would not be possible to sell out to this devilfish except by the unanimous consent of all of us.

Mr. Emery was in favor of the bill introduced by me, as will appear from the following extract from a letter to me of date March 16. He said:

EMERY MANUFACTURING COMPANY,
Bradford, Pa., March 16, 1906.

Hon. J. L. RHINOCK,
House of Representatives, Washington, D. C.

DEAR SIR: We are in receipt of your letter inclosing House bill 15438, in which you declare all pipe lines to be common carriers. We are quite largely interested in the transportation of oil by pipe line, and it was through the effort of our people that the first pipe-line bill in Pennsylvania was passed after a sixteen-year trial. Our Mr. Emery has always been in favor of any person or corporation having the right of eminent domain being declared common carriers, whether it be of oil or any other product.

We are in perfect harmony with the President of the United States, and will endeavor to give him every aid possible; and we will give you our untiring support in your effort to make the pipe-line companies of the country common carriers.

With best wishes, I remain, yours, truly,

LOUIS EMERY, Jr.

But is the Standard Oil Company really buying its oil so as to raise the question of private ownership in pipe lines? We think not. They do not own the oil wells, and hold themselves out as oil buyers; but when they buy they do not name a "spot" price and take the oil. They name a "terminal" price, buy the oil on the spot, but deduct transportation charges from the point of intersection to the terminal points. The copies of certificates and receipts presented by Senator LODGE in open Senate on May 4 clearly establish this point.

They were then not transporting their own oil. They were mere carriers of other people's oil at a given rate, the oil becoming theirs at the terminal point.

Well owners have no option. They must pay the transportation charges of the pipe lines or hold their oil. Every small well owner throughout the country is completely at the mercy

of the pipe lines. It is a cutthroat business of the worst kind. In fact, all well owners, small and great, are at their mercy, as the following letter from the Columbia Oil Company of New York, to Senator LODGE, and printed in the RECORD on page 6499, clearly shows:

COLUMBIA OIL COMPANY OF NEW YORK,
New York, March 29, 1906.

Senator LODGE, *Washington, D. C.*

DEAR SIR: I noticed by the papers that you have proposed an amendment to the railroad rate bill making pipe lines common carriers. Pipe lines should be common carriers whether they are private lines or public lines where they connect with public lines that are common carriers under the law. For your information I give you a short personal sketch of my connection with them. It is as follows:

I am a producer of petroleum in West Virginia and a refiner of petroleum in New York Harbor, and have considerable trouble in procuring a quantity of crude oil sufficient to run our works.

I feel aggrieved at the treatment by the Standard Oil Company, owner of the pipe lines, and the Pure Oil Company, controller of other pipe lines that run in that field. Both companies refuse to deliver to me the oil I produce, and I have to sell it to both at the prices they make.

I understand you are now trying to frame some bill that will put the people on an equality; it will be well for you to know the condition of the business and how both companies have created and keep a monopoly in the business.

Eureka Pipe Line.—This company is owned by the Standard Oil Company. It passes through Ohio and West Virginia. It receives into its line oil that is produced on a lease I own in Wetzel County, W. Va. It takes this oil to United Pipe or National Transit lines and is pumped through that system to Jersey City.

I have made application to the Standard Oil Company for transportation of my oil and offered to pay them the usual gathering and transportation charges. They refuse to deliver me my own oil, and I have to sell it to them at their price, although I am ready to pay a premium of 15 or 20 cents a barrel over the market price and the current transportation rates.

They claim that the Eureka Pipe Line is not a public carrier, that it is a private concern, and is not subject to the laws that regulate public carriers. The National Transit Line is a public carrier, but on account of the receiving or initial lines being a private concern, they need not take the oil and are not amenable to the law as public carriers are.

Pure Oil Company.—The Pure Oil Company has been organized under the New Jersey law as an independent corporation to aid producers and refiners and marketers of petroleum in opposition to the Standard Oil Company. It controls the United States Pipe Line.

United States Pipe Line.—The United States Pipe Line is a trunk line and common carrier. It commences at Marcus Hook, on the Delaware River, and runs through to Oil City, Pa.

The Producers and Refiners' Line is also owned by the Pure Oil Company. It is a limited copartnership under the Pennsylvania law. It commences at Oil City, Pa. (where the United States Pipe Line ends), and runs down through Butler County, Pa., to West Virginia. It gathers the oil in West Virginia and southern Ohio and pumps it through to Oil City, where it connects with the United States Pipe Line Company.

I have petroleum production in Wetzel County, W. Va., that goes into that line. The Pure Oil Company also refuses to deliver me the oil I produce and own, and claim that they are a limited copartnership and not a common carrier. I have to sell it to them at their price, although I need it in my business.

The object of this letter is to show the condition of pipe lines that are owned by private parties or copartnerships and not common carriers that work in connection with other lines that are common carriers.

In my opinion all pipe lines should be common carriers, and any producer of oil anywhere should be at liberty to sell the certificates of their oil to anyone wishing to purchase them, and the oil should be received and delivered to all on equal conditions. This would create an open market and the producers could get all that their product was worth.

Common carriers.—They refuse to deliver the oil to refineries where they want it, and generally deliver it in some out-of-the-way place that will cost more to take it from the point of delivery than it can be brought by rail from the point of production.

Difference in cost between rail and pipe-line rates.—Oil can be handled by pipe lines at about one-tenth what it cost by rail.

The oil monopolies owning pipe lines generally make the outside public do their business by rail, they, through their influence, making rail rates while they do their business by pipe lines.

Marketing crude petroleum.—On account of the interest controlling pipe lines, viz, Standard Oil Company and Pure Oil Company, refusing to receive oil for transportation and deliver it to the owners of the oil it prohibits an open market for crude petroleum. The producer has to sell it to the Standard Oil Company or its agents at the Standard Oil Company's price, and to the Pure Oil Company or the Producers and Refiners' Line—which is owned by the Pure Oil Company—at their price, although the owners of the oil stand ready, and in my case I have offered a premium of 10 cents per barrel plus all transportation and charges for my oil.

This should be looked into by the lawmakers and laws enacted that would put producers and refiners of oil on an equal footing to buy and sell their products.

For your information I inclose a blotter issued by the Pure Oil Company. I have drawn a pen line through it at Oil City. From Oil City to Philadelphia or Marcus Hook the two lines are owned by the United States Pipe Line Company. One line transports refined oil; it is 5 inches in diameter; the other transports crude oil and is 4 inches in diameter.

The Producers and Refiners' line commences at Oil City and runs through to West Virginia. The little red marks show gathering, or field lines.

This crude-oil line is from 2 to 6 inches in diameter, and it transports oil from West Virginia to the United States Pipe Line. It is distributed to the refineries in Oil City, Titusville, Warren, and Bradford.

I have been very active in the organization of the United States Pipe Line Company, in which I am now a director, and also I have been very active in the organization and management of the Pure Oil Company. This concern is entirely independent and in competition with the Standard Oil Company. It, however, is run on lines that make it a close corporation, if not closer than the Standard Oil Company.

Any further information will be cheerfully given by

Yours, respectfully,
HUGH KING.

The condition of the Columbia Oil Company is the condition of many others, and it is, to say the least of it, an intolerable condition. It should be remedied, and I am desirous of correcting it at once.

In my own State there is but a single independent refinery of oil and but a single independent pipe line. The president of this company, in a letter of March 6, 1906, said:

GEORGETOWN, KY., *March 6, 1906.*

Hon. JOSEPH L. RHINOCK,
House of Representatives, Washington, D. C.

DEAR SIR: Your letter of March 2, inclosing a copy of the bill which you have presented in the House of Representatives, is very interesting to us. We have a pipe line of our own in Kentucky, and, although this line would come under the restrictions you wish to impose, we would feel that your bill is one which we would be willing to support, provided we could be of any material service. As a matter of policy, we should like to know from you if we are to take any active part in regard to this measure, what chances there are of having the present Executive Administration support the bill as presented; also what support you have pledged to aid you in getting a vote during the present session.

We are the only independent refinery in Kentucky and the only independent pipe line. We would appreciate a more detailed account of the present status of the bill, and whether you have some assurances of getting a favorable report by the Committee on Interstate and Foreign Commerce; also some detailed information of how we might be of service in aiding the bill.

I remain, very sincerely, yours,
RICHMOND LEVERING, *President.*

The National Refining Company, of Cleveland, Ohio, in a letter of March 3, 1906, takes strong ground in favor of this legislation. This company is associated with the Northern Oil Company, the National Pipe Line Company, and the Peerless Transit Line. The letter is as follows:

CLEVELAND, OHIO, *March 3, 1906.*

Hon. JOSEPH L. RHINOCK,
Member of Congress, Washington, D. C.

DEAR SIR: We wish to thank you for your favor of March 1, referring to bill H. R. 15438, a bill to make pipe-line companies common carriers, and desire to most heartily indorse the bill.

Pipe lines have right of domain the same as railroads. They are built for the transportation of oil, and are one of the forms of public highway for transporting petroleum oil, and a pipe line should be a common carrier the same as any railroad, and the Interstate Commerce Commission should have the same jurisdiction over it.

We wish to further state that we think every independent oil man joins us in urging the passage of the bill, and we will so write to our Congressmen and Senators.

Yours, truly,
THE NATIONAL REFINING CO.
Per J. I. LAMPRECHT, *President.*

The Conewango Refining Company, of Warren, Pa., say:

WARREN, PA., *March 5, 1906.*

Hon. JOSEPH L. RHINOCK, *Washington, D. C.*

SIR: We are in receipt of your letter of the 1st instant, inclosing copy of House bill 15438, and would say that we are heartily in accord with this bill. * * * We, however, will write the Senators from Pennsylvania, and sincerely trust they will give you the support you merit.

Yours truly,
THE CONEWANGO REFINING CO.,
U. G. LYONS, *President.*

In the same vein is the letter of the Sterling Oil Works, of Marietta, Ohio:

MARIETTA, OHIO, *March 6, 1906.*

Hon. JOSEPH L. RHINOCK,
House of Representatives, Washington, D. C.

DEAR SIR: Your favor of the 1st instant to the Sterling Oil Works, of Hamilton, Ontario, has been referred to the writer for an answer. The writer wishes to state that he fully agrees with you on your bill to make all pipe lines common carriers, and he will write a letter to our Congressmen to that effect, and will do all that he possibly can to help the passage of the same.

Yours, very truly,
THE STERLING OIL WORKS,
F. W. CRIDER, *Superintendent.*

The Cornplanter Refining Company, of Warren, Pa., pronounced the legislation vital, and sent me the following letter:

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WARREN, PA., *March 2, 1906.*

Hon. JOSEPH L. RHINOCK,
Member of Congress, Washington, D. C.

SIR: Your esteemed favor of the 1st instant is at hand, and we thank you for the copy of your bill, introduced in the House of Representatives February 22, 1906.

This is of the most vital importance to the independent oil refiners, producers, and dealers, and we trust that it will be successful.

We have commended the same most heartily to the Hon. P. C. KNOX, United States Senator from this State.

If we can assist you with any data or information, we are at your service.

Yours, very respectfully,
CORNPLANTER REFINING CO.
E. E. ALLEN, *Treasurer.*

From all these considerations, the interests of the people of my State and of the country at large, the interests of the refineries and dealers, I urge the passage of the railroad rate bill as amended with reference to pipe lines. It was my pleasure to vote for the original railroad rate bill, a measure demanded

by the business interests as well as by the people of the whole country. It was a good bill, and I am glad to know that it is soon to become a law. I shall vote for it again, but I hope and trust that the Lodge amendment will not be stricken out. It improves the original measure by striking down an additional trust. It is demanded by the people, is in the interest of the people, and I sincerely trust that it will prevail.

In conclusion, I want to say that I hope the conferees will insist upon the Senate amendment which also denies to all monopolies the right to transport and produce products of any kind. If they are in the transportation business, let them engage in that alone, and not use their transportation lines to monopolize oil, coal, or any other necessity. [Applause.] Let us do all in our power to make it possible to light the cabins of the poor with unmonopolized oil, and warm them with unmonopolized coal. [Loud applause on the Democratic side.]

Mr. DE ARMOND. Mr. Chairman, I would like to invite attention to a subject which in my judgment is entitled to deep consideration, and which also, in my judgment and according to my observation, has received of the Congress of the United States practically no consideration whatever.

The object of our fathers in forming this Government was to provide the people with the means of governing themselves. The Government, as we all know, is divided into three branches, the executive, the legislative, and the judicial. The courts, in a general way of speaking, are courts of law, dealing with civil affairs, criminal courts, and courts of equity. The "judicial power" of the United States under the Constitution was to be lodged and is lodged in the courts created and to be created by the Congress and in the tribunal created by the Constitution, the Supreme Court. There has been a good deal of learning and a good deal of pretense of learning employed by way of disquisitions upon "judicial power," as contradistinguished from "jurisdiction." There may be some shade of distinction between the two, but practically they amount, in the courts created by Congress, to the same thing. No more "judicial power" can extend to a court created by Congress than Congress gives it. That is another way of saying that no more "jurisdiction" can extend to it.

The jurisdiction, or judicial power, of Congress-made courts must necessarily, both as to the matters to be dealt with and the manner of dealing with them, be subject to such limitations as the creative power imposes. As an illustration of what I mean I might refer to legislation when the Constitution was new; the work of legislators many of whom had helped to make the Constitution. The judiciary act of 1789, a glorious monument of legal learning and legislative wisdom, contained an express limitation upon the power of the courts to issue injunctions, making notice indispensable.

Now, if there be original power in the courts when once created by Congress to issue injunctions, subject only to the discretion and after the manner of procedure of the court, acording to the court's own judgment, then this legislation limiting the issuing of injunctions by these courts created by Congress to instances and cases in which notice had been given would clearly be an invasion of the constitutional function and a deprivation of part of the judicial power of the courts.

Notwithstanding that, there is nothing better established in our history than the constitutionality of this legislative limitation upon judicial power, or jurisdiction—whatever you please to call it. This limitation was the law, observed and upheld by the courts, until the Congress, the power that imposed it, legislated it out of existence more than three-quarters of a century after it found a place in the judiciary act of 1789. Whether you say it was a limitation upon jurisdiction or a withholding or withdrawal of something of judicial power, is a matter of fineness in distinction perhaps, but of no substance whatever in fact. The courts could not issue injunctions unless notice were given, because the law said they could not, and the Congress creating them had—and has—the right to pass the law.

In 1831, following the impeachment in the Peck case—a case celebrated in the annals of this country, where a judge from St. Louis was brought before the bar of the Senate on a charge of having abused his power in sentencing an attorney to imprisonment for a short period of time, for contempt, because he had presumed to criticise a deliverance of the court—Congress passed an act providing that in a certain class of contempts there should be no summary punishment by the court.

For that particular class punishment should be adjudged alone, as in the case of crimes in general, upon indictment, trial, and conviction. As to the constitutionality of that act of 1831 there never has been serious question, but whether there has or has not been question, if there ever was any doubt the doubts have been laid, the question has been conclusively determined, for time and time again the Supreme Court has held the act to be constitutional and binding. Who, then, can doubt that the same agency which could and did take from the courts the power to punish some contempts, except upon indictment, trial, and conviction, could further restrain and regulate them and their process and procedure?

Some contend that the judicial power which our Federal courts possess and must have is the identical judicial power which the English courts had at the date of the adoption of our Constitution. That is but another way of saying that while the Congress alone could "ordain and establish" inferior courts, it could not arm one of them with a particle of judicial power beyond the measure of such power possessed by the English courts, or deprive one of them of a particle of such power if possessed by the English courts, according to the claim of the English courts or of the American duplicates.

And yet there is not a syllable in the Constitution that "judicial power" is such power—nothing less, nothing more—as English judges had said or might say English courts had, or American Federal courts might determine that English courts had. Besides, many of the abuses and much of the oppression which drove our ancestors to the new-world wilderness sprang directly out of usurpation of judicial power and arbitrary exercise of judicial power by English courts and judges. It is inconceivable that our fathers were so stupid as to put the courts which Congress might "ordain and establish" not only beyond the legislative power of the government of the people, as they surely meant it should be, but carefully contrived to implant and perpetuate in the judicial system of a free, self-governing people every vice, real or possible to be imputed, in the judicial establishment of a monarchy, as well as those faults developed in or incident to human infirmity or resorted to by a king-made judiciary, in the accomplishment of a king's purposes, often subversive of the rights of a free people.

Again, if the Federal judges were to be omnipotent in determining the extent and character of their own judicial power, as well as the manner of its exercise, why was it that the Constitution gives to each of them a life term, and makes their office appointive instead of elective? There is but one reasonable answer, but one plain path through what but for it would be a labyrinth of absurdities: The Constitution which clothed the Congress with the power to ordain and establish inferior courts did not withhold from it the power to determine from time to time what the creature court should be; what should be within its jurisdiction or judicial power; within what limits and by the employment of what agencies it should accomplish what by the creative power of Congress it was designed to do, in the way chosen by its creator.

New forces and agencies have been developed since our Government came into being—tremendous forces, mighty agencies. The railroad train has superseded the stagecoach, the huge iron ship, driven by steam and electricity, instead of the frail wooden bark dependent upon the wind, now swiftly plows the ocean. The wayside forge has disappeared and the giant steel plants have grown up. The sewing machine does quickly and deftly the tedious work of a million needles. The great power looms have sent to the relic room the housewife's spinning wheel, while her homely hand loom has gone out of the busy world. Scores of millions of dollars are invested and thousands of workmen are employed in each of hundreds of factories, with multiplied machines which do their work with such swiftness and such perfection as in their completeness to approach the excellence of an intelligence and contrivance almost superhuman. Examples of modern marvels in execution as well as in conception might be multiplied almost indefinitely.

Everybody knows that in the course of time, with change of conditions and the springing up of new causes of action—in the wide world of change wrought in the last hundred years by the application of electricity, by the development of mighty moneyed organizations and mighty manufactories and mighty institutions of all kinds—issues unthought of, undreamed of, in the early days have to be dealt with now, and still more strange and difficult questions perhaps will have to be dealt with in the future. That being true, it has become necessary, as a matter of fact, that the powers and processes and methods of procedure of the courts from time to time must undergo some change. How can they, how should they, undergo that change? Is our form of government such that the courts change their own powers and the way of exercising their own powers, and change as to the subjects and objects to which they shall apply them, with the Congress absolutely powerless to work any change at all? Perhaps that question could be answered by a general reference to our scheme of government. The object, as I said at the outset, was to give the people more power, to make a government of the people instead of a government of the few over the people. How can the people exercise their

power? Through their law-making bodies chosen by themselves and the Executive of their choice, and through those agencies alone. The people can not exercise that power through the judiciary. The people can not select or remove a Federal judge.

As a matter of fact, we find that there has grown up of recent years, and grown up rapidly, a disposition in courts, carried into action, of reaching out, of extending, of grasping more of jurisdiction or judicial power, of exercising a different and mightier control over important things. That is one of the most insidious and dangerous evils that ever can exist in the government of a free people, if they are to remain free. One judge decides that he has power to do a certain thing and does it. Another judge, having a similar matter submitted to him, extends a little further the power of the court as to substance, or as to the manner and process of exercising power, and relies upon the previous action of his brother judge as authority for the usurpation. A third judge goes still further, extends his grasp and processes of restraint, compulsion, and punishment to things still more distant, relying, of course, upon the usurpations of the other two judges for his authority. Now, can this power go on augmenting indefinitely? Can it continue forever in a Republic like ours, under a Constitution like ours, with no agency anywhere to apply a check, and no power or influence or body anywhere to stand against the steady advance of the lawless law-making judge?

It is notorious that the courts have been making law most steadily and in some instances most perniciously, lo, these many years; and yet some gentlemen insist that Congress can not do anything to unmake judge-made law. Some judges are drunken on the wine of precedent and *stare decisis*, and in some the almost universal human lust of power is so strong that unconsciously they magnify their offices overmuch. Some have reached the bench through the schools of great corporations. But, lest I be misunderstood, let me say that the judiciary of the land ever has been and still is adorned by great minds, great learning, and great civic virtues. No man exceeds me in reverence for the "just judge," than whom there are none more useful or more highly esteemed.

Passing from these preliminary observations and coming to a subject which I think merits the attention of Congress and of the country, I wish to make a few remarks upon Government By Injunction.

In the early days the writ of injunction was rarely issued. It was confined to comparatively few cases. It was issued with care and thoughtfulness. It was recognized as an extraordinary writ. But we have now arrived at a stage in our governmental affairs when the injunction is one of the most ordinary, everyday, frequently-resorted-to writs known to the judicature of our country or of any country. Now, is there any power in Congress to correct this if it be an evil, to curb the courts in the abuse of this and similar writs, or are we, under the Constitution and our frame of government, absolutely helpless, with uncontrollable power in these lifetime judges to issue just as many extraordinary writs in just as many instances as to them shall seem proper? I believe not. I believe that the Congress can apply a corrective.

Now, Mr. Chairman, let us reflect for a moment that for years and years, session after session, Congress after Congress, the representatives of millions of the laboring people of this country have appealed to Congress for legislation to correct the abuses of the courts in the exercise of their assumed powers to issue writs of injunction, writs of prohibition, restraining orders, and similar writs. Time and time again have these appeals fallen upon deaf ears. Is the subject of so slight importance that it ought not to receive consideration? Is it a mere trifling thing, a mere matter of agitation among people who know nothing about what they would have, should have, or are entitled to? Or is it a profound and serious question of statesmanship, a problem sufficient in its far-reaching consequences to deserve the best consideration of the best minds of the Republic? Which is it?

The writ of injunction has come to be used as a means for punishing crime, or certain acts of omission or commission treated as crimes. Let me offer a familiar illustration. Somebody is charged with having "boycotted" somebody else, engaged in some business; maybe for a good reason, maybe for a bad reason; that is immaterial in so far as the principle is concerned. A court of equity is applied to and a restraining order or an injunction is issued to prohibit and end the boycott. Disobedience is contempt, and contempt brings summary punishment, at the will of the judge. Now, then, in another field of activity there is somebody engaged, say, in conducting a business which impinges upon political affairs, or who has to do with political questions, as manager of somebody's campaign, as publisher of some newspaper, as a writer of articles for publication, or as a speechmaker. About him and his acts and his motives anybody who chooses, taking only the risk of an action for damages or the hazard of prosecution in the criminal courts for a violation of the law, can say or publish anything. About a person who may be one's political adversary or whose views may be antagonistic to his own, anything, everything, may be uttered, and, without fear of an injunction, may be spread broadcast over the land by all the means known to the modern art of publication—including pictures, caricatures, and incendiary speeches.

Things may be said which, if believed, would cause the victim to be execrated from one end of the land to the other, as far as defamatory language can reach; and yet no court of equity is called upon to interfere. How soon there may be resort to equity in such cases, if this wild rush for "equitable" power and "equitable" jurisdiction is to continue I know not, but no man now dreams of going into a court of equity and getting a restraining order against anybody who prints caricatures offensive to him, or who publicly charges him with betraying a high trust, of corrupting the fountains of justice, or doing anything else that is regarded among decent men as reprehensible.

But if one is selling goods somewhere, if he is manufacturing something somewhere, or is engaged in any pursuit of the dollar, he may appeal to a court of equity, and blanket injunctions are spread far and wide over the land, restraining a multitude for the benefit of one. Dollars have the protection of the chancellor, while reputation and peace of mind directly involved and other dollars indirectly involved must seek protection in the courts of law, civil or criminal.

The laboring people of this country have become very weary of government by injunction. Often disputes arise between employers and employees as to the merits of which there may be difference of opinion, but whenever the contest becomes somewhat acute the employer can easily hasten to a court of equity, and, upon his own ex parte showing, can have issued an injunction of the most sweeping, far-reaching character, and whoever violates it, according to the judgment of the judge who issued it, not according to any canons of law in the country, not according to the verdict of a jury trying a man upon an indictment for any criminal offense charged, may, according to the will or wish or whim of the judge, have imposed upon him a heavy penalty—imprisonment or fine, or both fine and imprisonment.

The representatives of labor have sought relief through a number of different measures whose passage they have urged. They asked for trial by jury in contempt cases. Again they asked that the requirement of notice, as in the act of 1789, be reenacted. Later and now they ask that what one may do lawfully shall not be deemed unlawful when two or more join in doing it; that the injunction and the restraining order be confined to the protection of property and property rights when the law affords no adequate remedy, and for a definition of property and property rights, so that personal rights shall be dealt with, as of right they should be, by the courts of law and not by means of the injunction. The argument of Mr. T. C. Spelling before the House Committee on the Judiciary presents the laboring men's view with clearness and force.

I would go further and correct the "receiver" abuse. We hear of railroads—thousands of miles of rail and hundreds of millions of property—being in the hands of the court. A receiver, it is said, holds for the court. Often the receiver operates the railroad just as a general manager might do—not for a week, but for years. In fact, the receiver takes the place of the general superintendent and, like him, is really the representative of those interested in the property, and is not the representative of the court, though appointed by the court. Yet any interference with the receiver-by-the-year, or with any operation under him, is rated as a contempt of court, to be punished at the will or whim of the judge. English judges as such did not operate railroads, through receivers or otherwise, when our Constitution was framed. The industry is a new one. Now, have the courts the constitutional power to make laws and orders for it, or does the rightful power to legislate upon the subject abide in Congress? I believe Congress could and should do the legislating.

Measures are smothered in committee. Many things can come up, but the things that peculiarly affect the laboring people of the country, that affect liberty and right, the very principles of the Constitution—these things are left to the tender mercy of an unrestrained judiciary. [Applause on the Democratic side.]

That these laboring people have a right to complain and to feel that they are badly used and shamefully neglected, I wish to proclaim as a matter of my judgment. But somebody says that violence would result and property would be destroyed but for the injunction. In some cases perhaps it would and in some

cases it would not be so; but that has nothing to do with the question of whether injunctions ought to issue or ought not to issue; whether the matter should be considered by the House or should not be considered by the House.

I go further in my own individual judgment as to what ought to be done to curb the powers of these courts, usurped and abused powers and not powers granted, than those who represent the laboring men of this country—I would go further than they ask Congress to go. But why not do something, why not at least consider these questions, why not bring them into the open? Shall not the representatives of three or four millions of toiling people of this country have a hearing here? Is other business so pressing, are other interests so mighty, that they can not be heard, or that there can not be opportunity for a vote; that nothing can be done here, while the courts are grinding out injunctions? One step in forbidden territory, one invasion of the rights of the people, is but the foundation and the excuse in the eyes of a great many men who are upon the bench and a justification for others. When is the invasion to end? Will it ever end?

There is to-day no greater usurpation in this country than the usurpation of the judiciary. The wisest men of the olden day foresaw this danger to our system of government; this insidious, never ending, persistent, onward movement in this life-tenure body—so regarded by the wisest men of the olden day—the one continuous source of danger to our system of government and to the liberties of our people.

Now, it is fashionable, when there has been a contest between labor and capital, between employers and employees, when disturbance has arisen and some property may have been destroyed or some violence may have been done, to justify or excuse the issuance of an injunction, without stopping to consider whether injunction is the proper remedy. And yet, there is no real disposition, although something of a sham, pretended disposition, to prevent the swelling of the ranks of labor by persons who are not in sympathy with this Government, and who know not its genius or its spirit. What shall our laboring people do concerning these elements? Shall they take them in? Why, if labor is to be organized it is bound to do it. It can not do anything else. If the undesirable elements are not with organized labor they are used against it. Every low element that you may bring in, no matter from whence, to swell the ranks of labor, is either the foe of intelligent, organized labor, or it must be taken in and be its coadjutor, however unwelcome.

The responsibility for the ills sometimes inflicted on localities by reason of disputes with the lower elements of the laboring population rests not upon labor itself, either organized or unorganized, but upon the agencies that bring in the bad element. As a whole, our laboring people are peaceable and law-abiding, as well as intelligent. To save themselves from the ignorant and the vicious they must do the best they can to prevent the massing of that class against them.

I believe as firmly as I believe anything in the world that one of the greatest movements that ever took place is the movement of organized labor. You can not elevate the laboring man without elevating the common citizenship of the country. The country is great as the masses are great; the country is good as the masses are good. What is the contest between capital and labor? It is the question of division. Has the division been fair?

Gentlemen say that labor has progressed; that wages are better in this than any other country; but how have the millions been piled up? For instance, has there been a fair division between labor in the steel mills and those who own the watered stock of the steel mills? Have the multi-millionaires no more than their share in the division between capital and labor? For my part, I believe it is high time that the man, the citizen, the creature of flesh and blood, should have more consideration; that something better than the dollar should have more of protection against the pliant or weak judge affected with the injunction-issuing habit. [Loud applause.]

The movement that brought about the organization of labor was inevitable. Organization is a necessity. It is also good for the public. If the anti-injunction legislation sought by the representatives of labor can not, according to your view, be given as asked, what excuse can there be for denying all relief? Are the courts to legislate forever against the personal rights of the toilers? Is Congress never to make law to protect these rights from judicial invasion? Is government by injunction to be perpetual?

The laboring men to-day are peacefully fighting the battle of liberty, as in war they fight the battles of the Republic upon the field where cannons roar and bayonets gleam. This contest against the injunction abuse is a contest for personal rights and free government. The Congress, and not the courts, must make our laws, if our liberties are to be preserved. Hunger and cold are allies of capital when it is in a contest against labor. The wants of wife and child are eloquent, if mute, advocates of conciliation and peace. Is it not a shame that all appeals for relief from the abuse of the writ of injunction are here denied? Let us hope that soon, through an awakened sense of justice and enlightened patriotism, labor may have its day, and government by injunction shall pass from us forever and ever. [Loud applause on Democratic side.]

The CHAIRMAN. The hour of 11 o'clock having arrived, the committee, by order of the House, will now rise.

The committee accordingly rose; and Mr. DALZELL having resumed the chair as Speaker pro tempore, Mr. CAPRON, chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750, and had come to no resolution thereon.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the following executive communication was taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Wicomico River, Maryland—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. SHERMAN, from the Committee on Indian Affairs, to which was referred the House joint resolution (H. J. Res. 181) directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park," reported the same without amendment, accompanied by a report (No. 5016); which said bill and report were referred to the House Calendar.

Mr. HEPBURN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20381) to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, reported the same without amendment, accompanied by a report (No. 5017); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RYAN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the Senate (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, reported the same without amendment, accompanied by a report (No. 5020); which said bill and report were referred to the House Calendar.

Mr. MANN, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20175) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 5021); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20176) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, reported the same with amendment, accompanied by a report (No. 5022); which said bill and report were referred to the House Calendar.

Mr. ESCH, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20338) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," reported the same without amendment, accompanied by a report (No. 5023); which said bill and report were referred to the House Calendar.

Mr. LACEY, from the Committee on the Public Lands, to which was referred the bill of the Senate (S. 6443) granting to the city of Los Angeles, Cal., rights of way over and through certain public lands, and over and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, in the State of California, and for other purposes, reported the same with amendment, accompanied

by a report (No. 5024); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURNETT, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant, reported the same with amendment, accompanied by a report (No. 5025); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 20290) to amend the river and harbor act of March 3, 1905, reported the same without amendment, accompanied by a report (No. 5026); which said bill and report were referred to the House Calendar.

Mr. GARDNER of New Jersey, from the Committee on Labor, to which was referred the bill of the House (H. R. 11651) limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes, reported the same without amendment, accompanied by a report (No. 5030); which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7235) granting an increase of pension to Abel W. Payne, reported the same without amendment, accompanied by a report (No. 5027); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 19611) granting an increase of pension to Jacob Kinkerly, reported the same with amendment, accompanied by a report (No. 5028); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the Senate (S. 6381) granting an increase of pension to John McDonough, reported the same without amendment, accompanied by a report (No. 5029); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ROBERTS: A bill (H. R. 20434) to enlist the members of the United States Naval Academy band—to the Committee on Naval Affairs.

By Mr. TIRRELL: A bill (H. R. 20435) to refund legacy taxes illegally collected—to the Committee on Claims.

By Mr. REYNOLDS: A bill (H. R. 20436) to extend the provisions of the act of June 27, 1890, and its amendments, to all persons who shall have served sixty days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and to the widows, minor children, and dependent parents of such persons—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A joint resolution (H. J. Res. 182) for the printing of the enabling act of Oklahoma and of Arizona—to the Committee on Printing.

By Mr. CASSEL: A resolution (H. Res. 615) to further carry out the purpose of House resolution adopted February 9, 1906, relating to the disposition of the accumulated files of the House—to the Committee on Accounts.

By Mr. HUNT: A resolution (H. Res. 616) to pay to Robert Coates, as laborer, a certain sum of money—to the Committee on Accounts.

By Mr. LITTAUER: A resolution (H. Res. 614) providing for the consideration of a point of order during the consideration of the general deficiency bill—to the Committee on Rules.

By Mr. LAFEAN: A resolution (H. Res. 617) providing for an investigation of a certain contract awarded by the Navy Department—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROWNLOW: A bill (H. R. 20437) granting a pension to Mary E. Wian—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 20438) granting a pension to Eliza M. Burke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20439) granting a pension to Emmeline Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20440) granting a pension to Lucinda R. Samuels—to the Committee on Pensions.

Also, a bill (H. R. 20441) granting a pension to Margaret Cogan—to the Committee on Pensions.

Also, a bill (H. R. 20442) granting an increase of pension to Mary A. Fitzgerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20443) granting an increase of pension to Jesse W. Tweedy—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 20444) granting an increase of pension to John Carson—to the Committee on Invalid Pensions.

By Mr. HASKINS: A bill (H. R. 20445) for the relief of Hiram N. Davis—to the Committee on Claims.

By Mr. HAUGEN: A bill (H. R. 20446) granting a pension to Andrew H. Groves—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20447) granting an increase of pension to Frances Alice Howard—to the Committee on Pensions.

By Mr. STERLING: A bill (H. R. 20448) granting an increase of pension to Susan B. Blanchard—to the Committee on Invalid Pensions.

By Mr. TYNDALL: A bill (H. R. 20449) granting a pension to Jefferson Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20450) granting an increase of pension to Cobb H. Merritt—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BATES: Petition of J. C. Benson, secretary of the Railway Trainmen, of Erie, Pa.; S. H. Fletcher, of Erie, Pa., and J. H. Patton, secretary of the Immigration League, of Washington, D. C., for the educational clause in the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of committee of citizens of Erie, Pa., for organization of peace forces in America and the furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

Also, petition of the American Medical Association, of Cincinnati, Ohio, for the Heyburn pure-food bill—to the Committee on Interstate and Foreign Commerce.

By Mr. BELL of Georgia: Paper to accompany bill for relief of New Hope Baptist Church—to the Committee on War Claims.

Also, paper to accompany bill for relief of heirs of John C. Addison—to the Committee on War Claims.

By Mr. DIXON of Indiana: Paper to accompany bill for relief of estate of Josiah Jennison—to the Committee on War Claims.

By Mr. FULLER: Petition of G. F. Colby, of Pecatonica, Ill., for an amendment to post-office laws making legal all newspaper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. GOULDEN: Petition of Hebrew-American citizens of the Bronx Borough, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

By Mr. HUNT: Petition of members of the press gallery, for compensation of Robert Coates as laborer in press members' lobby—to the Committee on Appropriations.

By Mr. LAFEAN: Resolution of the American Federation of Trades Unions, urging passage of bill H. R. 18752—to the Committee on the Judiciary.

By Mr. PATTERSON of Tennessee: Petition of F. J. McRae, of Rossville, Tenn., against execution of the Post-Office Department fraud order—to the Committee on Rules.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Farmers' National Congress, for increase of immigrant head tax—to the Committee on Immigration and Naturalization.

Also, petition of American Federation of Labor and the Farmers' National Congress, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the National German-American Alliance, for plans for better distribution of immigrants—to the Committee on Immigration and Naturalization.

By Mr. RHINOCK: Papers to accompany bill (H. R. 15693) for the relief of L. M. Northcutt—to the Committe on War Claims.

By Mr. RYAN: Petitions of the John Burke Importing Com-

pany, Samuel Streit & Co., August Baetzhold, Elias & Samuels, Olena & Craig, P. W. Engs & Sons, Lachman & Jacobi, J. Berliner, Nohn & Sons, Picker Brothers, E. Heller & Co., Max Stiner, E. L. Spellman & Co., H. Webster Company, Adolf Prince, S. Kraus & Bros., L. J. Callahan, Sonne Brothers Company, Ripin & Co., Francis Draz & Co., Battjar & Co., The Fleischman Company, H. Pepper & Bro., Dryfoos, Blum & Co., Charles Jackquin & Co., Luyties Brothers, Julius Wile Sons & Co., H. Hollander, A. G. Marshuetz & Co., Peter McQuade, Rittermann & Kraemer, Steinhardt Brothers & Co., B. K. Bloch, Fishel & Levy, Joseph Beck & Sons, Engel Hiller Company, Baird Daniels Company, E. Eising & Co., J. Leffler & Co., Kahn Brothers, Charles Froeb, E. C. Lamontague, Golden Gate Fruit Company, Heyman Brothers, James Olwelt & Co., Barrett Company, J. S. J. Eager & Co., G. F. Coshland & Co., Ripin & Co., Joseph Beck & Sons, Berliner Brothers, Baird Daniels, Hartman, Golsmith & Co., The Cook & Bernheimer Company, H. Popper & Bro., C. H. Arnold & Co., F. De Bary & Co., J. Kissell, L. Isenburger, Seigel-Cooper Company, Sample & Co., I. Goldberg, E. Heller, Batjer & Co., H. Webster & Co., G. Granata & Co., O. Taussing, Schmidt & Peters, L. Strauss, James Buchanan & Co., and Max Steiner & Co., all of New York, favoring the provision in the pure-food bill relating to rectifiers and blenders of whisky—to the Committee on Interstate and Foreign Commerce.

By Mr. SCHNEEBELI: Petition of Washington Camp No. 429, Patriot Order Sons of America, for the Gardner immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of the Civic Club of Allegheny County, Pa., against adjournment of Congress until the pure-food bill and Burton Niagara bill are laws—to the Committee on Interstate and Foreign Commerce.

Also, petition of Tippett & Wood, against the eight-hour bill—to the Committee on Rules.

Also, petition of Council No. 680, Brotherhood of Locomotive Firemen, for educational clause of immigration bill—to the Committee on Immigration and Naturalization.

By Mr. SAMUEL W. SMITH: Petition of Thomas Darling et al., for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. SULZER: Petition of New Immigrants' Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of Seabury & Johnson, for a certain amendment to the pure-food bill—to the Committee on Interstate and Foreign Commerce.

Also, petition of the American Federation of Labor, against the pilotage bill—to the Committee on the Merchant Marine and Fisheries.

Also, petition of King & Booth, counselors at law, for an appropriation to appropriately mark the battlefield of Princeton—to the Committee on Military Affairs.

By Mr. SULLIVAN of New York: Petition of the Farmers' National Congress, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Brotherhood of Railway Trainmen, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the American Federation of Labor, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

SENATE.

WEDNESDAY, *June 27, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

Mr. MALLORY. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Florida suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ankeny	Clark, Wyo.	Hansbrough	Proctor
Bacon	Crane	Hopkins	Rayner
Bailey	Cullom	Kean	Simmons
Benson	Daniel	Kittredge	Smoot
Berry	Dillingham	Lodge	Spooner
Beveridge	Elkins	Long	Sutherland
Blackburn	Foraker	McLaurin	Tallaferro
Brandegee	Foster	Mallory	Warren
Bulkeley	Frazier	Martin	Whyte
Burrows	Fulton	Morgan	
Carmack	Gallinger	Perkins	
Carter	Hale	Piles	

The VICE-PRESIDENT. Forty-five Senators have answered to their names. A quorum is present.

JOHN L. SMITHMEYER AND PAUL J. PELZ.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of John L. Smithmeyer and Paul J. Pelz *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, stating, in response to a resolution of the 25th instant, that a list of judgments rendered against the United States by the circuit and district courts of the United States under the act of March 3, 1887, has been transmitted to the Senate through the Secretary of the Treasury; which was referred to the Committee on Appropriations, and ordered to be printed.

NATIONAL SOCIETY DAUGHTERS OF AMERICAN REVOLUTION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Smithsonian Institution, transmitting, pursuant to law, the report of the National Society of the Daughters of the American Revolution for the year ended October 11, 1905; which, with the accompanying papers, was ordered to lie on the table, and be printed.

INTERSTATE LIVE-STOCK INSURANCE COMPANY.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 20th instant, copies of the correspondence had with the district attorney relating to the Interstate Live-Stock Insurance Company of the District of Columbia, and stating the action taken thereon by the district attorney; which, on motion of Mr. CULBERSON, was, with the accompanying papers, ordered to lie on the table, and be printed.

LIST OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of claims allowed by the accounting officers of the Treasury under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, since the allowances of those heretofore reported to Congress at the present session, amounting to $20,504.55; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ALONZO H. ADAMS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Secretary of the Interior submitting an additional estimate of appropriation for inclusion in the general deficiency appropriation bill under the title "Payment to certain deputy surveyors," for payment to Alonzo H. Adams, etc., $445.17; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

LIST OF JUDGMENTS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to a resolution of the 25th instant, a list of judgments rendered by the Court of Claims not heretofore reported to Congress, amounting to $84,180.29; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

COURTS IN INDIAN TERRITORY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Acting Attorney-General submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for salaries and expenses, United States courts, Indian Territory, $4,800; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

DWIGHT F. WALKER.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a copy of a judgment rendered against the United States for the circuit and district courts of the United States under the act of March 3, 1887, as submitted by the Attorney-General and which requires an appropriation for its payment "under the Navy Department," in the case of Dwight F. Walker *v.* United States, $307.50; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

ESTIMATE OF APPROPRIATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Commissioners of the District of Columbia submitting a supplemental estimate of a deficiency for inclusion in the general deficiency appropriation bill for salaries, offices of the District of Columbia, coroner's office, $105; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

FOREIGN INTERCOURSE, ETC.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting for consideration in connection with the general deficiency appropriation bill items of appropriations for salaries, charges d'affaires ad interim, transportation of silver coin, redemption of stamps, refunding taxes illegally collected, Indian school at Riverside, Cal., and salaries and expenses of district attorneys, United States courts, in all $4,321.61; which was referred to the Committee on Appropriations, and ordered to be printed.

THE COMMITTEE ON FOREIGN RELATIONS.

Mr. FORAKER. The Committee on Foreign Relations has under consideration some very important business, and the committee is anxious to sit during the sessions of the Senate. I wish to inquire whether the committee already has such authority. If not, the committee will ask for it.

The VICE-PRESIDENT. On December 12 permission was given to the committee to sit during the sessions of the Senate.

Mr. FORAKER. And that is still in force?

The VICE-PRESIDENT. It is still in force.

Mr. CULLOM. It was done at the beginning of the session.

Mr. LODGE. December 12.

Mr. CULLOM. And I understand that we have liberty now to sit during the sessions of the Senate?

The VICE-PRESIDENT. The Senator from Illinois is correct. It is a continuing order.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 3732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction;

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin; and

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park."

The message also announced that the House had passed the bill (S. 6355) concerning licensed officers of vessels, with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the bill (H. R. 17133) to amend section 558 of the Code of Law for the District of Columbia.

The message also announced that the House had passed the following bills and joint resolutions; in which it requested the concurrence of the Senate:

H. R. 12869. An act to revise and amend the United States statutes relating to the commitment of United States prisoners to reformatories of States;

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General;

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.; and

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. OTJEN, Mr. HAUGEN, and Mr. SIMS managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 609. An act granting an increase of pension to Horace H. Sickels;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 1143. An act granting an increase of pension to Ephriam D. Achey;

H. R. 1206. An act granting an increase of pension to Allen Crow;

H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;

H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;

H. R. 1507. An act granting an increase of pension to Henry D. Jordan;

H. R. 1549. An act granting an increase of pension to Louis H. Gein;

H. R. 1689. An act granting an increase of pension to William A. Bailor;

H. R. 1836. An act granting an increase of pension to Hiram B. Thomas.

H. R. 2053. An act granting an increase of pension to Annie A. Townsend;

H. R. 2223. An act granting an increase of pension to John A. Blanton;

H. R. 2229. An act granting an increase of pension to Lytle McCracken;

H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;

H. R. 2714. An act granting an increase of pension to Charles H. Charles;

H. R. 2759. An act granting an increase of pension to Daniel Eaton;

H. R. 2772. An act granting an increase of pension to Eli Cero;

H. R. 2789. An act granting an increase of pension to Merrill Johnson;

H. R. 2867. An act granting an increase of pension to Leah Bedford;

H. R. 3222. An act granting an increase of pension to George Merrill;

H. R. 3238. An act granting an increase of pension to Samuel Hartley;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 3724. An act granting an increase of pension to Samuel Likens;

H. R. 4397. An act granting an increase of pension to John M. Byers;

H. R. 4647. An act granting an increase of pension to David C. Austin;

H. R. 4659. An act granting an increase of pension to John F. Morris;

H. R. 4885. An act granting an increase of pension to James Hennon;

H. R. 4887. An act granting an increase of pension to John F. Brown;

H. R. 4891. An act granting an increase of pension to George W. Swadley;

H. R. 4967. An act granting an increase of pension to Joshua Holcomb;

H. R. 5554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;

H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5707. An act granting an increase of pension to John P. Veach;

H. R. 5834. An act granting an increase of pension to Ethan A. Willey;

H. R. 6181. An act granting an increase of pension to Fayette E. Ford;

H. R. 6190. An act granting an increase of pension to John J. Schneller;

H. R. 6201. An act granting an increase of pension to George W. Laking;
H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;
H. R. 6423. An act granting an increase of pension to Levi A. Canfield;
H. R. 6510. An act granting an increase of pension to Richard A. Roberts;
H. R. 6900. An act granting an increase of pension to John Rawling;
H. R. 6914. An act granting an increase of pension to John Hecker;
H. R. 6944. An act granting an increase of pension to David P. Kimball;
H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
H. R. 7539. An act granting an increase of pension to David H. Hair;
H. R. 7543. An act granting an increase of pension to Prior M. Pavy;
H. R. 7589. An act granting an increase of pension to Robert A. Scott;
H. R. 7652. An act granting an increase of pension to Charles W. Timms;
H. R. 7683. An act granting an increase of pension to James Ross;
H. R. 7871. An act granting an increase of pension to Jerome L. Brown;
H. R. 7910. An act granting an increase of pension to Nicholas Karns;
H. R. 8214. An act granting an increase of pension to Joseph Slagg;
H. R. 8285. An act granting an increase of pension to Daniel Sharpley;
H. R. 8291. An act granting an increase of pension to Daniel S. Chase;
H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
H. R. 8903. An act granting an increase of pension to John W. Dawes;
H. R. 8920. An act granting an increase of pension to Andrew J. Lane;
H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;
H. R. 9101. An act granting an increase of pension to James W. Loomis;
H. R. 9159. An act granting an increase of pension to John S. McClary;
H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;
H. R. 10031. An act granting an increase of pension to Martin Haley;
H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;
H. R. 10267. An act granting an increase of pension to David W. Farington;
H. R. 10280. An act granting an increase of pension to James Spencer;
H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;
H. R. 10356. An act granting an increase of pension to Martin B. Doty;
H. R. 10394. An act granting an increase of pension to John Behymer;
H. R. 10474. An act granting an increase of pension to Lewis F. Davis;
H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;
H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;
H. R. 10902. An act granting an increase of pension to James Holderby;
H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;
H. R. 11072. An act granting an increase of pension to William T. Hosley;
H. R. 11100. An act granting an increase of pension to John Browne;
H. R. 11217. An act granting an increase of pension to Jordan H. Banks;
H. R. 11422. An act granting an increase of pension to George B. True;
H. R. 11655. An act granting an increase of pension to Theodore Cole;
H. R. 11811. An act granting an increase of pension to John Kamerer;
H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;
H. R. 11888. An act granting an increase of pension to Heman A. Harris;
H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;
H. R. 12347. An act granting an increase of pension to Samuel Palmer;
H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;
H. R. 13032. An act granting an increase of pension to Stewart McKeney;
H. R. 13058. An act granting an increase of pension to Thomas J. Baum;
H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
H. R. 13318. An act granting an increase of pension to Odom Butler;
H. R. 13466. An act granting an increase of pension to Albert H. Bradish;
H. R. 13609. An act granting an increase of pension to Charles H. Guile;
H. R. 13631. An act granting an increase of pension to James H. Morrill;
H. R. 13652. An act granting an increase of pension to William O. Tobey;
H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
H. R. 13998. An act granting an increase of pension to John C. Barnwell;
H. R. 14107. An act granting an increase of pension to Isaac Maines;
H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14323. An act granting an increase of pension to Thomas Thornton;
H. R. 14345. An act granting an increase of pension to Peter Noblet;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 14505. An act granting an increase of pension to John L. Clifton;
H. R. 14544. An act granting an increase of pension to William A. Carroll;
H. R. 14554. An act granting an increase of pension to John Welch;
H. R. 14558. An act granting an increase of pension to Martha L. Wood;
H. R. 14705. An act granting an increase of pension to Alva Beebe;
H. R. 14774. An act granting an increase of pension to Levi M. Hall;
H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 15105. An act granting an increase of pension to Jacob Sheil;
H. R. 15502. An act granting an increase of pension to Harmon Houck;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
H. R. 15674. An act granting an increase of pension to Susan Campbell;
H. R. 15676. An act granting an increase of pension to Samuel R. Smith;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 16571. An act granting an increase of pension to Mary L. Overley;

H. R. 16613. An act granting an increase of pension to William C. Fox;
H. R. 16620. An act granting an increase of pension to Jackson Adkins;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 17528. An act granting an increase of pension to Edgar Slater;
H. R. 17603. An act granting an increase of pension to George E. Yager;
H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17780. An act granting an increase of pension to Caroline E. Perry;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18125. An act granting an increase of pension to William Griese;
H. R. 18165. An act granting an increase of pension to Jacob Stauff;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 18384. An act granting an increase of pension to James F. Young;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 18462. An act granting an increase of pension to Samuel Dailey;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18523. An act granting an increase of pension to Hugh Reid;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18606. An act granting an increase of pension to Maria A. Maher;
H. R. 18609. An act granting an increase of pension to Henry Delong;
H. R. 18623. An act granting an increase of pension to John H. Bradberry;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18631. An act granting an increase of pension to Daniel Whalen;
H. R. 18656. An act granting an increase of pension to George W. Gordon;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18901. An act granting an increase of pension to John E. English;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 18911. An act granting an increase of pension to Frances Becker;
H. R. 18954. An act granting an increase of pension to John E. Minnick;
H. R. 18956. An act granting an increase of pension to Joseph Scattergood;
H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
H. R. 18997. An act granting an increase of pension to Josephine Hardester;
H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;
H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
H. R. 19025. An act granting an increase of pension to Milton McFarland;
H. R. 19026. An act granting an increase of pension to Mary Navy;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
H. R. 19047. An act granting an increase of pension to Susan C. Smith;
H. R. 19053. An act granting an increase of pension to John T. Heaney;
H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
H. R. 19068. An act granting an increase of pension to William Adams;
H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 19121. An act granting an increase of pension to Isaac Overton;
H. R. 19128. An act granting an increase of pension to Alexander McAlister;
H. R. 19130. An act granting an increase of pension to Larsey Bolt;
H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;
H. R. 19179. An act granting an increase of pension to Eliza A. Smith;
H. R. 19217. An act granting an increase of pension to William H. Burns;
H. R. 19220. An act granting an increase of pension to Calvin Corsine;
H. R. 19221. An act granting an increase of pension to Emma Byles;
H. R. 19222. An act granting an increase of pension to Catherine Warnock;
H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
H. R. 19242. An act granting an increase of pension to Anthony W. Miller;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;
H. R. 19253. An act granting an increase of pension to Charles H. Thompson;
H. R. 19255. An act granting an increase of pension to John Bradford;
H. R. 19262. An act granting an increase of pension to John Wickline;
H. R. 19272. An act granting an increase of pension to Alice Morrill;
H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;
H. R. 19279. An act granting an increase of pension to Peter Cramer;
H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;
H. R. 19305. An act granting an increase of pension to Almus Harrington;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19351. An act granting an increase of pension to William C. Mankin;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19408. An act granting an increase of pension to Elisha Brown;
H. R. 19457. An act granting an increase of pension to Charles H. Prince;
H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey; and
H. R. 19686. An act granting an increase of pension to Orrin S. Rarick.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the congregation of Anshel Bialystock Synagogue, of New York City, N. Y., expressing gratitude to both Houses of Congress for the promptness and unanimity with which they adopted the resolution expressing the indignation of the American people at the horrible atrocities committed in Russia; which was ordered to lie on the table.

Mr. PLATT presented a petition of the Chamber of Commerce, of Albany, N. Y., praying for the ratification of the pending treaty between the United States and Santo Domingo; which was referred to the Committee on Foreign Relations.

REPORTS OF COMMITTEES.

Mr. DANIEL, from the Committee on Finance, to whom was referred the bill (H. R. 5223) to reimburse Quong Hong Yick for one case of opium erroneously condemned and sold by the United States, reported it without amendment.

Mr. FLINT, from the Committee on Pacific Islands and Porto Rico, to whom was referred the bill (S. 2621) to amend an act entitled "An act to provide a government for the Territory of Hawaii," reported it with amendments, and submitted a report thereon.

Mr. BERRY, from the Committee on Commerce, to whom was referred the bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska, reported it without amendment, and submitted a report thereon.

ALASKA PACIFIC RAILWAY AND TERMINAL COMPANY.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (S. 6522) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska, to report it favorably without amendment, and I submit a report thereon.

Mr. BLACKBURN. In view of the importance of the passage of the bill at the present session of Congress, I venture to ask unanimous consent for its consideration at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HANSBROUGH. I ask the Senator from Kentucky where this bridge is to be located? In what part of Alaska?

Mr. BLACKBURN. The bill describes it as along tide water, from the mainland to the island designated in the bill, the Senator will notice.

Mr. HANSBROUGH. In southwestern Alaska or western Alaska or south Alaska?

Mr. BLACKBURN. I will ask the Senator reporting the bill from the Committee on Commerce to answer the question of the Senator from North Dakota.

Mr. BERRY. Another bill provides for the building of a bridge by the same company across the Yukon River. I am not familiar with the geography of that part of Alaska, but already the company has the right to construct a railroad there under the present law.

Mr. HANSBROUGH. The bill authorizes this work to be done by a railroad company that has complied with the law?

Mr. BERRY. That has complied with the law.

Mr. HANSBROUGH. And that has secured a right of way under the general law?

Mr. BERRY. Yes, sir.

Mr. BLACKBURN. Yes. The bill now under consideration, I will say to the Senator, does not provide for the construction of a bridge, but for a trestle and the approaches to the trestle along this tide water.

Mr. BERRY. Under the present law.

Mr. HANSBROUGH. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK HOLWAY ATKINSON.

Mr. BURROWS. I am directed by the Committee on Naval Affairs, to whom was referred the bill (S. 6463) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson to report it favorably without amendment and I ask for its present consideration.

The Secretary read the bill; and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It waives the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson, in consideration of his honorable service in the Navy during the Spanish war.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

UNITED STATES COURT FOR CHINA.

Mr. SPOONER. I am instructed by the Committee on Foreign Relations, to whom was referred the bill (H. R. 17345) creating a United States district court for China, and prescribing the jurisdiction thereof, to report it back with a substitute, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The SECRETARY. The Committee on the Judiciary proposes to strike out all after the enacting clause and to insert:

That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases

and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section 2 of this act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively.

That the seal of the said United States court for China shall be the arms of the United States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin: "The seal of the United States court for China."

The seal of said court shall be provided at the expense of the United States.

All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue.

SEC. 2. The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed $500 United States money and in criminal cases where the punishment for the offense charged can not exceed by law $100 fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China: *Provided also,* That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States.

SEC. 3. That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken.

SEC. 4. The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China; and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China.

SEC. 5. That the procedure of the said court shall be in accordance, so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with section 4086 of the Revised Statutes of the United States: *Provided, however,* That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections 4106 and 4107 of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court.

SEC. 6. There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of $8,000 per annum for said judge, $4,000 per annum for said district attorney, $3,000 per annum for said marshal, and $3,000 per annum for said clerk. The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed $10 per day for the judge and $5 per day for the district attorney.

SEC. 7. The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President.

SEC. 8. The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of the said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject, both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of $5 for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section 4111 of the Revised Statutes is hereby abolished.

SEC. 9. The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time by order of the President, and all fees so taxed and received shall be paid into the Treasury of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee just read.

The amendment was agreed to.

Mr. CARTER. I observe that an appeal lies to the circuit court of appeals. What circuit?

Mr. SPOONER. The ninth circuit.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act creating a United States court for China, and prescribing the jurisdiction thereof."

SAMUEL H. PIPES AND OTHERS.

Mr. FULTON. From the Committee on Claims I report a resolution and ask for its present consideration.

The resolution was read, as follows:

Resolved, That the claims of Samuel H. Pipes (S. 84); L. S. Strauss (S. 110); estate of Thomas J. Jones (S. 391); estate of Andrew J. Joyce, deceased (S. 400); estate of Isabella Ann Fluker (S. 412); John W. Heavey (S. 617); First National Bank, of Newton, Mass. (S. 693); Herman W. Reichow (S. 745); Porter Brothers (S. 746); Albert V. Conway, trustee (S. 828); T. R. Davenport (S. 1279); heirs of John Linton (S. 1292); Martha A. Vaughn Benton (S. 1478); Mrs. Sarah Winter (S. 1480); heirs of John McAnulty (S. 1482); estate of Jacob W. Hudson (S. 1485); Atlantic Works, of Boston, Mass. (S. 1662); Rinaldo, Isadore, and Robert von Balsan, and the heirs of Caroline von Balsan (S. 1717); estate of Henry Banks (S.1867); William H. Blades (S. 2064); Willard H. Greene (S. 2078); Urias D. Ramsburg (S. 2130); heirs of Edmund Wolf (S. 2132); Mary D. Murfree, executrix of the estate of Fannie Priscilla Murfree (S. 2146); estate of Mary A. Gough (S. 2205); D. B. Barbour and A. P. Gladden, copartners, doing business under the name of Brown, Barbour & Gladden (S. 2237); Harmon W. Hessen (S. 2239); estates of Asa Faulkner, Lewis L. Faulkner, and S. B. Spurlock (S. 2304); George A. Nowland, administrator of James B. Beavers (S. 2357); estate of George F. Lee (S. 2422);

R. S. Gillilan, executrix of the estate of M. B. Gillilan (S. 2562); Fox Brothers & Co., of Cincinnati, Ohio (S. 2622); the heirs of S. H. Ayers, deceased (S. 2641); John T. Eaton (S. 2662); James A. Fitzgerald (S. 2663); heirs of Charles L. King (S. 2676); Mrs. Mary E. Ludwig (S. 2679); heirs of Harry Fennell (S. 2680); State of Oregon (civil war claims) (S. 2717); William B. Reich (S. 2756); estate of James E. Phillips (S. 2806); legal representatives of Charles W. Adams (S. 2870); estate of Joseph Moncla (S. 2902); estate of Oneziphor Delahoussaye (S. 2905); John Goldsworthy (S. 3278); heirs of Moses Winstock (S. 3287); heirs of Thomas B. Doe (S. 3332); Francis E. and Lucy G. Whitfield (S. 3343); heirs of Joseph Wilson (S. 3350); estate of John S. Christopher (S. 3427); Snare & Triest (S. 3481); James N. Bowles (S. 3450); Thomas H. Clay, administrator de bonis non of Benjamin Gratz (S. 3589); Milton F. Colburn, administrator of the estate of Gilbert Colburn (S. 3662); Gotlieb Feldmeyer (S. 3663); heirs of Henry Hackfeld, Frank Molteno, and James I. Dowsett (S. 3748); heirs of Hugh W. McGavock (S. 3825); J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co. (S. 3838); W. W. Elam (S. 3827); heirs of Mary A. Summerhill (S. 3902); estate of Anne McCauley (S. 4011); legal representatives of William P. Curtis (S. 4071); estate of George S. De Bruhl (S. 4163); Charles Fenner, executor of George E. Payne (S. 4255); Mary E. Forrester and Alexander B. Duncan (S. 4289); estate of James Lloyd (S. 4478); Eugene B. Allen (S. 4483); Charles H. Sloan (S. 4515); estate of William P. Nuchols (S. 4538); Washington Bowie (S. 4547); heirs of Israel Blagg (S. 4553); estate of William Van Name (S. 4604); estate of David R. Hubbard (S. 4639); Benjamin Franklin Woodall (S. 4815); legal representatives of the estate of James Boggs, deceased (S. 4736);

John M. B. Walker (S. 4869); John M. B. Walker, administrator of James Walker (S. 4870); Rufus Avery (S. 4949); Erskine R. K. Hayes (S. 4951); Edward P. M. Robinson (S. 4981); heirs of James C. Lipscomb (S. 5166); Rudolph Minton (S. 5276); estate of T. S. Grider (S. 5278); Mrs. M. M. Champion (S. 5427); Eli Moats (S. 5445); estates of John McCloskey and John S. Cosgrave (S. 5490); George W. Lancaster (S. 5605); Adolph Hartiens (S. 6515); Sarah K. T. Baker (S. 5629); estate of Gideon E. Franklin (S. 5748); John L. McClendon (S. 5793); Leroy P. Walker, sole heir at law of Eliza D. and L. P. Walker (S. 5807); Le Vert and Masten (S. 6016); William Taylor (S. 6053); ship keepers of the Mare Island Navy-Yard, Cal. (S. 6066); State of California (Southern civil war claims) (S. 6067); Mrs. Gabriel Le Breton Deschapelles (S. 6070); State of California (Indian hostility suppression claims) (S. 6074); Thomas B. Miller, legal heir of Milton R. Muzzy (S. 6173); Benjamin Fenton (S. 6263); estate of William A. Jeffries (S. 6311); estate of Henry W. Miller (S. 6343), and Albert L. Scott (S. 6434), now pending in the Senate, together with all accompanying papers, be, and the same are hereby, referred to the Court of Claims in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the Tucker act, and said court shall proceed with the same in accordance with the provisions of such act, and report to the Senate in accordance therewith.

Mr. HALE. I see there is a reference in the resolution to the Tucker Act. What is the scope of the resolution?

Mr. FULTON. This is what is called the omnibus resolution. It refers about 110 or 112 bills to the Court of Claims for findings of fact.

Mr. HALE. It is reported from the Committee on Claims?

Mr. FULTON. Yes, sir.

Mr. HALE. That is all right.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Mr. KEAN introduced a bill (S. 6544) for the relief of Durham W. Stevens; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced a bill (S. 6545) to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. WARREN introduced a joint resolution (S. R. 71) relating to the holders of medals of honor; which was read twice by its title, and referred to the Committee on Military Affairs.

AMENDMENTS TO DEFICIENCY APPROPRIATION BILL.

Mr. BLACKBURN submitted an amendment proposing to appropriate $130,629.67 in payment for the expenses incurred in the reconstruction of the Providence Hospital buildings, etc., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

Mr. FLINT submitted an amendment proposing to appropriate $1,374 in full settlement of the claim of Walter L. Stowell, of San Francisco, Cal., intended to be proposed by him to the general deficiency appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

AMENDMENTS TO OMNIBUS PUBLIC BUILDINGS BILL.

Mr. DANIEL submitted two amendments intended to be proposed by him to the omnibus public buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

Mr. BURROWS submitted an amendment intended to be proposed by him to the omnibus public buildings bill; which was referred to the Committee on Public Buildings and Grounds.

Mr. MARTIN submitted two amendments intended to be proposed by him to the omnibus public buildings bill; which were referred to the Committee on Public Buildings and Grounds, and ordered to be printed.

COSTA RICAN DEBT.

Mr. MORGAN. Mr. President, in some remarks I made the other day on the information that I submitted to the Senate in regard to the Costa Rican debt I made a statement which included the fact, as I supposed it to be, that Costa Rica had coincided and agreed to the propositions that were submitted by Speyer & Co., of New York, and other persons connected with the negotiation about the refunding of the debt of Costa Rica. It seems that I was in error about it, and I desire now to ask that the Secretary read a letter from Señor Calvo, who is minister from Costa Rica to this country, and that it may go into the RECORD.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Alabama? The Chair hears none; and the Secretary will read the letter.

The Secretary read as follows:

LEGACION DE COSTA RICA,
Washington, D. C., June 25 1906.

MY DEAR SENATOR MORGAN: In the CONGRESSIONAL RECORD of Saturday, June 23, 1906, volume 40, page 9310 of number 157, I have read your statement in regard to certain foreign debts, and I deem it convenient to say, in reference to that of Costa Rica, that if it is true that a contract was signed for a conversion of the foreign debt, the unification of the same with the domestic debt, and the negotiation of a loan, this contract was signed at referendum and has never been accepted nor in any way approved by the Government of Costa Rica. On the contrary, it was immediately rejected by the Executive and never submitted to Congress for its ratification. It has been so publicly declared, as it can be seen by the message of the President of the Republic at the opening of the present session of the National Congress, May 1, 1906.

With best regards, I am, my dear Senator MORGAN,
Very respectfully, yours, J. B. CALVO.

Hon. JOHN T. MORGAN,
United States Senate.

Mr. MORGAN. I wish to say just a word further. I am very happy to lay that letter of Mr. Calvo before the Senate of the United States and to express my admiration of the self-respect that the Costa Rican Government has manifested in the rejection of this proposition. I did not know until he informed me of it that the proposition had been so summarily rejected by that Government.

Costa Rica has set an example in this matter to the other smaller Spanish-American republics worthy of all acceptance, and I hope that it will be their steadfast purpose to follow that example in regard to their public debts, and that the United States will not be involved in it in any respect or under any consideration.

LANDS AT DURANGO, COLO., FOR WATER RESERVOIRS.

Mr. CARTER. I ask that the Senator from Colorado [Mr. PATTERSON] be relieved from further service as a member of the committee of conference on the part of the Senate upon the disagreeing votes of the two Houses on the bill (S. 2128) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Montana? The Chair hears none, and the Senator from Colorado is excused.

Mr. CARTER. I ask that the Chair appoint a conferee in place of the Senator from Colorado.

The VICE-PRESIDENT. The Chair will appoint the Senator from Mississippi [Mr. MCLAURIN] as one of the conferees on the part of the Senate.

PRICES OF BEEF CATTLE.

Mr. HANSBROUGH. I submit a statement showing the range of prices of different grades of cattle in the Chicago market from May 17 to June 16, 1906, inclusive, and a similar table showing the range of prices in Omaha, Kansas City, St. Louis, and St. Joseph during the same period. I think it very important to have these tables published at this time for the benefit of the conferees on the agricultural appropriation bill, and I ask that the tables be inserted in the RECORD.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

Range of prices of different grades of cattle in Chicago market May 17 to June 16, 1906, inclusive.

	May—												June—											
	17.	18.	19.	21.	22.	23.	24.	25.	26.	28.	29.	31.	1.	2.	5.	6.	7.	8.	9.	11.	12.	13.	14.	15.	16.
Choice to fancy steers	$5.50	$5.50	$5.50	$5.45	$5.40	$5.40	$5.30	$5.30	$5.30	$5.30	$5.35	$5.35	$5.35	$5.35	$5.30	$5.30	$5.30	$5.40	$5.40	$5.40	$5.50	$5.50	$5.55	$5.55	$5.50
	6.10	6.10	6.10	6.05	6.05	6.05	5.10	5.90	5.90	5.90	5.90	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.05	6.05	6.05	6.05	6.00
Medium to good steers	4.80	4.80	4.80	4.75	4.70	4.70	4.60	4.60	4.60	4.60	4.65	4.65	4.65	4.65	4.60	4.60	4.60	4.65	4.65	4.65	4.70	4.70	4.75	4.75	4.75
	5.45	5.45	5.45	5.40	5.35	5.25	5.25	5.25	5.25	5.25	5.30	5.30	5.30	5.30	5.25	5.25	5.25	5.35	5.35	5.35	5.40	5.40	5.50	5.50	5.50
Inferior to fair steers	4.05	4.05	4.05	4.00	4.00	4.00	3.90	3.90	3.90	3.90	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.10	4.10	4.10	4.10	4.10	4.10	4.10	4.10
	4.75	4.75	4.75	4.70	4.65	4.65	4.50	4.50	4.50	4.50	4.60	4.60	4.60	4.60	4.55	4.55	4.25	4.60	4.60	4.60	4.65	4.65	4.70	4.70	4.70
Fat cows and heifers	3.00	3.00	3.00	3.00	2.90	2.90	2.80	2.80	2.80	2.80	2.90	2.90	2.70	2.70	2.70	2.70	2.70	2.70	2.70	2.70	2.80	2.80	2.80	2.90	2.80
	5.10	5.10	5.10	5.10	5.15	5.15	5.00	5.00	5.00	5.00	5.40	5.40	4.90	4.90	4.80	4.80	4.80	4.80	4.80	4.80	5.25	5.25	5.25	5.30	5.25
Canning and cutting cows	1.75	1.75	1.75	1.75	1.70	1.70	1.65	1.65	1.65	1.65	1.65	1.65	1.60	1.60	1.60	1.60	1.60	1.60	1.60	1.60	1.40	1.40	1.40	1.40	1.40
	2.95	2.95	2.95	2.95	2.85	2.85	2.75	2.75	2.75	2.75	2.75	2.75	2.70	2.70	2.50	2.50	2.50	2.50	2.50	2.50	2.40	2.40	2.40	2.40	2.40
Native bulls and stags	2.60	2.60	2.60	2.60	2.65	2.65	2.60	2.60	2.60	2.60	2.60	2.60	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
	4.75	4.75	4.75	4.75	4.75	4.75	4.60	4.60	4.60	4.60	4.60	4.60	5.40	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50
Feeding cattle, 600 to 1,150 pounds	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85	2.85
	5.00	5.00	5.00	5.00	5.00	5.00	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75
Distillery-fed steers	4.80	4.80	4.80	4.80	4.80	4.80	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70	4.70
	5.55	5.55	5.55	5.55	5.55	5.55	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35	5.35
Fair to choice calves	4.75	4.75	4.75	4.75	4.75	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00
	6.25	6.25	6.25	5.25	6.25	6.50	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75	6.75
Heavy calves	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50
	4.50	4.50	4.50	4.50	4.50	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75	4.75

Range of prices of different grades of cattle in Omaha, Kansas City, St. Louis, and St. Joseph May 15 to June 14, 1906, inclusive.

	May—													June—										
	15.	16.	17.	18.	19.	21.	23.	24.	25.	26.	28.	29.	31.	1.	2.	4.	5.	6.	7.	8.	9.	11.	12.	14.
Omaha:																								
Native steers	$4.25	$4.25	$4.25	$4.25	$4.40	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25	$4.25
	5.65	5.75	5.75	5.75	5.75	5.75	5.50	5.60	5.50	5.50	5.50	5.50	5.40	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50	5.50
Cows and heifers	3.25	3.25	3.25	3.25	3.25	3.25	3.00	3.25	3.00	3.00	3.25	3.25	3.00	3.25	3.25	3.25	3.00	3.25	3.25	3.25	3.25	3.00	3.00	3.00
	4.50	4.65	4.75	4.75	4.75	4.75	4.50	4.60	4.50	4.50	4.50	4.50	4.50	4.65	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.40	4.50
Western steers	3.50	3.50	3.50	3.50	3.50	3.50	3.40	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.40	3.40
	4.85	4.60	4.60	4.60	4.65	4.60	4.60	4.65	4.00	4.60	4.65	4.60	4.60	4.60	4.60	4.75	4.60	4.60	4.60	4.60	4.60	4.60	4.50	4.60
Canners	1.75	1.75	1.75	1.75	1.75	1.75	1.75	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	1.75	1.75	1.75	1.75	1.75	2.00	1.75	1.75
	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Stockers and feeders	3.25	3.00	3.25	3.00	3.00	3.25	3.00	3.25	3.25	3.25	3.00	3.00	3.25	3.00	3.00	3.25	3.00	3.00	3.00	3.00	3.00	3.25	3.00	3.00
	4.75	4.75	4.85	4.75	4.75	4.75	4.30	4.60	4.65	4.65	4.60	4.65	4.65	4.60	4.60	4.60	4.50	4.50	4.50	4.50	4.50	4.50	4.40	4.40
Calves	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.25	3.00	3.50	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
	5.75	5.75	5.75	6.00	6.00	6.00	6.25	6.00	6.00	6.00	6.00	6.00	6.25	6.25	6.25	6.25	6.25	5.25	6.25	6.25	6.25	6.25	6.25	6.25
Bulls, stags, etc	3.50	2.60	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75	3.25	2.75	2.75	2.75	2.75	2.75	2.75
	4.00	4.00	4.00	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.75
Kansas City:																								
Native steers	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.25	4.00	4.00	
	5.90	5.90	5.90	5.90	5.90	5.75	5.75	5.60	5.60	5.60	5.75	5.55	5.60	5.60	5.60	5.75	5.65	5.75	5.80	5.80	5.80	5.75	5.75	5.75
Southern steers	3.50	3.50	3.50	3.50	3.50	3.50	3.00	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.25	3.25	3.50	3.50	3.50	3.25	3.00	3.00
	5.25	5.25	5.25	5.25	5.25	5.00	4.80	4.50	4.50	4.50	4.75	4.70	4.70	4.80	4.80	5.00	4.85	4.80	5.00	5.80	4.80	4.90	4.80	4.75
Southern cows	2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.80	2.60	2.50	2.25	2.25	2.25	2.25	2.25
	4.25	4.25	4.25	4.25	4.25	4.25	3.75	4.00	4.00	4.00	4.25	4.25	4.00	4.00	4.00	4.00	3.80	3.80	4.00	3.75	3.75	3.75	3.75	3.75
Native cows and heifers	2.50	2.50	2.50	2.50	2.90	2.25	2.25	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.25	2.25
	5.25	5.30	5.25	5.25	5.25	5.25	4.80	5.00	5.00	5.00	5.00	5.00	5.25	5.25	5.25	5.25	5.15	5.10	5.15	5.10	5.10	5.10	4.80	5.00
Stockers and feeders	3.00	3.00	3.00	3.00	3.00	3.25	2.75	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.25	3.00	2.75	2.75	2.75	2.75	2.75	2.75	2.75	2.75
	4.60	4.50	4.60	4.60	4.60	4.50	4.50	4.50	4.40	4.40	4.40	4.80	4.80	4.80	4.80	4.75	4.60	4.65	4.65	4.60	4.60	4.60	4.50	4.50
Bulls	3.00	2.90	3.00	3.00	3.00	2.75	2.50	2.50	2.60	2.60	2.50	2.50	2.50	2.50	2.50	2.50	3.00	2.75	2.50	2.50	2.50	2.50	2.50	2.50
	4.25	4.15	4.25	4.25	4.25	4.25	4.00	4.50	4.40	4.40	4.25	4.25	4.25	4.25	4.25	4.25	4.15	4.15	4.15	4.15	4.15	4.15	4.00	4.00
Calves	3.00	3.00	3.00	3.00	3.00	3.00	2.75	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	2.50	2.50
	6.00	6.00	6.00	6.00	6.00	6.00	6.35	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.25	6.50	6.25	6.25
Western-fed steers	3.75	3.75	3.75	3.75	3.75	3.75	3.50	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.75	3.50	3.50	3.50	3.00	3.00	3.50	3.50	3.50
	5.25	5.35	5.35	5.35	5.35	5.25	5.25	5.30	5.30	5.50	5.30	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.25
Western-fed cows	2.75	2.75	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.75	2.75	2.75	2.75	2.75	2.50	2.50	2.50
	4.50	4.50	4.50	4.50	4.50	4.25	4.25	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.25	4.25	4.25	5.25	4.25	4.25	4.25	4.25
St. Louis:																								
Beef steers	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.50	3.25	3.25	3.25	3.25	3.25	3.25	3.50	3.50
	6.00	6.00	6.00	6.00	6.00	6.00	5.85	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	6.00	5.85	5.90	5.90	6.00	6.00	5.85	5.85	5.85
Stockers and feeders	2.40	2.40	2.40	2.40	2.40	2.40	2.50	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.40	2.50	2.50	2.50	2.50	2.50	2.50	2.50	2.50
	4.60	4.60	4.60	4.60	4.60	4.60	4.50	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.60	4.30	4.40	4.35	4.40	4.40	4.30	4.50	4.50
Cows and heifers	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.00	2.10	2.10	2.00	2.00	2.00	2.00
	5.15	5.00	5.00	5.00	5.00	5.00	5.15	5.15	5.15	5.15	5.15	5.15	5.15	5.15	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.00	5.15	5.15
St. Joseph:																								
Native steers	4.00	4.50	4.50	4.50	4.50	4.50	[a]3.00	4.50	4.50	4.50	4.50	4.50	4.50	4.50	4.25	4.00	4.25	4.25	4.25	4.00	4.00	4.00	4.00	4.00
	5.80	5.90	5.90	5.90	5.90	5.80	5.75	5.75	5.75	5.75	5.90	5.75	5.75	5.75	5.75	5.40	5.75	5.75	5.75	5.80	5.80	5.80	5.80	5.75
Texas and western	3.75	4.00	4.00	4.00	4.00	4.00	3.50	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	4.00	3.50	3.50	3.50	3.50
	5.35	5.40	5.40	5.40	5.40	5.40	5.35	5.25	5.25	5.25	5.25	5.25	5.25	5.25	5.40	5.40	5.40	5.40	5.40	5.40	5.40	5.40	5.40	5.35
Cows and heifers	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75	1.75
	4.50	4.50	4.50	4.90	4.90	5.80	4.75	4.75	4.75	4.75	4.75	4.75	4.00	4.00	4.65	4.65	4.65	4.65	4.65	4.60	4.60	4.60	4.60	4.75
Stockers and feeders	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00	3.00
	4.50	4.40	4.30	4.30	4.30	4.50	4.00	4.15	4.15	4.15	4.15	4.15	4.15	4.15	4.25	4.25	4.35	4.35	4.35	4.35	4.35	4.35	4.75	4.00

[a] Probably typographical error.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 26:

S. 4954. An act authorizing Capt. Ejnar Mikkelsen to act as master of an American vessel; and

S. 5743. An act to confirm the right of way of railroads now constructed and in operation in the Territories of Oklahoma and Arizona.

On June 27:

S. 6462. An act granting lands to the State of Wisconsin for forestry purposes; and

S. 4190. An act to amend an act entitled "An act to amend section 2455 of the Revised Statutes of the United States," approved February 26, 1897.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on the Judiciary:

H. R. 12869. An act to revise and amend the United States Statutes relating to the commitment of United States prisoners to reformatories of States; and

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.; and

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River.

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich., was read twice by its title, and, on motion of Mr. BURROWS, referred to the Committee on Commerce.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution:

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigating Company's Railroad;

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah; and

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I.;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 130. An act authorizing the extension of Kalorama road NW.;
H. R. 675. An act granting an increase of pension to Daniel Morrissey;
H. R. 1148. An act granting an increase of pension to Marion F. Halbert;
H. R. 1238. An act granting a pension to Susan R. Stalcup;
H. R. 1420. An act granting a pension to John Nay;
H. R. 1572. An act for the relief of Thomas W. Higgins;
H. R. 2014. An act granting an increase of pension to Enoch McCabe;
H. R. 2212. An act granting a pension to John B. Johnson;
H. R. 6336. An act granting a pension to Elizabeth A. Ames;
H. R. 6893. An act granting a pension to Augusta C. Reichburg;
H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;
H. R. 7226. An act for the relief of Patrick Conlin;
H. R. 7254. An act granting an increase of pension to Isum Gwin;
H. R. 7546. An act granting a pension to Edna Buchanan;
H. R. 7635. An act granting a pension to Delia Gibbs;
H. R. 7763. An act granting a pension to James S. King;
H. R. 8140. An act granting a pension to Lucy A. Thomas;
H. R. 8215. An act granting an increase of pension to Ira Palmer;
H. R. 8660. An act granting a pension to William Mabery;
H. R. 10808. An act granting an increase of pension to Michael Kearns;
H. R. 10998. An act granting a pension to Helen G. Powell;
H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;
H. R. 11780. An act granting an increase of pension to Charles Stair;
H. R. 12013. An act granting a pension to Emma Fox;
H. R. 12531. An act granting a pension to Charles Collins;
H. R. 13967. An act granting a pension to Sophie M. Staab;
H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;
H. R. 14798. An act granting a pension to Lucinda Brady;
H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;
H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;
H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;
H. R. 15856. An act granting a pension to Gordon A. Thurber;
H. R. 15945. An act granting a pension to Cynthia A. Compton;
H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;
H. R. 16575. An act granting an increase of pension to Taylor Bates, alias Baits;
H. R. 17102. An act granting a pension to Katherine Studdert;
H. R. 17133. An act to amend section 548 of the Code of Law for the District of Columbia;
H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north, of range No. 1 west, of the Indian meridian, in Kay County, Okla.;
H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;
H. R. 17600. An act to grant authority to change the names of certain sailing vessels;
H. R. 17809. An act granting a pension to William Barrett;
H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;
H. R. 18235. An act granting a pension to Ida M. Warner;
H. R. 18324. An act granting a pension to Charles H. Lunger;
H. R. 18432. An act granting an increase of pension to David Direk;
H. R. 18587. An act granting a pension to Catherine Bausman;
H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;
H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;
H. R. 18713. An act to validate certain certificates of naturalization;
H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;
H. R. 18732. An act granting a pension to James J. Christie;
H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
H. R. 19100. An act granting an increase of pension to Asa G. Brooks;
H. R. 19120. An act granting a pension to Eliza E. Whitney;
H. R. 19519. An act to extend the privilege of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.;
H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River; and
H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906.

STATISTICS RELATIVE TO LIVE STOCK, ETC.

Mr. WARREN. Pursuant to the notice given yesterday, I should like to call up from the table Senate resolution 156.

The VICE-PRESIDENT. The Senator from Wyoming calls up a resolution, which will be read.

The Secretary read the resolution submitted by Mr. WARREN on the 22d instant, as follows:

Resolved, That the Secretary of the Department of Commerce and Labor cause to be made by the Bureau of Census, and to present the same to the Senate, a statement compiled from the most recent census returns, showing the number and value of cattle, sheep, horses, and swine in the United States; the number and value exported; the number and value imported; the number of persons employed in the slaughtering of live stock and the preparation of meat products and the amount of wages paid them; the amount of duty collected from imports of live stock for the most recent year for which such statistics have been collected.

Also a statement of the statistics of hides and leather, tanned, curried, and finished; the number and value of boots and shoes manufactured in the United States; the number and value exported; the number and value imported; the number of persons employed in the manufacture of leather products, including boots and shoes, and the amount of wages paid them; the amount of duty collected from imports of leather products, including boots and shoes, and the value of hides and leather admitted free of duty and the value of hides and leather admitted upon which duty is paid, and the amount of the same, for the most recent year for which statistics have been collected.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Maine?

Mr. WARREN. Certainly.

Mr. HALE. There is so much noise in the Chamber it was impossible to hear the Secretary reading.

The VICE-PRESIDENT. The Senate will please be in order.

Mr. HALE. I could not gather what is the scope of the resolution. It seemed to me as if it was a general provision for taking statistics which would be almost as broad as a new census. I do not know that that is so. I wish——

The VICE-PRESIDENT. The Secretary will again read the resolution.

Mr. WARREN. Perhaps I can give the Senator the information he wants, and he may not desire to have the resolution again read.

Mr. HALE. Very well.

Mr. WARREN. The resolution is one which I do not expect to secure the passage of at the present time. I wish to submit some remarks upon it, and then if the Senator has any objection to it it can go over or it can be referred to a committee.

Mr. HALE. Then I will ask that it be referred to the Committee on the Census.

Mr. WARREN. That will be perfectly agreeable to me.

Mr. HALE. That is entirely satisfactory.

The VICE-PRESIDENT. The Senator from Wyoming will proceed.

Mr. WARREN. Mr. President, Congress has had much to do, and the press of the country and the people much to say of late, about live stock and the products and manufactures therefrom.

The newspapers and public men of certain States have aggressively demanded "free raw material"—so called, errone-

ously—such as free wool, free hides, free coal for manufacturing same, etc.; and the excitement in one State at one time reached a point where a candidate for governor was in wide difference through the public press with the President of the United States as to sentiments entertained and expressed upon this subject.

Still later, from the White House and by Executive direction has followed an inspection of certain features of the live-stock industry, the result of which has surprised the nation.

Hence it is that I am moved to ask for still further light, that we may know the extent of the interests for which we are called upon to legislate.

CURRENT INFORMATION WILL ASTONISH THE SENATE.

The information called for by the resolution just presented will, I believe, astonish the Senate, as it will, when received, show statistics and details of magnitude almost beyond comprehension.

The Twelfth Census reports, covering a period of collection and compilation of over six years ago, indicated that the live-stock industry, even at that time, was the largest of all the industries in the United States, and a statement of the industry as it exists to-day would show that it maintains its supremacy and is deserving of the most careful and important consideration by Congress and the American people.

The Twelfth Census gave the results of its compilation of live stock for 1899, and the figures, although stupendous, did not, I believe, fully represent this mammoth industry for that year, and since that time, in the seven years following, increases in some of the lines have been phenomenal.

In the United States, in 1899, the Bureau reported:

Domestic animals, value, $2,981,722,945.

	Number.	Value.
Neat cattle	67,822,336	$1,476,499,714
Horses	18,280,007	896,925,343
Mules	3,271,121	195,812,530
Sheep	61,005,811	170,337,002
Swine	62,876,108	232,027,707
Goats	1,871,252	3,266,030

Sales of live animals in 1899 for slaughter brought $722,913,114.

Animals slaughtered on farms brought $189,873,310.

The number of persons engaged in the live-stock and interdependent industries at that time was:

In agricultural pursuits	10,381,765
Stock raisers, herders, etc	169,976
Butchers	113,193
Meat packers	13,776
Leather and its products	557,401
Candle, soap, and tallow makers	4,020

A total of 11,240,131 persons, whose livelihood was dependent directly and indirectly on the live-stock industry, or 38 per cent of our entire working population.

INCIDENTAL BRANCH OF LIVE-STOCK BUSINESS IS GREATEST OF OUR INDUSTRIES.

The incidental branch of the live-stock industry, that of slaughtering and meat packing, not including retail butchering, ranks No. 1 in all of our industries in value of net products, the value in 1899 being $684,119,221. *The present year it will reach $1,000,000,000.* It ranked No. 17 in the number of wage-earners, this number being 69,441; No. 15 in rank in value of wages, the amount being $33,923,253; No. 10 in amount of capital employed, this being $190,706,927. When the interdependent industries connected with the live-stock industry are combined with it this industry takes first rank with all of the industries of the United States in value of products, amount of wages paid, and capital employed.

And so, to adequately present to the Senate the importance of this industry and to bring us up to date, I ask the adoption of my resolution.

Of all that has been spoken or written concerning our great industries, the least has been said of the largest. I doubt if one person in ten would be able to tell offhand what our greatest industry is and give even approximately its annual value. Some would say our iron and steel production, with its more than $1,000,000,000 worth of yearly output. Others would say our textile industry is the largest; and yet our woolen, cotton, silk, and linen goods combined do not equal our iron and steel products. Others would perhaps say our mineral products, which in 1904 amounted in value to $1,289,000,000. Some might think our building industry the greatest. Some would no doubt say our lumber and timber products, and others our flouring and grist mill products. Some might say our freight traffic or total railroad earnings of about $2,000,000,000. But they would all be wrong, for, as I have already indicated, the one branch of industry under consideration is greater than any of the others I have named, and it far exceeds any other single agricultural or manufacturing pursuit in which our people are engaged.

Of course, I refer to the raising, slaughtering, and distribution of animals and animal products. That it may be seen how this compares with other great industries, I present the following table of figures taken from the census of 1900:

Value of products, census of 1900.

Carpentering	$316,101,758
Clothing (men's)	159,339,539
Cotton goods	339,209,320
Flouring and grist mill	501,398,304
Foundry and machine shop	644,990,999
Iron and steel	596,689,284
Lumber and timber	555,197,275
Printing and publishing	347,055,050
Woolen and worsted goods	296,990,484
Slaughtering and meat packing (not including retail butchering)	785,562,413

In 1905 the census returns show the value of products of slaughtering and meat packing alone, and not including retail butchering, to have reached the enormous sum of $913,914,624. But in addition there were 113,193 butchers engaged in retail butchering to a greater or less extent, whose products would swell the above figures to at least $1,500,000,000, for it must be remembered that the great packers reship about 40 per cent of their live stock. Then there are about 6,000,000 farmers whose product, if each slaughtered only $100 a year on the average, would amount to $600,000,000. So that it is a very conservative and low estimate to say that the annual product of our animal industry exceeds $2,000,000,000 in value.

This is many times the value of all the gold produced in the world in 1903, the last year we have full figures for. It is nearly as much as all the gold produced in the United States during the whole history. An industry of such magnitude and value is, I maintain, well worth developing, well worth preserving, well worth protecting.

RELATION OF RAW MATERIAL TO FINISHED PRODUCT.

Let me at this point call attention to the most significant feature of this industry, namely, the value of the so-called raw material. The cost of material used in the iron and steel production of 1900 was $390,563,117; in the foundry and machine-shop products, $286,357,107; in cotton goods, $176,551,527, and in other great industries the cost of material runs from less than one-half to about three-quarters of the value of the finished product, while in the slaughtering and packing industry the cost of raw material in 1900 was $683,583,577, or about seven-eighths of the value of the final product.

It is chiefly of this material that I shall speak to-day, and I propose, Mr. President, to confine myself for the most part, in the brief remarks I shall make, to one branch of the great industry, namely, cattle and cattle raising.

SHEEP AND WOOL.

Much attention has been given in the past to our sheep and wool industry. It has been attacked by free-traders and defended by protectionists. We have tried free wool and seen our flocks disastrously shrink in number and value.

Let me make but a single comparison. In 1893 our sheep numbered 47,273,553 and were worth $125,909,264. In 1897, after more than two years of free wool, our sheep numbered only 36,818,643 and were worth only $67,020,942, or but a little more than one-half their value of the four years previous. On January 1 of this year, under protection, in spite of the great demand for lamb and mutton, we had 50,631,619 sheep, and their value was $179,056,144, or nearly three times their worth under a free-wool tariff. These figures illustrate, Mr. President, what free trade and protection have done for one branch of our animal industry. The lesson of free wool, so recently learned and so well learned, will, I believe, keep us from any danger of free wool again, for a generation at least, and I may dismiss the subject with the brief allusion I have made. Nor shall I concern myself with our hogs and hog product, important and enormous as it is, nor with our mutton output, great and fast growing as it is, but I will devote my few remarks to cattle products and by-products which are the objects of the latest free-trade attacks, as well as the cause of the great meat-inspection upheaval now on.

VALUE OF FARM ANIMALS UNDER FREE TRADE AND TARIFF.

On January 1 of this year our farm animals were valued at $3,675,389,442, as compared with a valuation of $1,655,414,612

on January 1, 1897, the last year of the Gorman-Wilson tariff. Let me now give the figures for several years showing the number and value of milch cows, oxen, and other cattle. They are taken from the Statistical Abstract, as follows:

January 1—	Oxen and other cattle.		Milch cows.	
	Number.	Value.	Number.	Value.
1890	36,849,024	$560,625,137	15,952,883	$353,152,133
1894	36,875,648	544,127,906	16,019,591	346,397,900
1892	37,651,239	570,749,155	16,416,351	351,378,132
1893	35,954,196	547,882,204	16,424,087	357,299,785
1894	36,608,168	530,789,747	16,487,400	358,998,661
1895	34,364,216	482,960,129	16,504,629	362,601,729
1896	32,085,409	508,928,416	16,137,586	363,955,545
1897	30,508,408	507,929,421	15,941,727	369,239,993
1898	29,264,197	612,296,634	15,840,866	434,813,826
1899	27,904,225	637,931,135	15,990,115	474,233,925
1900	27,610,054	689,486,260	16,292,360	514,812,106
1901	45,500,213	906,644,003	16,833,657	505,093,077
1902	44,727,797	839,125,073	16,696,802	488,130,424
1903	44,659,206	824,054,902	17,105,227	516,711,914
1904	43,629,498	712,178,134	17,419,817	508,811,489
1905	43,669,443	661,571,308	17,572,464	482,272,203
1906	47,067,656	746,171,709	19,793,866	582,788,592

It will be seen that the cattle of January 1, 1897, numbered 46,450,135, while on January 1 last they numbered 66,861,522, a gain of 44 per cent. The value of these cattle was $877,169,414 on January 1, 1897, and $1,328,860,311 on January 1, 1906, a gain of 51 per cent. The average under the Wilson-Gorman tariff was about $860,000,000, while the average value under the Dingley tariff has been $1,237,000,000.

Coming now to the cattle slaughtered, I will give the number received at five western markets during 1895 under the Wilson-Gorman tariff, and 1905 under the Dingley tariff.

Number of cattle received at markets named.

	1895.	1905.
Chicago	2,588,558	3,410,469
Kansas City	1,613,454	2,180,491
Omaha	586,103	1,026,392
St. Louis	851,275	1,254,236
St. Joseph	49,203	501,200
Total	5,688,593	8,372,788

A gain of 47 per cent.

It is probable that this gain per cent was fully maintained at the many smaller markets throughout the country, and as the gain in value was much greater than the gain in number, the cattle raiser has been doubly benefited under our present tariff law.

WE SHOULD NOT LOWER THE PRESENT TARIFF ON CATTLE.

I wish now, Mr. President, to give the paragraph of our present tariff law affecting cattle. It is as follows, being paragraph 218 of Schedule G:

218. Cattle, if less than 1 year old, $2 per head; all other cattle, if valued at not more than $14 per head, $3.75 per head; if valued at more than $14 per head, 27½ per cent ad valorem.

Animals imported for breeding purposes and for exhibition are admitted free under certain conditions.

All live-stock animals were dutiable at 20 per cent ad valorem under the Wilson-Gorman tariff. Under the McKinley law of 1890, cattle more than 1 year old were dutiable at $10 per head; 1 year old or less, $2 per head. The present duty on cattle, Mr. President, is none too large for the protection of our farmers and cattle growers. The plea is made that the duty only benefits the so-called "meat trust," and enables the packers to control the price of meat, which we know is greater than it was ten years ago. I do not propose to either condemn or defend the so-called "meat trust." I simply want to assert that the duty has nothing to do with the retail price of meat, save in so far as our tariff, in giving more employment and more wages to consumers, creates a demand for meat far in excess of previous years and far in excess of the demands of any other people. I have shown that the value of cattle has increased over 50 per cent since the Wilson-Gorman tariff.

That is the price which the farmer and cattle grower received, and yet Dun's index prices of all meats were only 8.426 cents per pound of meat on January 1, 1906, as compared with 8.359 cents per pound on January 1, 1895, a very insignificant increase. Moreover, Mr. President, meat in the United States, under protection, is less in price than in Great Britain under free trade. Beef, according to the prices furnished by the New York Produce Exchange, was 20 to 25 per cent higher during 1905 than during 1895. But corn and hay and labor were more than 25 per cent higher. If the packers do control prices, and if they could import cattle from Mexico, Canada, and other countries duty free, then who would benefit? We would have to pay the same price for beef, and the packers would pocket the difference. They would then compel our farmers and cattle growers to meet the foreign price, depressing the domestic industry, reducing cattle prices, and then hold us at their mercy as regards prices for retail consumption.

SOME EXPERIENCES UNDER WILSON-GORMAN ACT.

In this connection I want to give you our experience under the Wilson-Gorman tariff. Under the tariff of 1890, known as the "McKinley law," the duty of $10 per head on cattle over a year old was practically prohibitive. With the repeal of that law and the reduction to 20 per cent ad valorem under the tariff of 1894 importations of cattle were resumed. Let me give you a few sentences from the testimony of Representatives Noonan, of Texas, before the Ways and Means Committee of the Fifty-fourth Congress, January 5, 1897:

The present tariff has practically placed horses, cattle, sheep, and goats on the free list, and it has resulted in great loss to the breeders of stock, many of whom have been bankrupted. Numerous ranches have been abandoned or have gone into decay, and millions of acres of good grazing lands are unused and the grass wasted because the business does not justify stockmen in raising animals for market at present rates. As a consequence all of their industries are languishing from the effects of Mexican competition. Nearly half a million of cattle have been imported from Mexico into the United States through Texas ports since the repeal of the McKinley law. The ranchmen of Texas are unable to sell their stock at the price paid for the Mexican cattle. Texas cattle raisers are required to rent or buy land upon which to graze their cattle, and they are obliged to pay more than double the wages paid in Mexico. Hence citizens of Texas are almost a unit against the importation of these Mexican cattle. At least 95 per cent of the cattlemen in Texas are opposed to the present duty and are in favor of the restoration of the McKinley rate. The tariff once restored—a specific tariff and one sufficient to protect their interests—the old abandoned ranches will at once be reoccupied and our people will again be remunerated for their expenditure and labor, and the prosperity they have yearned for will return.

Placing hides on the free list in 1872 has caused great complaints among stockmen. They claim it was akin to confiscation; that it was a forced loan to benefit leather makers. It diminishes the value of every head of neat cattle in the United States at least $1 per head without any benefit whatever to the consumers of leather. Texas stockmen felt most sensibly the damage to their interests, as it affected the price of cattle raised by them for market. Therefore they expect a restoration of the tariff on hides of at least 10 per cent.

The California delegation submitted the following:

Under the last year of the McKinley tariff only 3,098 cattle came into this country, while under the first year of the Wilson bill there were 217,212 head of cattle brought into the United States. California is largely engaged in the cattle business, and our information is that the business is much injured by the new tariff. Beef cattle bring on an average about $10 per head less, and without any reduction in price to the consumer.

In our opinion, the importation of cattle from Mexico under the present tariff is destroying the cattle business in California.

IMPORTED CATTLE UNDER TWO TARIFF LAWS.

Representative CURTIS, of Kansas, spoke of a trip through his State, saying:

I took particular occasion every place I went to refer to the large importation of Mexican cattle and to find the feeling in the neighborhood in reference to having the duty restored on cattle, and I found the sentiment was almost unanimous, and I never met but one man who said he was benefited by the importation of these cattle. For four years under the McKinley law we only imported 19,000 head of cattle, and we have imported about 367,000 under the Gorman-Wilson law up to October, 1896; and I want to say that the consumers of beef—not one of them has been benefited a penny by this large increase in the importation of Mexican cattle, but they have been fed poorer beef than ever before. If you restore the duty upon cattle, the cattle raisers of Kansas will take the responsibility of furnishing their share of the cattle to supply the markets of this country.

FARMERS AND CATTLEMEN WANT PROTECTION.

I need not augment this testimony, Mr. President. Our farmers and cattle raisers want protection for their product, and we should be wronging every one of our agriculturists and those depending on them by lowering the present duty. The benefit is far reaching, as can be seen by the fact that of the 325,000,000 bushels of corn produced in Nebraska in 1905, half of it was fed to cattle; the same ratio undoubtedly holding good for Iowa, Kansas, Missouri, and other sections.

The tariff on cattle protects and benefits nearly one-half of our people as producers or dependents, and it does not affect the price of meat to the consumer. As to the duty of 2 cents on meat, it, too, has little or no effect on the retail price. If it did have, the price of beef or pork or mutton would not be 2 cents per pound more than if no duty existed, while it is well known that the price of certain meats has advanced in recent years more than that amount. The price of meat will be governed by the price of cattle, and their price will be governed by the cost of feed and labor in raising, and in every case the farmer or cattle grower will benefit, as he should benefit.

FINISHED PRODUCT OF OTHER INDUSTRIES PROTECTED.

Let me now briefly explain why he should benefit and why this branch of his industry should be protected. In the first

place, the finished products of other great industries, of which his finished product is the raw material, has greater protection, larger duties, than his own. It is estimated that of 1,000 pounds of live stock, 550 pounds become dressed beef, leaving 450 pounds of nonedible material. This latter is converted into so-called "by-products," the science of converting which has made such progress that there is to-day practically no waste whatever of this 450 pounds of nonedible material, but, instead, 120 different products, all more or less valuable, are secured. So important and interesting is this phase of the subject, that I wish to quote the following from a recent article:

Once the 450 pounds of nonedible material was largely thrown away, although the hide and tallow were utilized. Later, some of the waste products were used in the manufacture of glue. Nitrogen being the chief element in plant food, and this being abundant in the great mass of refuse matter originally thrown away as hopeless waste from all the packer's processes, a most important economic advance was made in the step which turned this large volume of scrappage into fertilizer.

It is good sense and for the best interest of the world that all material not needed to feed, clothe, and heal the world should be returned to the ground for food for plants, to grow more grain, to feed more cattle, and to feed more people. That is the circle completed by the packer.

All the cunning of the chemist has been called into service to save, to make the most of every scrap of material in the land, and to discover new ways in which some elements of waste may be diverted from uselessness to use. Hundreds of valuable products are now made and shipped all over the world from materials which under old methods had little or no value. Thousands of people are employed in manufacturing these products. The technical schools are constantly being called upon for young men to aid in solving new problems in by-product utilization. New plants are being built requiring material, machinery, and labor in construction. Success in by-product utilization in the packing industry has directed the attention of other industries in this important element in industrial administration.

All this directly affects the people and has been of great benefit to them. The investigator in medicinal and other lines is constantly calling upon the packer for material to aid him in his work. In the pharmaceutical line much has been done of benefit, and many ills are helped by pharmaceutical preparations of animal origin. In the fertilizing line many sections are given over to growing products which could not be profitably grown without the use of fertilizers. The upland-cotton section of the South has been made by the use of fertilizer in the growing of cotton. Sandy soils in sections climatically favorable have been developed into large truck-farming districts through the use of fertilizers, as the soil without fertilizers is practically sterile.

The furniture of the country is glued with the packers' glue. A great deal of wool used in clothing is from the sheep slaughtered by the packers. One of the largest sources of curled hair is the switch from the tails of cattle. A large portion of the soap manufactured comes from the tallows and greases prepared by the packers. The colors in the summer prints worn by women are largely fixed by the use of albumen prepared by the packers, as is also the finish on many of the fine leathers. The horn comb, hairpins, and buttons are made from the horns of steers. The knife handle, the bone button, and many other articles are made from hard bone of cattle.

Researches by scientists of the first class are employed every day by physicians, surgeons, dentists, and chemists throughout the world. More than thirty recognized therapeutics agents of animal origin are produced in Armour & Co.'s laboratory. Among them are the pepsin and pancreatin that physicians use in treating digestive disorders. There is a product of the thyroid glands that is employed in treating cretinism or idiocy. Another is suprarenalin, used in the most delicate surgical operations to stop the flow of blood. To illustrate how closely the by-product feature of the business is gleaned, the suprarenal glands of more than 100,000 sheep are required to produce 1 pound of suprarenalin, and when produced this suprarenalin is worth more than $5,000 a pound.

Certain by-products of the packing plants are used for hardening and for coloring steel. In fact, materials of animal origin, the result of by-product utilization, enter into the manufacture of almost every article extensively.

BY-PRODUCTS ARE PROTECTED.

Most of these by-products are protected, and the farmer and cattle grower buy them back and consume them more largely than any other class of people. It is fair and equitable to them that they should have a compensating duty on their own products. I will endeavor to illustrate this fully in the case of the principal by-product of cattle—hides.

SHALL HIDES BE FREE OR PAY A DUTY AS NOW?

There was no duty on hides until 1842, when a tariff of 5 per cent was imposed. This duty remained until 1857, when it was reduced to 4 per cent. March 2, 1861, it was put again at 5 per cent, and August 5, 1861, was increased to 10 per cent, where it remained until May, 1872, when hides were again put on the free list, where they remained until the present Dingley law, which went into operation July 24, 1897, when the following duty was imposed, it being paragraph 437:

437. Hides of cattle, raw and uncured, whether dry, salted, or pickled, 15 per cent ad valorem: *Provided*, That upon all leather exported, made from imported hides, there shall be allowed a drawback equal to the amount of the duty paid on such hides, to be paid under such regulations as the Secretary of the Treasury may prescribe.

Let me at this point also give the paragraphs relating to the duty on leather and boots and shoes. They are as follows:

438. Band or belting leather, sole leather, dressed upper, and all other leather, calfskins, tanned or tanned and dressed kangaroo, sheep and goat skins (including lamb and kid skins), dressed and finished, chamois, and other skins, and bookbinders' calfskins, all the foregoing not specially provided for in this act, 20 per cent ad valorem; skins for morocco, tanned, but unfinished, 10 per cent ad valorem; patent, japanned, varnished, or enameled leather weighing not over 10 pounds per dozen hides, or skins, 30 cents per pound and 20 per cent ad valorem; if weighing over 10 pounds and not over 25 pounds per dozen, 30 cents per pound and 10 per cent ad valorem; if weighing over 25 pounds per dozen, 20 cents per pound and 10 per cent ad valorem; pianoforte leather and pianoforte action leather, 35 per cent ad valorem; leather shoe laces, finished or unfinished, 50 cents per gross pairs and 20 per cent ad valorem; boots and shoes made of leather, 25 per cent ad valorem: *Provided*, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, shall be classified as manufactures of leather and pay duty accordingly.

447. Harness, saddles, and saddlery, or parts of either, in sets or in parts, finished or unfinished, 45 per cent ad valorem.

450. Manufactures of leather, finished or unfinished, * * * not specifically provided for in this act, 35 per cent ad valorem.

COMPENSATORY DUTY PROTECTS THE MANUFACTURER.

Thus we see, Mr. President, that the present law provides for an equitable and compensating duty on both raw material and finished product. The consumer of the cattle product, hides and leather, has a protective duty on his product, boots and shoes, while the farmer and cattle grower who buys boots and shoes and other leather products have a protective duty on their product which furnishes the material. This is as it should be. The wool grower and manufacturer have compensating duties; the miner and iron and steel manufacturer have compensating duties, and so on through all our industries. All are protected; the farmer, the ranger, the forester, the miner, the fisherman, the manufacturer, and the employee all benefit from protection against the low-paid foreigner. Our present tariff is the most

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Massachusetts?

Mr. WARREN. Certainly.

Mr. LODGE. I should like to ask the Senator a question in that connection. He has spoken of the duty on boots and shoes. I wish to understand the Senator's position correctly. Suppose the duty on boots and shoes were removed, would the cattle raisers, the farmers, who are interested in the duty on hides, then consent to a removal of the duty on hides?

Mr. WARREN. Mr. President——

Mr. LODGE. I am aware that is a matter of opinion.

Mr. WARREN. The farmers and stockmen, in my opinion, are not seeking for a removal of the tariff on leather or on boots and shoes; they stand for that tariff, as well as for the tariff on hides.

Mr. LODGE. The Senator from Wyoming spoke of that as a compensating duty, which, of course, it is.

Mr. WARREN. I maintain that, of course.

Mr. LODGE. What I wanted to get at was whether the Senator felt that if one tariff was removed the other should also be removed?

Mr. WARREN. I intend to come to that, Mr. President, but I will now answer the Senator from Massachusetts in a word by saying that I do not believe in removing either one. But if the tariff on hides is removed we must, as a matter of course, remove the tariff on leather and boots and shoes. This would be only simple justice. Our present tariff is the most just law ever in operation, and it is probably more perfect and equitable than any law that could be framed at present to take its place.

To be sure all are not satisfied and never would be under any tariff. Some of the manufacturers of boots and shoes are particularly insistent upon a repeal of the duty on hides. And yet they never were so busy or so prosperous as they have been under the operation of the present tariff. I wish to give the figures showing our exports of cattle, leather, and boots and shoes for the two years 1895 and 1905, the former under free trade, the latter under dutiable hides of cattle.

Exports of cattle, boots, shoes, and leather.

Article.	1895.	1905.
Cattle.....number..	331,722	567,806
Cattle.....value..	$30,603,796	$40,598,048
Boots and shoes.....number pairs..	822,412	5,315,699
Boots and shoes.....value..	$1,010,228	$8,057,897
Total leather and manufactures of.....	$15,614,407	$37,936,745

UNITED STATES EXPORT OF BOOTS AND SHOES INCREASED 500 PER CENT.

It will be seen that our exports of cattle increased about 25 per cent; our exports of all leathers and manufactures of about 150 per cent, and our exports of boots and shoes over 500 per cent in number and 700 per cent in value.

Mr. HOPKINS. Is that since the Dingley law went into effect?

Mr. WARREN. Yes; for the ten years from 1895 to 1905 the exports of boots and shoes increased over 500 per cent, including, of course, the nine years since the 15 per cent ad valorem tariff was imposed upon cattle hides.

MORE MARKETS OPEN.

And the foreign field for markets for American-made boots and shoes is by no means exhausted, and in this connection I ask leave to insert a brief extract from a report made by Special Agent Harry R. Burrill, of the Bureau of Manufactures, Department of Commerce and Labor, on "Shoes in China."

OPEN DOOR FOR AMERICAN ENTERPRISE.

Special Agent Harry R. Burrill furnishes a report on foot wear in China which should be given careful consideration by manufacturers of shoes in the United States. The styles of shoes worn by the Chinese, the materials of which made, and methods of manufacture are described in detail, and the opinion is expressed that the Chinese styles can be produced in the United States and sold in successful competition with the handmade product of the natives. The prospective value of the market can not be estimated with any degree of accuracy. It is estimated that the lower classes expend about $1.50 American money per capita per annum for shoes, while the expenditure of the upper clasess varies from $3 to $10 per annum. With a population of 400,000,000 it will be seen that China presents an inviting field for effort on the part of our manufacturers. Samples of the shoes described by Special Agent Burrill are in possession of the Bureau of Manufactures, and will be loaned to manufacturers in the order of application. Mr. Burrill's report follows:

"The expenditure for the native-made boots and shoes of China reaches enormous proportions annually, but as yet there has apparently been no systematic effort on the part of foreign manufacturers to enter the field. With so great a demand for footwear, which, it is believed, could be produced by our improved machinery and methods in the large quantities required and at prices below those paid for the handmade article in China, it would appear that American manufacturers might produce shoes of Chinese patterns and lay them down in the various ports of the Empire under conditions which would enable dealers there successfully to compete with the native goods.

"The market is expanding steadily because of the constantly increasing purchasing power of the Chinese, and a careful investigation by an expert would, it is confidently asserted by those in close touch with the situation, disclose conditions and opportunities which the manufacturers of the United States should not ignore.

"AN INVITING FIELD.

"Chinese boots and shoes are made by the cheapest labor in the world; but it must be remembered that in the manufacture of the enormous quantity required no machinery of any kind whatsoever is used. The consequence is that while there is a certain necessary uniformity observed in the cut and pattern, the work is slow, the workmanship poor, and the quality of the materials used unserviceable. It is certainly fair to assume that if the natives of China could be supplied with boots and shoes made in exact accord with the styles popular throughout the Empire, possessing the advantages of better material and workmanship, and greater durability, the consumers would welcome their introduction if the price were satisfactory.

"A conservative estimate of the market for Chinese shoes worn by the common classes places the expenditure at $3 (Mexican) per capita a year, while the amount expended by the better classes will vary from $6 to $20 (Mexican) annually. This will afford an idea of the immensity of the demand, but it is obviously impossible, without a comprehensive expert investigation, even to approximate the amount expended annually in China for foot wear.

"MATERIALS IN NATIVE SHOES.

"The shoes worn by the natives are made with leather or cotton-cloth soles, above which is a layer of rags or paper or feathers, with cotton cloth next to the foot. The uppers are made of cotton sheetings or shirtings, Italians, satins, or velvets, dyed either black or blue. Women are employed to sew together the uppers, which are cut by the shoemaker. After that work has been completed the uppers are returned to the shoemaker, who attaches the sole, and the shoes are then ready for distribution through the native dealers. The best quality may be obtained at retail for $1.40 (Mexican) a pair; medium quality, $1.20 a pair; cheap quality, 80 cents a pair; cooly shoes, 50 cents a pair, and women's shoes, 70 cents a pair. The women's shoes are those worn by the so-called "reformed ladies," a class whose numbers are constantly increasing, because of emancipation from the cruel custom of binding the feet. These prices are subject to a reduction of 10 per cent when shoes are purchased at wholesale.

"BOOTS FOR WINTER WEAR.

"In northern China shoes are also universally in use during the warm weather, but with the advent of winter it is the practice of the Chinese to wear what may be called the "Chinese boot." This is also made of cotton sheetings, shirtings, Italians, velvets, or satins, dyed either black or blue. The leg of the boot, which extends about halfway to the knee, is sufficiently large to hold the trousers. The boots have either a leather or a cotton-cloth sole, with a layer of paper, rags, or feathers above and cotton cloth next to the foot. A stiff but inexpensive material is used as a lining to hold the leg of the boot in an upright position, and on the outside is the covering of velvet or cotton cloth, as the case may be. The retail prices of these boots vary, according to the material used, but run from approximately $1.25 to $2.50 (Mexican) a pair. Machinery could be utilized in cutting out the material for boots quite as easily as for shoes.

"PROSPECTIVE MARKET.

"It seems capable of demonstration that an enormous market will eventually be developed for what may be termed "army boots." These boots are cut on the same pattern as those for ordinary wear, but are made mostly of leather. The soles consist of two pieces of thin leather with a third piece inserted at the heel to give a spring while walking. Above this is a layer of rags or paper, and cotton cloth is placed next to the foot. Smooth, well-tanned leather, presumably imported, is used, and like all other footwear worn by the natives of China, these boots are hand made. The retail price is $3.50 (Mexican) a pair, but a reduction is made when wholesale orders are placed.

"In the recent army maneuvers near Tientsin it was estimated that there were 60,000 Chinese troops in the field. This was regarded as the nucleus of a standing army which the Empire purposes to maintain in the future. The size of this army it is obviously impossible even approximately to estimate, but it may be safely assumed that it will be sufficiently large to make a calculation as to the minimum number of pairs of boots that will be required and the amount that will be expended therefor annually both interesting and instructive to American manufacturers.

"ADVANTAGE OF EARLY OCCUPATION.

"The importance of an immediate investigation of this market by an expert can not be too strongly emphasized. If his knowledge of the cost of production, transportation, handling, and incidental expenses convinces him that boots and shoes, similar in all respects to those now used in China, could be laid down there at a price comparing favorably with that now paid, no time should be lost in introducing them. It may be set down as an incontrovertible fact that in the opening up of a market in China for new goods of whatever description of foreign manufacture, the first "chop" or trade-mark in the field meeting the tastes, the requirements, the whims, the prejudices, and the purchasing power of the natives will become so firmly established and so popular that subsequent attempts to dislodge it by competing nations will be a long, tedious, and, in all probability, an unsuccessful task.

"The feasibility of the introduction of American-made boots and shoes of Chinese patterns for Chinese wear was freely admitted by the business men of the Empire, irrespective of nationality, and they found it difficult to comprehend why experts had not already made a more thorough investigation of the conditions, with a view to taking advantage of this enormous and constantly expanding market."

UNITED STATES COMPARED WITH GREAT BRITAIN IN EXPORT OF SHOES.

Surely, then, the provisions of the Dingley tariff have not retarded our export trade in cattle or the products of cattle or the manufactures from these products. Why, Mr. President, Great Britain has had free trade all these years and cheap labor, and yet, though twelve years ago she exported more than twelve times the boots and shoes we did, we have caught and passed her in this, as in about everything else. *We have, under dutiable hides, become the leading exporters of boots and shoes,* in spite of the fact that the average price per pair is $1.52, as against 95 cents for those exported from Great Britain, and about all of this difference goes to the American workman.

A TENFOLD INCREASE.

But the great increase in exports of leather, and particularly in boots and shoes, does not compare with the increase in output for domestic consumption. This is shown in the product of the manufactories of Massachusetts, where the increase of value of shoes made was $70,271,966 in 1905, as compared with 1895 when the increase over 1885 was only $7,405,548. *A tenfold increase* does not look as if the Massachusetts shoe markets were being injured by a small duty on a portion of their material. Dun's Review of the last week in January said:

Products for fall are also ordered freely, notably in the foot-wear industry, and shipments of boots and shoes from Boston for the month thus far eclipse all previous records, which is especially significant when viewed in the light of the rapid growth of the industry in other sections.

BOOTS AND SHOES FROM PROTECTED HIDES MAKE MASSACHUSETTS RICH.

No wonder that Governor Guild and the Boston papers can boast of the great prosperity of Boston and vicinity. Here is a recent extract from the Boston Globe:

Boston is the center of the wealthiest and best purchasing community in the country without any exception whatever.

In the purchasing ability of the average person Boston is far ahead of all according to the national census.

Per capita wealth of the people of Boston, $1,942; New York, $1,337; Philadelphia, $1,127; Chicago, $1,016; St. Louis, $918.

One-twentieth of the wealth of the United States is within 50 miles of Boston.

One-fifth of the savings of the people of the United States is in the Massachusetts savings and cooperative banks to the credit of Massachusetts depositors.

GOVERNOR GUILD ON MASSACHUSETTS PROSPERITY.

Governor Guild said in his annual address to the legislature of Massachusetts last January:

Massachusetts, fourth from the foot in area, is seventh from the top in population, fourth from the top in the annual value of her manufactures, and third from the top in the annual amount paid in wages. Measured by assessed valuation of the property in her borders, Massachusetts is exceeded by but two States. Fourth from the foot in area, Massachusetts is third from the top in wealth.

The annual value of the manufactured products of Massachusetts increased by but $175,173,033 between 1885 and 1895. It increased by $300,267,558 between 1895 and 1905. The total value of goods made in Massachusetts was $1,150,074,860 in 1905.

On October 31 the total amount on deposit in our savings banks was, in 1885, $274,998,412; in 1895, $438,269,861, and in 1905, $662,808,312. The increase in the last decade was greater by over $58,000,000 than in the decade that preceded it. In 1885 the average deposit for each person of population was $141.64; in 1895, $175.69, and in 1905, $220.67. The gain in deposits per capita in the last decade was greater by nearly one-third than the gain in the preceding decade.

We do not envy Massachusetts her great prosperity. We all rejoice in it, but we do not propose to have her gain still greater prosperity at the expense of her western customers. Not that I think her 75,000 leather and shoe workers would get any more wages if we had free hides; not a cent; nor would we have

cheaper shoes. Neither higher wages nor cheaper shoes are promised by the manufacturers, but they would like to put the amount of the duty in their own pockets. It amounts to at most only from about 2 to 4 cents on a pair of shoes, but it amounts to nothing at all except to the limited extent to which foreign hides are used in shoes for domestic trade.

A CHALLENGE.

I boldly challenge anyone to show to the public any date or time when the retail prices of boots and shoes changed even one penny because of free hides or tariff on hides. Prices to the consumer—the wearer—have never changed an iota on account of this infinitesimal difference in cost of manufacturing.

NOBODY ASKS REPEAL OF TARIFF ON SHOES.

Again, I say that the farmers and cattle growers who buy millions of protected shoes will not consent to a repeal of the duty on shoes, and this they do not ask.

It seems that a few manufacturers pretend to be willing to have the duty on boots and shoes abolished. I do not say they are insincere in this proposition, but I do say they are safe in making it, for the duty on boots and shoes will neither be abolished nor reduced, and they know it.

And right here, Mr. President, I want to quote a petition of the Massachusetts Board of Trade, inspired, no doubt, by the National Boot and Shoe Manufacturers' Association and the National Shoe Wholesalers' Association. It is as follows:

Whereas the revenue bill of July 24, 1897, created a tax of 15 per cent ad valorem on imported hides; and

Whereas after more than seven years' experience it appears that the operation of said tax is of no general benefit, but, on the contrary, works a specific and decided injury to a great industry, and that a large number of manufacturers, merchants, and workmen are adversely affected by the operation of this tax; and

Whereas it does not appear that any considerable body of persons of any class are benefited thereby, but, on the other hand, that the removal of the present tax thereon would not be effective in producing a reduction in the cost to consumers of all shoes made from leathers, especially on heavy staple shoes worn by farmers and laborers:

Therefore we, the Massachusetts Board of Trade, respectfully petition and pray that your honorable bodies will take such action at the present session of Congress as will bring about the repeal of said tax of 15 per cent ad valorem on hides imported into this country.

HIDES WORTH ABSOLUTELY NOTHING ON RANGE.

Mr. President, those statements are misleading, if not false. I think it will be found on examination that the farmers and ranchmen who have cattle to sell make up a very "considerable body of persons." And, furthermore, it has been of vital benefit to them—the tariff on hides. To illustrate: With free hides, during the three or four awful years—the result of the Wilson-Gorman tariff on general business—cattle hides on the ranges of Western States, such as Wyoming, were not worth the taking off. In killing beef the hides had necessarily to come off, but even then they were thrown aside and never shipped, because the railroad freight charges alone amounted to more than the hides would fetch in market, and so they were thrown aside by the thousands and rotted where thrown; whereas now, in these same States, with railroad charges equally as high, each hide brings several dollars and adds just that much to the worth of every head of cattle.

DUTY ON HIDES A GENERAL BENEFIT.

The duty on hides has been of general benefit and of injury to no one. Neither manufacturers, merchants, nor workingmen have been affected adversely by the operation of the duty; on the contrary, all have been benefited through increased employment, increased wages, and increased sales, while the cattle grower has certainly benefited by a larger sale of his product at profitable prices. I do not deny that the duty increased the price of hides somewhat, but the increased value is of slight moment in the cost of each pair of shoes, but is of much concern as to each cattle hide. The demand for leather has increased the price the world over, but the increased value, while of benefit to the producer—that is, the cattle grower—has not made shoes any dearer. A greatly increased demand, coupled with competition among manufacturers to produce a pair of shoes at the lowest possible price, and to produce the best possible shoe at the price, has resulted in an enormous increase in the output of shoes. The greater the output, the lower the cost of production. No one will deny that it costs far less per pair to turn out 100,000,000 pairs of shoes than 50,000,000 pairs.

FOREIGN CHEAP LABOR WOULD INJURE US.

But suppose we had free hides and free shoes, and what would be the result? We should soon have millions of pairs of cheap shoes dumped on our market. The material being the same, the foreign manufacturer with his low-priced labor—a labor costing one-half or one-third of ours—could close our factories or else compel our laborers to work for starvation wages. That would be the alternative, Mr. President. The purchasing power of the 200,000 persons now making shoes would be cut in half or disappear altogether, and so much of our home market would be lost to the farmer and other manufacturers. We have had just such experiences, and it is far from guesswork. But I do not apprehend any reduction in the duty on boots and shoes. The shoe manufacturers and workmen of Massachusetts and other States will continue to prosper, and I appeal to them to cease their agitation against the prosperity of 6,000,000 growers of cattle whose market is more stable, more secure, more profitable, because of the equitable and compensating duty on their product. The hide is a valuable part of the animal.

It is useless to assert that the duty is not a benefit to the grower of cattle. You may call it a by-product if you will, but it is also a by-product of the foreign cattle grower, and free importation means a depression of the home market. Our cattle growers do not ask for an extortionate price for their product, but they do ask for a profitable price and for such protection as will enable them to pay the prevailing high prices for feed and labor and get an adequate return for their investment and work.

LEATHER-MANUFACTURING INDUSTRY GROWING.

The following comparative summary of the years 1905 and 1900 of the statistics of leather manufacturers, compiled by the Census Bureau, does not show any retrogression in the leather-manufacturing industry:

PRELIMINARY SUMMARY.

[Bureau of the Census, May 5, 1906.]

The Director of the Census announced to-day the result of the tabulation of the statistics of leather, tanned, curried, and finished, for the calendar year 1904, forming a part of the census of manufactures of 1905, taken in conformity with the act of Congress of March 6, 1902. The figures indicate that there has been a substantial increase in the leather industry in the United States, as compared with the statistics of 1900, which covered the fiscal year ending May 31.

Comparative figures for 1905 and 1900 are shown in the following summary:

Leather industry.	1905.	1900.	Per cent of increase.
Number of establishments	1,049	1,306	a19.7
Capital	$242,584,214	$173,977,421	39.4
Salaries officials, clerks, etc.:			
Number	3,251	2,442	33.1
Salaries	$4,451,906	$3,158,842	40.9
Wage-earners—			
Average number	57,240	52,109	9.8
Wages	$27,049,152	$22,591,091	19.7
Miscellaneous expenses	$12,496,501	$7,023,416	77.9
Materials used:			
Aggregate cost	$191,179,198	$155,000,004	23.3
Hides and skins	$149,787,925	$123,545,969	21.2
Tanning and currying materials	$35,369,855	$27,471,514	28.8
All other materials	$6,021,438	$3,982,521	51.2
Number of hides and skins tanned:			
Hides, all kinds	17,581,613	15,838,862	11.0
Calf and kip skins	12,481,221	8,944,454	39.5
Goat skins	50,665,603	48,046,897	5.5
Sheep skins	27,492,359	24,507,642	12.2
All other skins	3,645,881	2,371,488	53.7
Value of products	$252,620,986	$204,068,127	23.8

a Decrease.

A VIVID CONTRAST.

In vivid contrast with the prosperity which prevails in this industry in the United States is the depression in other countries. As an instance, I present a copy of the Daily Consular and Trade Report for Saturday, June 23, 1906, which contains the following:

LEATHER TRADE DEPRESSION—MANY GERMAN ESTABLISHMENTS IN FINANCIAL STRAITS.

Consul W. C. Hamm, of Hull, furnishes the following interesting account of the depression in the German leather trades. It was printed in an English paper from a special correspondent, and says, in part:

"For a series of years the German leather industry has been experiencing a trying time. Complaints of unremunerative business are now more general than ever. During the last three years the reports and balance sheets of most of the leather companies have disclosed a serious reduction of profits, while many weaker concerns, unable to stand the strain, have disappeared. Last year's financial declarations told a depressing tale. For example, a number of companies, with one-fourth to one-half million dollars capital, showed deficits of $10,000 to $337,000. Three leather works went into liquidation, four made arrangements with their creditors, two reduced their capital, one lost the whole share capital and disposed of its works, while another at Berlin was compelled to raise $412,500 new preference capital in order to liquidate its bank overdraft. A Mainz concern has not paid a dividend for nine years, and so on.

"REASONS FOR TRADE DIFFICULTIES.

"Some of the causes are indicated in the reports of the companies affected. The most general is the high price of hides and skins and

the inability of leather manufacturers to obtain for the finished product prices commensurate with the advance in the cost of raw material. 'Through the high price of calf skins,' says one company, 'there was hardly any profit, especially on black leathers,' while another reports that its losses are due to 'high prices of skins.' In 1902 this latter firm made a loss of $11,210, in 1903 one of over $75,000, and in 1904 of $2,240, in consequence of which it was compelled in 1905 to cancel part of its capital. A Dresden concern reports that 'from America, England, Japan, etc., practically no hides are coming to the German market.' To remedy or alleviate some of the effects of this shortage in the supply of hides and skins an attempt has been made to form a cartel representing four-fifths of the German tanning works, but it proved futile owing to the conflict of interests between the great companies and the weaker concerns."

AN INDEPENDENT-DEMOCRATIC OPINION.

On this question of free hides, I would call attention to two recent editorials in the Washington Post, an independent newspaper with general Democratic proclivities. One of these, headed "Wants free trade in what she would buy and protection in what she would sell," is as follows:

The committee on Federal relations of the Massachusetts legislature is anxious for somebody to tinker with the tariff and bring about a mild sort of tariff reform. The persistent agitation of this subject in Massachusetts serves to vindicate the late General Hancock, who considered the tariff a local question, and for that everybody laughed at him. Massachusetts longs for free raw materials, but will not surrender protection for finished products. Thus she would have Ohio, Texas, Wyoming, and Montana furnish her looms with free wool, and she would furnish those States protected woolens. At least that was what Massachusetts was after when the Hon. Roger Q. Mills invaded, overran, occupied, and subjugated "the enemies' country" in 1890, when Massachusetts sent a small majority of free traders to Congress, and New England, en gros, sent a large majority of that faith to speak for her in the national councils.

And it was in response to Democratic majorities in New England that Mr. Springer brought his "popgun" tariff bills putting such "raw materials" as wool, hides, coal, and iron ore on the free list. No doubt it would be a great thing for New England if the standpatters would only resurrect the "popgun" bills, enact them into law, and then cease tariff tinkering forever. But the standpatters do not intend to do any such thing. They say that Ohio and Texas are as much entitled to free woolens as Massachusetts is to free wool, and there is force in it, as there is in the declaration that comes from Iowa and Kansas that free hides mean free shoes. It is true that the beef trust reaps nearly all the protection that is given to hides; but certain Republican statesmen have so persistently asseverated that it is for the benefit of the farmer and rancher that all Iowa, Kansas, Texas, and the entire agricultural world of the great West and Southwest are convinced that they make money by the tariff on hides; and Massachusetts may as well make up her mind that as long as there is a duty on shoes there will be a duty on hides. Massachusetts can not eat her cake and have it. No other community has profited by the operation of the protective principle than she, and the now dominant West is not going to permit Massachusetts to eat all the sunny side of the peach and leave the shady side for the Mississippi Valley. What a harvest it would be for Massachusetts—free trade in what she would buy and protection for what she would sell! That is not the square deal. Nor is it a square deal for Massachusetts to have free salt with which to cure her fish, while Kansas must put up with protected salt with which to save her bacon; but that is what is going on. * * *

Another editorial article from the Washington Post, headed "Taxed or free hides," reads:

Massachusetts will be in a process of eruption until she gets a free-trade market in which to buy and retains a protected market in which to sell. That is what Massachusetts is clamoring for, and that is what Massachusetts is not going to get. Her business is to turn raw materials into finished products, and she demands free raw materials and protection for her finished goods. It looks as though there is a streak of yellow up there somewhere.

The great grievance is hides. Let us examine the figures on hides. According to the latest publication on the subject, we imported, the fiscal year 1904, hides amounting to 186,365,478 pounds, valued at $41,885,577, on which no duty was levied—they were free. In addition, there were imported that year 131,705,012 pounds of hides, valued at $16,116,392, on which duties were paid to the amount of $2,417,458, or a beggarly 15 per cent.

That is what the tariff on hides costs Massachusetts for revenues, assuming that she uses all the imported hides on which a tariff is levied, which she doesn't by a long sight.

What does Massachusetts make out of the tariff on her finished products of leather goods? Boots and shoes are protected to the amount of 25 per cent; gloves receive 53 per cent as a protection against the pauper gloves of France and Germany. Harness and saddlery get 45 per cent protection; shoestrings are protected to the amount of 50 per cent. All other manufactures of leather are protected by a duty of 35 per cent, except importations from Cuba under the reciprocity convention, and Cuba sent us not a shred for the year 1904.

Then, what is Massachusetts kicking about? She has by far the best of the bargain. The protection accorded her is two or three times the revenues exacted of her. Old England has been regarded as considerable of a hog in commercial matters since Edward III hanged those of his subjects he caught exporting raw materials. That was centuries ago and long before Christopher Columbus was born; but the England of the present and the past threescore years has been content to forego protection, or even revenue duties, on finished products in consideration of free raw materials.

Massachusetts might as well understand that she is not going to get the sunny side of all the peaches. Before she gets free hides New Jersey, Pennsylvania, West Virginia, Ohio, Iowa, Kansas, and Nebraska must consent. According to Proctor Knott, a certain dog that Lige Pinkston passed judgment on was guilty of "barking up a tree there was nothing in."

That is what Massachusetts is doing in the hide line, and if she doesn't believe it, let her make an appointment for Leslie M. Shaw in Faneuil Hall. He will mighty quick tell her what the tariff on hides is for.

From the Statistical Abstract of the United States for 1905 I present the following:

IMPORTS, HIDES, DUTIABLE.

Year.	Quantity.	Total value.
1898	126,243,595	$13,624,989
1899	130,396,020	13,621,946
1900	163,865,165	19,498,217
1901	129,174,624	14,647,413
1902	148,627,907	17,474,039
1903	131,640,325	16,159,902
1904	85,370,168	10,989,055
1905	113,177,357	14,949,628

IMPORTS, HIDES, FREE.

1898	54,607,534	7,607,342
1899	66,965,785	9,877,771
1900	100,070,795	16,539,807
1901	77,989,617	12,995,567
1902	89,457,680	15,054,400
1903	102,340,303	16,942,982
1904	103,024,752	17,045,504
1905	126,806,934	22,868,797

IMPORTS OF FREE HIDES INCREASE MUCH—IMPORTS OF DUTIABLE HIDES INCREASE BUT LITTLE.

From this table it will be seen that the decision of the board of appraisers to the effect that hides must weigh more than 12 pounds flint dry has had a peculiar effect, namely, that beginning with 1898 the importation of free hides, amounting to less than $8,000,000 in value, has increased in 1905 to $22,869,000. It will also be noted that the importation of dutiable hides paying 15 per cent ad valorem has increased but little. On the basis of the importation for 1905, the total amount of duties collected on hides amounted to only $2,242,444, and this does not include the rebates paid to manufacturers using foreign hides. It should be remembered that only hides of cattle bear a duty and that a hide is not a hide unless it weighs more than 12 pounds flint dry.

THE SHOE MANUFACTURER GETS HIS REBATE.

Why, Mr. President, we are importing 40,000,000 hides a year free of duty, and only a small portion of the shoe manufacturers' material is "taxed," as he chooses to term it. This fact makes his demand for free cattle hides the more selfish and unjust, and I do not believe his contention will be sustained by the people when they understand fully how well the manufacturer is protected and how freely he may import his material, for it must be constantly borne in mind that the duty on imported hides entering into shoes for export is wholly rebated and can not be the least burden for this trade.

THE FARMER THE GREAT CONSUMER OF LEATHER.

Then, too, there are other things besides boots and shoes to be considered. The farmers are the largest purchasers of leather products—of saddles and harness, trunks, purses, bags, etc. Our total leather product was valued at over $200,000,000 in 1900, and the total value of hides was far in excess of $100,000,000.

It does not take long to make a pair of shoes or a harness or a saddle or any finished leather product. It takes three years to raise and market a steer. Three years of time and attention and labor added to cost of feeding. Should not the grower then have some protection? Cattle growers abroad do not utilize the by-products as we do. Foreign shipments are large from nomadic countries, and many place an export duty on hides, which duty we must pay. Had we not better pay it to our own producers and give them the encouragement and protection they so well deserve?

The development of the industry which uses as its raw material our farm animals has been so phenomenal during the past half century that it is to me incomprehensible that anyone would want to check it in the least. During the fifty years from 1850 to 1900 the price paid for the material used in the industry I have considered increased from $9,450,000 to $683,580,000, a seventy-five fold increase.

THE FARMER IS PROTECTED LESS THAN OTHERS.

In considering this question of free hides from the standpoint of protectionism—and that, I frankly confess, is my standpoint—it is essential to inquire, first, is the present reasonable duty on hides of benefit to the stock grower? Second, do the farmers of the United States derive the benefit from the retention of that duty? Both of these questions must be answered in the affirmative. It has already been shown that the value to the farmer of every beef hide he produces is increased by the tariff. It must then appear that this duty is valuable to the farmer and would be reluctantly relinquished by the farmer.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from New Hampshire?

Mr. WARREN. Certainly.

Mr. GALLINGER. I am attracted by the remark the Senator has just made that the duty on hides benefits the farmer, the cattle raiser. I contended for a good many years that that was true, but there are people in my section of the country who insist that the duty goes absolutely to the beef packers and to those who handle the cattle after they have left the ranges and the farms. If I understand the Senator correctly, speaking with expert knowledge, he says that the farmer does benefit because of that protection?

Mr. WARREN. The stock raisers and farmers do benefit very directly by the duty on hides. I will call attention to one condition I know of which will answer that question. For a few years preceding the time when the duty was put upon hides cattle raisers in certain States in the interior, like, for instance, the State of Wyoming, could not get enough for cattle hides to pay the shipping expenses alone from the ranches to market, and business concerns in which I happened to have some interest at the time never shipped a hide for many, many months. The hides from cattle killed for home consumption were taken off and thrown away, because the freight to market amounted to more than the total sum we would receive for the hides. In fact, the junk piles around the ranches, and even the prairies, were strewn for a long season with these valueless hides.

Since that time the price of hides to the farmer has ranged all the way, net, from, perhaps, $1 to $8 apiece. I do not say that the entire increase is due to the duty. Some part of it is no doubt due to changes in business. But I do say when we had no duty hides in our country for a good space of time were worth absolutely nothing, and ever since the imposition of the tariff on hides they have been a valuable and quick asset.

PERMANENCY OF TARIFF RESTS WITH THE FARMER.

The permanency of protection as a national policy rests largely with the American farmer. When he arrives at the conviction that protection is being withheld from him in order that the profits of manufacturers may be swelled, then the end of protection will swiftly come.

Mr. President, our tariff laws when framed by protectionists have never been made to favor one State, one section of the country, or one industry. They never will be. We are all so interdependent that an injury to one industry or to one part of the country is an injury to all, and a benefit to one is a benefit to all. Under a universal protective tariff our freight cars are loaded going both ways—from East to West, from West to East; from North to South, from South to North. The farmer is prosperous, as is the manufacturer, and employee of both. A protective tariff is a compensating tariff and always must be, else it would not give protection at all, and unless it is given to all, it is given fully to none. Protection can not be sectional and selfish. It must be general and adequate. Such protection is now in force under the operation of the present law. It is the most perfect law we have known. We shall, as a matter of course, have to revise it some time, but not to-day. We are too busy, too well employed, too well paid for our labor, too prosperous to think seriously of tariff revision in the year of our Lord 1906.

The VICE-PRESIDENT. The Chair will refer the resolution submitted by the Senator from Wyoming to the Committee on Finance.

Mr. WARREN. It has been suggested that it should go to the Committee on the Census, and that is agreeable to me.

The VICE-PRESIDENT. The resolution will be so referred.

HOUSE BILLS REFERRED.

H. R. 19754. An act to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., was read twice by its title, and referred to the Committee on Printing.

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands was read twice by its title, and referred to the Committee on Naval Affairs.

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric-light and power plant was read twice by its title, and referred to the Committee on Public Lands.

The following bills were severally read twice by their titles, and referred to the Committee on Commerce:

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

LICENSED OFFICERS OF VESSELS.

Mr. GALLINGER. I ask that the amendments of the House to Senate bill 6355 may be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 6355) concerning licensed officers of vessels, which were, on page 1, line 9, to strike out "and chief mates," and on the same page, in line 13, after the word "engineer," to insert "in charge of a watch."

Mr. GALLINGER. I move that the Senate concur in the amendments made by the House of Representatives.

The motion was agreed to.

JAMES N. ROBINSON AND SALLIE B. M'COMB.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HEMENWAY. I move that the Senate insist upon its amendments and agree to the conference asked for by the House, the Chair to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. FULTON, Mr. HEMENWAY, and Mr. MARTIN.

BUREAU OF IMMIGRATION AND NATURALIZATION.

Mr. DILLINGHAM. I ask unanimous consent for the present consideration of the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The VICE-PRESIDENT. The Senator from Vermont asks unanimous consent for the present consideration of the bill indicated by him. Is there objection?

Mr. MALLORY. I should like to hear the bill read.

The VICE-PRESIDENT. It will be read for the information of the Senate.

The Secretary read the bill; and by unanimous consent the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. MALLORY. Mr. President, I wish to ask a question or two for my own information. I understand from the first section of the bill that all aliens will have to be registered in this new bureau.

Mr. DILLINGHAM. That is true, Mr. President. As they leave the ship a record is to be made of the personal description of the aliens and a certificate is given them, and a copy of that is sent to the Department.

Mr. MALLORY. That is, without reference to whether they expect to remain here or not, I understand.

Mr. DILLINGHAM. That is to be done in every case.

Mr. MALLORY. Now, on another point, I should like to inquire of the Senator why it is that Porto Rico and the Philippine Islands are not included in the provision regarding the jurisdiction of the courts in those islands, giving them, as is the case in some of our Territories, the power to naturalize aliens? Why is it that the United States court in Porto Rico, for instance, is not authorized to naturalize an alien in Porto Rico?

Mr. DILLINGHAM. I am informed that in the House this subject was studied very carefully and that that omission was made because they were not entirely clear in regard to the status of the inhabitants of those districts, under the decisions of the courts. I understand that the Senator from Ohio [Mr. FORAKER] has some amendments which he proposes to offer to the bill.

Mr. FORAKER. I offer an amendment to the bill, to be attached to it as an additional section, which has special reference to Porto Rico and the Philippine Islands. It is a provision that passed the Senate by a unanimous vote—that is, it passed without any opposition, it is perhaps more proper to state—in the Fifty-eighth Congress. I send it to the desk and ask that it may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read the amendment proposed by the Senator from Ohio.

The SECRETARY. Insert the following as a new section:

That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least one year prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law.

Mr. MALLORY. If it is the purpose of the Senator from Ohio to enable the residents of Porto Rico and the Philippines to be made citizens of the United States, the object will not be accomplished by that amendment. I do not know that that is the purpose.

Mr. FORAKER. It is not, unless they come to the United States and become citizens of the United States.

Mr. MALLORY. Unless they come to the United States?

Mr. FORAKER. There is another bill pending before the Senate which does provide that the citizens of Porto Rico shall be citizens of the United States, but that bill, although favorably reported from the committee, is on the Calendar and has not been considered by the Senate, and it would be impossible, I am sure, to get favorable action upon it at this session.

In view of that fact I offer this amendment, which simply provides that when a Porto Rican comes to the United States he may stand equally as favorably before the naturalization laws of the United States as the Spaniard or any other alien, and may become a citizen of the United States. The thing that stands in his way now is that he has no allegiance to any foreign potentate or power to renounce, and this simply opens to him a way to become a citizen if he comes here.

Now, answering the Senator's further suggestion, I thought of offering an amendment to insert the words, after "Alaska," at the bottom of page 2 of the last line, "and for Porto Rico," so that anyone in the island of Porto Rico who wanted to become a citizen of the United States who is an alien who would comply with the naturalization laws could do so there. But I imagine that would give rise to discussion, and I concluded not to do it for that reason.

Mr. MALLORY. It strikes me, if the Senator will permit me, that that is a very proper amendment and in line with his purpose. Unfortunately, the people of Porto Rico have no status at all. They are not citizens of anything except Porto Rico, and Porto Rico represents nothing. They can not become citizens of the United States.

It seems to me very proper that we should vest our Porto Rican court with jurisdiction to naturalize foreigners. The court in Porto Rico—I believe there is only one—is a court of equal dignity, and there is no risk to be run of any fraud or any impropriety, and it is just as well to allow that court to naturalize Porto Ricans and foreigners also.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LODGE. I hope the Senator from Wisconsin will allow the unfinished business to be laid aside for a few minutes. I think this naturalization bill will pass in a very few moments. It is a measure of great importance; it has been most carefully studied in both Houses; and I think it would be a great misfortune if we could not dispose of it at this time. I ask that the unfinished business be laid aside for ten minutes.

The VICE-PRESIDENT. The Senator from Massachusetts asks that the unfinished business may be laid aside for ten minutes. Is there objection? The Chair hears none.

Mr. MALLORY. I hope the Senator from Ohio will offer that amendment and also make it applicable to the courts of the Philippine Islands. The people are in the same miserable condition there.

Mr. FORAKER. I am sure that would give rise to debate. I am not only sure of it, but I am assured of it.

Mr. SPOONER. It will.

Mr. FORAKER. In view of that fact, and in view of the fact that the question of making the citizens of Porto Rico citizens of the United States will necessarily come before the Senate when the other bill is brought up for consideration, I would rather not precipitate that question now.

Mr. SPOONER. Does the Senator propose to bring up that bill at this session?

Mr. FORAKER. No, sir; not at this session. I stated a moment ago that I know it would be useless to do so at this session, but at the next session I shall insist—unless, perhaps, I find it useless to do so—upon the consideration of the question whether or not we shall give them the status as citizens of the United States. Meanwhile this would remedy the difficulty as to all Porto Ricans who come to reside in the United States, and put them on as good a plane, and no better, than aliens are on. I think we ought to do that. This will go through without any objection, and it will be very helpful. I would rather not press the other at this time.

Mr. MALLORY. I shall offer the amendment suggested by the Senator from Ohio, that the court of Porto Rico be permitted to have jurisdiction. I will not go so far as to include the courts of the Philippine Islands.

Mr. FORAKER. Then will the Senator offer that after the pending amendment has been acted upon?

Mr. MALLORY. I will wait.

Mr. GALLINGER. I wish to ask the Senator from Vermont a question. I did not, perhaps, listen as attentively to the bill when it was read as I ought to have done, but in response to a question propounded by the Senator from Florida [Mr. MALLORY] I understood the Senator from Vermont to say that all aliens entering the United States would be required to register, or their names would be placed in a book and a certificate would be sent to the Department at Washington. Am I correct?

Mr. DILLINGHAM. That is substantially correct.

Mr. GALLINGER. Does that apply to tourists?

Mr. DILLINGHAM. Only to immigrants.

Mr. GALLINGER. Simply immigrants?

Mr. DILLINGHAM. Simply alien immigrants who come here.

Mr. LODGE. Upon their arrival in this country.

Mr. SUTHERLAND. I desire to ask a question of the Senator in charge of the bill.

Mr. FORAKER. I should like to have the amendment I offered disposed of before anything else is taken up.

The VICE-PRESIDENT. There is a committee amendment which would come first in order.

Mr. LODGE. The committee amendment is withdrawn.

The VICE-PRESIDENT. The committee amendment is withdrawn.

Mr. FORAKER. I understand the Senator from Vermont, who has the bill in charge, to say that he is willing to accept the amendment I offer.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Ohio.

The amendment was agreed to.

Mr. SUTHERLAND. I desire to ask the Senator from Vermont in reference to the provision on page 5, regarding the petition to be filed. The alien is required to state, among other things, that he is not "a polygamist or believer in polygamy." I wish to ask the Senator whether it was the intention by that to provide that a person who entertains a mere belief in polygamy may be excluded from naturalization, or whether it was intended to apply to one who is violating the law and who believes in the practice of polygamy as distinguished from the mere abstract belief?

Mr. DILLINGHAM. I do not know what was in the mind of the House when they passed the bill. My own thought is that which is expressed in the immigration bill, that it means a believer in the practice of polygamy.

Mr. SUTHERLAND. I think that provision should be in the bill, but I think in its present form it is going too far. I therefore move to amend the bill on page 5, line 12, by inserting after the words "believer in" the words "the practice of;" so as to read: "a polygamist or believer in the practice of polygamy."

Mr. DILLINGHAM. The amendment is accepted.

The VICE-PRESIDENT. The amendment proposed by the Senator from Utah will be stated.

The SECRETARY. On page 5, line 12, before the word "polygamy," insert the words "the practice of."

The amendment was agreed to.

Mr. SUTHERLAND. The same amendment should be made on page 23, line 10, after the word "in."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 10, before the word "polygamy," insert "the practice of;" so as to read: "nor a believer in the practice of polygamy."

The amendment was agreed to.

Mr. SUTHERLAND. On page 24, line 21, after the word "in," I move the same amendment.

The SECRETARY. On page 24, line 21, before the word "polygamy," insert the words "the practice of;" so as to read: "nor a believer in the practice of polygamy."

The amendment was agreed to.

Mr. MALLORY. I offer an amendment at the bottom of page 2, in the last line. I move to strike out the word "and" before "Alaska," and to insert the words "and Porto Rico" after "Alaska;" so as to read: "Hawaii, Alaska, and Porto Rico."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 2, line 25, before the word "Alaska," strike out the word "and," and after "Alaska" insert the words "and Porto Rico."

Mr. SPOONER. How would it read then?

The VICE-PRESIDENT. The Secretary will state.

The SECRETARY. It would then read:

United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, Alaska, and Porto Rico, the supreme court of the District of Columbia, and the United States courts for the Indian Territory.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

MISSISSIPPI RIVER IMPROVEMENT.

The joint resolution (H. J. Res. 179) providing for the improvement of a certain portion of the Mississippi River, was read the first time by its title.

Mr. HOPKINS. A joint resolution to the same effect was passed by the Senate yesterday. I ask that that joint resolution be recalled from the House, and that this joint resolution be put upon its passage.

The VICE-PRESIDENT. Without objection, the joint resolution which passed the Senate, referred to by the Senator from Illinois, will be recalled from the House of Representatives. The Senator from Illinois asks for the present consideration of the House joint resolution, which will be read.

The joint resolution was read the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend any portion of the balance now remaining to the credit of the improvement for the Mississippi River from the mouth of the Ohio River to and including the mouth of the Missouri River, for the repair or completion of improvements already under way, or for the construction of other works, in accordance with general plans already made or approved: *Provided*, That such expenditures shall only be made for improvements which shall be useful for purposes of navigation.

Mr. LA FOLLETTE. Senate bill 5133, which is the unfinished business, was laid aside for ten minutes, and that time has expired.

The VICE-PRESIDENT. The Senator from Wisconsin objects.

Mr. HOPKINS. One moment.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

Mr. HOPKINS. The joint resolution will take no time at all. It is the same as the joint resolution which was passed by the Senate yesterday.

Mr. LA FOLLETTE. I will ask unanimous consent that the unfinished business be laid aside until fifteen minutes past 1.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Wisconsin? The Chair hears none. The unfinished business will be laid aside until fifteen minutes past 1. Is there objection to the consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. HOPKINS. I move that the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River, be recalled from the House of Representatives, and I enter a motion to reconsider the vote by which it was passed.

The motion was agreed to.

The VICE-PRESIDENT. The motion to reconsider the vote by which Senate joint resolution 70 was passed will be entered.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. FORAKER (at 1 o'clock and 12 minutes). What is the delay, Mr. President?

The VICE-PRESIDENT. The unfinished business, at the request of the Senator from Wisconsin, was laid aside until a quarter after 1.

Mr. FORAKER. I ask unanimous consent that the unfinished business may be taken up now.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. I have not had the time, Mr. President, because of the multifarious duties that have been thrust upon me, to give very great consideration to the pending bill, but the examination that I have made of it leads me to believe that it is an unnecessary, if not a pernicious, measure. For that reason I shall take occasion to express my opposition to it and will probably cast by vote against it when it is submitted to the Senate for its decision.

I was somewhat surprised this morning to see in a Washington newspaper that a filibuster had been conducted yesterday against the bill. I was here and was not aware of the fact that a filibuster was in progress. Perhaps I would not know a filibuster when I saw it, for the reason that during my twenty years of public life I have never been a party to a filibuster.

I have been here from the first day of the session, unpaired, and have voted, I think with two exceptions, on every roll call that has been had in the Senate during the session; and I have never believed that it was a dignified or a proper thing for the Senate to conduct a filibuster on a bill of this character. There may be occasions when some great question is pending upon which parties are sharply divided, a question the determination of which one party in this body might feel would be detrimental to the best interests of the country, when factious opposition might be justified, but I do not think this bill belongs to that class. For that reason I certainly shall not be a party to any filibuster against it, if any shall be attempted, and I will say that I do not believe there is any such purpose in the mind of anybody.

Mr. President, Judge Grosscup, of Chicago, who I think has never been charged with being unduly partial to corporations, in an address which he made a few days ago spoke of the agitation that was going on in the country against corporations as being an indiscriminate raid on corporations, if I remember his words; and I have sometimes been forced to feel that, however others may view the subject, there is in the minds of a considerable portion of the American people at present a disposition and a determination to make an indiscriminate raid on corporations, whether they are of one character or another. I certainly, if that be so, greatly deprecate that tendency and that feeling.

This bill proposes to regulate the hours that men shall labor on the railroads, particularly on the trains of railroads. I have been here a great many years trying to perform my duties as well as I can, Mr. President, and no single complaint ever came to me along this line. No suggestion, no letter, no protest, no petition has reached me saying that the men who are employed on our railroads were dissatisfied with the relations which exist between them and the managers and owners of those railroads. If any such complaint has arisen it certainly must have been in some other section of the country than that which I so poorly represent in this Chamber, but it seems to me that if it had arisen in any section of the country I would have absorbed some knowledge of it.

At present there is an amicable arrangement between railroad corporations and their employees in reference to the operation of trains on the great railroads of the country; and it seems to me, Mr. President, that we are treading on rather dangerous ground when we consider the fact that amicable arrangements do exist and that there is no ill feeling between the two parties—I say it seems to me that we are treading on rather dangerous ground when we put into law, or attempt to put into law, what is being properly arranged by mutual arrangement and mutual agreement. I do not apprehend that this legislation, if it shall be enacted, will have any effect whatever in the part of the country from which I come, but I have apprehensions, and very grave apprehensions, that, if it shall be enacted, it will have serious consequences on the great railroad systems of the western country, where there are such long stretches and where the matter of arranging the hours must be an extremely difficult and complex question.

On this subject, Mr. President, I ask to have read a letter from a railroad attorney—Mr. H. T. Newcomb, counsel for the Delaware and Hudson Company. He puts this question in a very illuminating way; and I think that some of the objections which Mr. Newcomb makes to this legislation, even though he be a railroad attorney, are worthy of the serious consideration of the Senate before the vote is cast on this important bill. I ask that the Secretary read the letter which I send to the desk.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

WASHINGTON, D. C., *May 9, 1906.*

HON. WILLIAM P. HEPBURN,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives, Washington, D. C.

DEAR SIR: Since appearing before your committee on behalf of the Delaware and Hudson Company, on May 4, 1906, with relation to the bills to limit the hours of service of railroad employees (H. R. 4438, H. R. 16676, H. R. 18671, and H. R. 18961), I have obtained from our operating officers certain information concerning the practical consequences which the proposed measure would have. It seems to me that it is desirable that this information should be before your committee, and I respectfully request that you will accept this letter as a part of my statement.

The great bulk of the traffic of the Delaware and Hudson Company originates either at Binghamton, N. Y., or Carbondale, Pa., and is carried either to Albany, Mechanicsville, or Mohawk, N. Y. Carbondale is the point at which the anthracite coal traffic of the company is gathered for transportation to delivering points, and Binghamton is the point of connection with the Delaware, Lackawanna and Western and Erie railways, which, together with the lines of the Delaware and Hudson and its eastern connections, form through routes for traffic originating in the West and destined to points in the State of New York and in New England. At Mohawk the Delaware and Hudson connects with the New York Central, at Albany with the Boston and Albany, and at Mechanicsville with the Boston and Maine. From Albany traffic is also distributed via the Hudson River. Oneonta is a division point on the main line of the Delaware and Hudson, 61 miles northeast of Binghamton and 94 miles northeast of Carbondale. It is 82 miles southwest of Albany, 71 miles southwest of Mohawk, and 87 miles southwest of Mechanicsville. The ordinary runs of train crews in the freight service are arranged with reference to these points. Crews from Binghamton to Oneonta, 61 miles, make the return trip immediately. The same is true from Oneonta to Albany, Oneonta to Mohawk, and Oneonta to Mechanicsville. The only run which is made in but one direction is that from Carbondale to Oneonta, 94 miles.

The train men employed by the Delaware and Hudson are, with very few exceptions, paid on the mileage basis, receiving 100 miles pay for a day's work, and being paid for 10 miles for every hour which they are on duty in excess of eleven hours.

The run from Carbondale to Oneonta, 94 miles, is, as I have said, the only one which is not commonly doubled within a day. On this run the men are obliged to lay off after running the 94 miles, which distance is often made in seven or eight hours, and commonly in from ten to eleven hours. The attitude of the men is fully shown by the fact that this is the least popular run on the road; preference on the part of train men is unanimous in favor of any of the other runs. This is because they feel that it is a hardship to be required to lay over away from home, not only on account of the extra expense to them which it involves, but because in other respects they are necessarily deprived of the comforts to which they are entitled during the hours that they do not devote to labor. Although this run is frequently made in from seven to eight hours, the enactment of H. R. 18671 would make it absolutely illegal to permit these men to start for their homes until they had had at least ten hours of idleness. This would practically require them, in order to obtain any proper rest whatever, to maintain adequate quarters for rest at both ends of the division. The men very much prefer to make the return run after a briefer interval of rest. It should be said that for this run of 94 miles the men are paid for 100 miles.

The "turn" run from Binghamton to Oneonta, 122 miles, is commonly made within sixteen hours. The other "turn" runs of the company require slightly more. The men are allowed seventeen hours and twenty-four minutes for the double run Oneonta to Albany and return, 164 miles; they are allowed fifteen hours and twelve minutes for the double run Oneonta to Mohawk and return, 142 miles, and they are allowed eighteen hours and twenty-four minutes for the double run Oneonta to Mechanicsville and return, 174 miles. The only way that these runs could so certainly be brought within a maximum of sixteen hours as to protect the company from danger of occasionally violating the terms of such a law as that proposed would be to make them all single runs. In other words, after running any of these distances the men would have to be required to take a ten hours' layoff, involving, as it would, putting them to the expense and discomfort of providing themselves with quarters in which to spend idle time away from their homes.

I have already in this letter called your attention to the fact that under its contracts with its employees this company pays for 100 miles for each day's labor—that is, on the 94-mile run from Carbondale to Oneonta there is an addition of constructive mileage for which the men are paid amounting to 6 miles. Now, if the other runs, which at present are doubled, were made single runs, each of them would have to be paid for as for 100 miles. Thus, to the 61 actual miles from Binghamton to Oneonta would be added 39 constructive miles, or 64 per cent; to the 82 actual miles from Oneonta to Albany would be added 18 constructive miles, or 22 per cent; to the 71 actual miles from Oneonta to Mohawk would be added 29 constructive miles, or 41 per cent, and to the 87 actual miles from Oneonta to Mechanicsville would be added 13 constructive miles, or 15 per cent. The labor expense of conducting the business of the company would be increased by these proportions. It is to be observed that while this would be the result to the company, the accompanying consequence to the employees now in its service would be a reduction of earnings, while at the same time they would be put to additional expense. For example, in another part of the system than that on which traffic is most dense, which has been discussed above, this company has a run from Albany to Whitehall, a distance of 80 miles, which is commonly doubled within the day. While under favorable conditions this can be done in sixteen hours, if the proposed law were adopted, this company, for its own protection, would be obliged to make it a single run. For the 160 miles, at present, an engineer receives $6.56. If he were only permitted to run 80 miles, he would be paid for 100 miles, but would only receive $4.10, out of which he would have to expend at least 75 cents for the extra cost of board and lodging during his layoff away from home. Thus, while the company would be forced to pay $8.20 for what it now obtains for $6.56, an increase of 25 per cent, the individual employee would really be considerably damaged.

In order to keep the men fully employed and the freight moving under the conditions that would be imposed by the enactment of any of the measures under discussion, this company would be compelled largely to increase its locomotive equipment. It would also have to provide additional terminal facilities, and in many other ways the adjustment to the radically new methods demanded to meet the legislation would entail upon the company large expenditures. Beyond this, it is certain that if the railways of the United States were compelled immediately to adjust themselves to such a law as that proposed, they would find it impossible, at short notice, to obtain the additional equipment and facilities which it would require. The consequent interference with traffic movement and the injury to the business interests of the country it is quite impossible to estimate. Traffic congestion and general disorganization and demoralization of the service would be certain to be the immediate result. Certainly, if Congress is to impose this burden upon the railway business of the country, it ought not to do so without ample warning and full opportunity to comply with the conditions of the law.

I am, Mr. Chairman, with great respect,

Very truly, yours, H. T. NEWCOMB,
Counsel for the Delaware and Hudson Company.

Mr. KITTREDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Dakota?

Mr. GALLINGER. Certainly.

Mr. KITTREDGE. I suggest the absence of a quorum.

The VICE-PRESIDENT. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll; and the following Senators answered to their names:

Allee	Clark, Wyo.	Kittredge	Piles
Ankeny	Clay	La Follette	Proctor
Bacon	Daniel	Lodge	Rayner
Benson	Dick	McCreary	Scott
Berry	Dillingham	McLaurin	Simmons
Beveridge	Elkins	Mallory	Smoot
Blackburn	Foraker	Martin	Stone
Brandegee	Frazier	Millard	Sutherland
Bulkeley	Fulton	Morgan	Tillman
Burkett	Gallinger	Nelson	Warner
Burnham	Gamble	Overman	Warren
Carmack	Hemenway	Penrose	Wetmore
Carter	Kean	Perkins	Whyte

The VICE-PRESIDENT. Fifty-two Senators have answered to their names. A quorum of the Senate is present.

Mr. GALLINGER. Mr. President, the letter that has just been read from the desk, it seems to me, is full of thoughtful suggestions that ought not to escape the attention of Senators when they come to vote on this bill. It is shown very conclusively that harm will come to the employees themselves in three respects, at least: First, that in many instances they will be compelled to discontinue their work at a distance from their homes, and that expense and discomfort will be incurred as a consequence. In the next place, it shows that in some instances their pay will be considerably reduced, because of this new order that is to be entered upon without warning to the railroads of the country; and, in the third place, it shows that it will require a very largely increased equipment on the part of some of the railroad companies of the country that they at least ought to be permitted time to adjust before they are compelled to give the additional service.

As I said in the beginning, Mr. President, it seems to me that this is unnecessary, if it be not pernicious, legislation; and I trust that the Senate will pause and ask itself the serious question, whether it is not the duty of this body to let this matter rest a little while, at least until it can be more thoroughly inquired into than I apprehend the average Senator has had opportunity of doing.

I received a communication a few days ago from a gentleman well known in railroad circles—and I am one Senator, Mr. President, who does not hesitate to speak the word "railroad" and to quote the opinions of railroad men. I know of no class of men in this country so well qualified to give expert testimony on questions relating to the great carrying corporations of this country as the men who are connected with them; and while some of them have doubtless been guilty of practices that we would all condemn, and while there is a prejudice abroad in the land against corporations as a whole just now, I do not hesitate to be influenced to some extent, at least, by the opinions of these men who have given their lives to a study of the transportation problem, and who are prepared, because of that fact, to enlighten the minds of some men who occupy a place even in the Senate of the United States. This gentleman, in writing, makes this statement:

> I believe the evil effects of such a law would be more pronounced in the Far West than on eastern lines.

And that is doubtless true. Mr. Newcomb has shown that it will have a bad effect on the Delaware and Hudson Company, and it is barely possible that it will have a bad effect on the New England roads, although I have some question in my mind about that, but it is certain to injuriously affect the roads in the western States.

I believe—

He says—

the evil effects of such a law would be more pronounced in the Far West than on eastern lines. The traffic in the West is subject to very great fluctuations from month to month, and as all train and enginemen are paid on mileage basis it is impossible to keep a sufficient number of men in the service during the light months to protect the traffic offered

during the heavy months, because such a large number of men could not make a living, and would not, therefore, remain idle, or partially idle, during the light months. During the grain season, when all the farmers offer their grain for shipment at once, if the hours of labor are limited as suggested, we shall be unable to move this traffic even as promptly as we do at present, which, as you know, has not always been satisfactory. It would cause idleness of a considerable number of engines while the crews are waiting for rest. It would, in many cases, require live stock to be held in the cars while the crew is taking a rest between terminals or until a new crew could be sent out to make the relief.

While it may be that the legislative committees of the various labor organizations have approved some such action as this, I do not believe their representatives would approve these bills as drawn, because if such bills are passed it will, in many cases, deprive these men of their right to take their layover at their home station; in fact, it would, in many cases, require that they be stopped for rest within a few miles of their homes.

We already have agreements with these organizations of employees which permits them to take rest at a terminal whenever they feel the necessity of such rest, and regardless of the time on the road. We also have agreements permitting them to call for rest on the road between terminals after sixteen hours whenever they feel it necessary to do so. It is needless to say that they very seldom take advantage of the latter privilege, because in most cases when the sixteen-hour period expires they are so near their home station that it would be a detriment to them to stop; but if such a law were passed it would not be optional with them and would result in tying up many crews just outside of their home terminal.

I do not believe, Mr. President, that the railroad corporations of this country, between whom and their employees, as a rule, the most agreeable conditions exist, desire to overwork their men or to unfit them for the performance of their very exacting and responsible duties, and I think it must be a very rare exception that such requirements are imposed upon the men by the railroad corporations. Undoubtedly there have been extreme cases. It may be that the case cited by the Senator from Iowa [Mr. DOLLIVER] on yesterday, where a man, after sixteen or eighteen hours of continuous labor, laid down on the track or beside the track and was killed by a locomotive may have happened; and yet, as I then said, it seems inconceivable to me that that case could have resulted as it has been affirmed it did.

Very many times a careful inquiry into a casualty of that kind reveals facts that are not known to the newspaper man who heralds it to the world, and those few isolated instances that have been cited might, after due deliberation and careful inquiry, be made to appear very different from what they have been pictured to be in this and some other debates that we have had during this session of Congress.

That a great many men are killed on American railroads is undoubtedly true, and we all deprecate it. That the percentage is greater than on some of the railroads or, perhaps, on all of the railroads of the continent of Europe is likewise true, and we regret it.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Massachusetts?

Mr. LODGE. If it will not disturb the Senator——

Mr. GALLINGER. Not at all.

Mr. LODGE. It is undoubtedly true that the loss of life among passengers is very much heavier in this country than in any country in Europe; but as to the loss of life among trainmen I do not know. I know in England that the deaths of trainmen are not returned in the statistics of the loss of life on railroads, and I should be very glad if the Senator could tell me whether there are statistics in regard to accidents among railroad employees in foreign countries.

Mr. GALLINGER. I will say, Mr. President, that that is a matter that I have not looked up; and on that point I am not prepared to give any information that would be worth giving.

I was about to say that conditions in respect to the railroad business in this country are different from what they are in Europe. A couple of years ago as I came from San Francisco to Washington, a portion of the way over the Rio Grande Railroad, I wondered that any train ever got through in safety. To compare disasters that might occur on that railroad with disasters that might occur on railroads traversing the level countries of Europe would be, of course, not a fair comparison.

It may be that our impetuosity as a nation and the bustle and push and aggressiveness that characterize the American people may have much more to do with these railroad accidents than the fact that the crews are overworked. I know that some disasters, very serious in their nature, have occurred of late, that have been cited as an illustration of the fact that we are not exercising due care in the direction that this bill proposes to effect a reform, that have been explained as being due to entirely different causes. I will call attention to one instance before I get through.

If this bill is to pass, Mr. President—and it would be a rash suggestion on my part to say that it will not, because the epidemic is abroad in the land and I do not know any way of stemming the tide until, like measles, it is exhausted—I say if this bill is to pass there are some amendments which certainly ought to be incorporated in it. The Senator from Ohio [Mr. FORAKER] yesterday suggested certain amendments which he intends to offer to the bill, and I will now take occasion to suggest certain others, and I hope the Senator from Wisconsin [Mr. LA FOLLETTE] will give them careful and unprejudiced consideration.

I shall move, on page 4, lines 1 and 2, to strike out the words "casualty occurring after such employee has started on his trip" and insert instead thereof the words "unavoidable accident, or act of God, or resulting from a cause not known to the carrier or its agent in charge of such employee at the time he left the terminal." If that amendment shall be agreed to, and I trust it will be, it will very greatly improve this bill, and at the proper time I will offer it, and possibly submit some observations concerning it.

I shall also, at the proper time, move to strike out, on page 4, line 4, and page 4, line 16, the words "for rest" and insert the words "off duty." "For rest" has no special meaning. "Off duty" has a meaning that all can understand, and I think this slight change will make a great improvement.

On page 4, line 18, after the words "officers or agents," unless the amendment suggested by the Senator from Ohio [Mr. FORAKER] shall be adopted, and possibly it is a better amendment than mine——

Mr. FORAKER. What is it?

Mr. GALLINGER. I am about to state it. On page 4, line 18, after the words "officers or agents," I had proposed to offer an amendment inserting the words "or employee, knowingly." I say possibly the amendment proposed by the Senator from Ohio is a better one. I will examine it, which I have not had time to do.

The suggestion was made yesterday that the penalty clause should be amended so that it will read "a penalty of not more than $1,000." I have no objection to that, although the reason which was given did not appeal to me. That was that we ought to grade penalties according to the ability of the offender to pay them. I think that would be bad legislation. If a crime is committed it ought to be punished, and if the crime is committed by a poor man it ought to be punished precisely as it would be punished if committed by a rich man. If committed by an employee it should be punished exactly as if committed by an officer of the corporation. But the tendency is to punish one class more severely than another, and I have no particular objection to that amendment if it shall be offered.

I shall likewise, at the proper time, propose an amendment, on page 5, line 2, after the word "occurred," by inserting the words:

> But no such suit shall be brought after the expiration of one year from the date of such violation.

I will also offer to amend it by inserting at the close of the bill the following words:

> *Provided*, That the provisions of this act shall not apply to crews of wrecking or relief trains.

I may perhaps offer some other amendments, but I wish to call attention at this time to the amendments I have enumerated, with a view of having the Senate give them a little thought, and in the hope that they may not be resisted by any Senator.

A friend of mine, not a railroad man, not connected with any railroad, under date of June 14, honored me by calling my attention to this bill, and he more particularly dwelt upon the fact that the words "or employee knowingly" should be inserted in the bill. He pointed out that it was unfair to hold a corporation accountable for accidents that occurred without the knowledge or possible knowledge of any officer of the corporation, but which did occur because of fault on the part of an employee. On that point he says:

> It would be unfair to the officers and agents of the railroad to make them liable to misdemeanor, unless they knowingly violate the provisions of this act; as in the recent case in Colorado, for example, where a telegraph operator and agent of the road wanted to go to an entertainment and induced an operator who had been on duty at a local station to act for him during the night, thus doubling his duty. This was unknown to all agents of the company, except the party who was guilty of the offense.

That particular case has been made a great deal of, and it has been asserted over and over again in the public prints that that employee of the road had been so overworked, that he had been on duty so many hours, that he fell asleep, or something else happened to him, and that horrible disaster occurred as a consequence. I have reason to believe that exactly what my correspondent says occurred did occur—by the operator's own act. Having gone to an entertainment, he allowed another employee to take his place, and the accident was not due

at all to the fact that the responsible employee had been overworked.

It is equally important, in my judgment—

Says my correspondent—

If such legislation is to pass, that the penalty for violating this act, as shown in the case to which I have above referred, be to make the employee liable criminally as well as the agent. It is just as much an offense for him to violate the act knowingly as it would be for the agent of the road, and in many instances the violation would occur without any superior officer of the company knowing or permitting the violation. If the object is to protect the public as a police regulation, then the penalty should be imposed upon the employee who violates the provision of the act just as well as upon the officers of the company, for many of these employees are not directly under the supervision of any superior officer.

Mr. President, I have said that I do not believe that railroad corporations as a rule deliberately overwork their employees, but it is a well-known fact—one which does not need argument, one which certainly does not need elaboration—that the operation of railroad trains is a peculiar and exacting and perplexing matter, and that there may be, and doubtless have been and will be, a great many instances when it will be necessary for the welfare, not only of the traveling public, but the corporations and the employees themselves, to ask men to work what is usually regarded as an extreme length of time. For myself I accounted it a great privilege to work during a large portion of my life more than sixteen hours a day. But I do not argue that any other man ought to do that. But I do argue that if there is a full agreement, an amicable arrangement, between the men operating our railroads and the men employed upon the railroads that the latter shall work under certain conditions what is ordinarily regarded an undue length of time, it is questionable whether the Congress of the United States ought to step in and by legislation compel a different order of things.

In my judgment, if this bill shall be enacted it will inevitably result in producing friction between the railroad managers and their employees which does not now exist, and instead of bettering the condition of the employees it will result in detriment to them. I do not believe, Mr. President, that any interference on our part in this direction will have the least earthly effect upon lessening disasters upon the great railroads of our country.

That is all I care to say now, Mr. President. At the proper time I shall offer the amendments I have suggested, and I may have a word to say in favor of their adoption.

Mr. TILLMAN. Before the Senator from New Hampshire takes his seat I should like to ask him a question.

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from South Carolina?

Mr. GALLINGER. Certainly. I had yielded the floor.

Mr. TILLMAN. Is it the object of this legislation to protect the employees solely, or is it to protect the traveling public?

Mr. GALLINGER. I stated a moment ago that I did not believe the proposed law would result in protecting to any great extent the employees, the traveling public, or the corporations themselves. I apprehend that those who are urging this legislation will say that primarily this is in the interest of the traveling public, but I have not been at all persuaded that it will have that effect.

Mr. TILLMAN. If the Senator will pardon me again. If it is not in the interest of the traveling public, and the Senator believes in the eight-hour law, as I presume every orthodox Republican does, why is it at all difficult to declare by law that no corporation shall compel or allow any of its employees to work more than sixteen consecutive hours?

Mr. GALLINGER. If any man had imposed, by law or otherwise, a limit on me, so far as the hours I should work were concerned, for twenty-five years of my life, I would have considered him the worst enemy I had in the world.

Mr. TILLMAN. So would I. How about any man who would impose sixteen hours on you because of your——

Mr. GALLINGER. I have never yet found that man, and I have had something to do with getting a living under conditions quite as burdensome as those of any railroad employee or any Senator present to-day.

Mr. TILLMAN. I am only interested in such legislation as appears to be necessary to secure the safety of the people and at the same time will protect the necessitous employees against the greed of any railroad or anybody else.

I should like to ask the Senator who introduced this measure and who has the matter in charge to consider the question of striking out, on page 4, lines 10 and 11, the words which I will indicate. I hope he will look at it. I hope he will agree to strike out, after "employee," the words:

Engaged in or connected with the movement of any train by which such commerce is affected.

And simply say, "it shall be unlawful * * * to require or permit an employee to remain on duty more than sixteen hours," without regard to whether he is connected with the train or not. Those words are a little ambiguous. It looks to me as though sixteen hours are sufficient. Senators will remember that a great many of the accidents which we hear about—I have read of them—are caused by the telegraph operator who is compelled to sit up and try to keep tab on the movement of trains. He goes to sleep and does not flag a train under the orders, and the train rushes by and meets some other train on the road. I believe the telegraph operator ought to be protected just as much as anybody else. I hope the Senator from Wisconsin will consider the propriety of making that change, and provide that employees shall not work more than sixteen hours under any conditions, without any limitation whatever.

HARBOR AT SOUTH HAVEN, MICH.

Mr. NELSON. Will the Senator from Wisconsin yield to me to make a report from the Committee on Commerce?

Mr. LA FOLLETTE. I will yield for a moment, provided it does not provoke debate.

Mr. NELSON. I do not think it will.

I am directed by the Committee on Commerce, to whom was referred the joint resolution (H. J. Res. 178) providing for the improvement of the harbor at South Haven, Mich., to report it favorably without amendment, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. Did the Senator from Wisconsin rise and take the floor?

Mr. NELSON. I had the floor. I did not take the Senator from Wisconsin off the floor.

The VICE-PRESIDENT. The Senator from Minnesota asks for the present consideration of a joint resolution, which will be read at length for the information of the Senate.

The joint resolution was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to expend such sum as may be necessary, not exceeding $10,000, out of any appropriation heretofore made, for improving the harbor at South Haven, Mich., for the purpose of dredging said harbor to a depth of 16 feet in accordance with a report submitted in House Document No. 119, Fifty-eighth Congress, second session.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

Mr. BURKETT. That reads peculiarly—"out of any appropriation heretofore made." Does it not specify it any closer than that?

Mr. NELSON. It refers to the appropriation previously made for that harbor.

Mr. BURKETT. I did not observe that.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE obtained the floor.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Certainly.

Mr. FORAKER. I merely want to ask the Senator, before he commences his remarks, so that I may not have to interrupt him, to be kind enough to tell us what is intended by the provision to which the Senator from South Carolina [Mr. TILLMAN] called attention, commencing in line 9, on page 4, after the word "hauled," and extending down to and including the word "affected," as follows:

Or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected.

Mr. LA FOLLETTE. Mr. President, it is intended to include in the language just quoted by the Senator from Ohio all train crews, switchmen, train dispatchers, telegraph operators, and all those who have anything to do, directly or indirectly, with the movement of trains.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Carolina?

Mr. LA FOLLETTE. Certainly.

Mr. TILLMAN. Then I suggest to the Senator that he ought to make it so clear and unmistakable that there can be no mistake about it, that telegraph operators and switchmen and everybody else are included. Otherwise it might be construed

as simply applying to those in charge of the train or on it, as the engineer, fireman, conductor, flagman, and all such employees.

Mr. LA FOLLETTE. Of course the difficulty of making an enumeration is that if any class of employees is omitted——

Mr. TILLMAN. I understand. If you do not mention one class they will be regarded as expressly omitted.

Mr. LA FOLLETTE. Yes; the omission of any one class when you begin to enumerate them would be construed as excluding those not named. It was regarded by those who framed the bill, I suppose, that this phraseology was safer and would be certain to embrace all who had to do with the movement of trains in any manner.

Mr. TILLMAN. "Who have to do in any manner directly or indirectly with the movement of trains." The Senator used those words. I find they are not in the bill—connected directly or indirectly.

Mr. LA FOLLETTE. There ought to be no objection to including the words "directly or indirectly."

Mr. TILLMAN. I merely make the suggestion to the Senator because I want to see that this legislation is effective and will accomplish the purpose.

Mr. LA FOLLETTE. I will say to the Senator that I want to see the bill as broad and comprehensive and, at the same time, as specific as it can be made. I regret very much that it is not a stronger measure. I introduced a bill which I should much prefer to have supported than the bill now pending before the Senate, although I subsequently introduced this bill at the request of the legislative representative of the organizations of railway employees, because he believed that it would not be possible to secure the enactment of a better measure at this session.

Mr. President, every Senator who has spoken against this bill insists that there is no necessity for this legislation. I can not understand the point of view of anyone conversant at all with the accidents, the loss of life, and the injuries which occur not only to the employees, but to the traveling public in this country—I say, I can not understand what objection anyone who has even a superficial knowledge or acquaintance with the great loss of life in this country and the injury to passengers can make to this bill.

The Senator from Massachusetts [Mr. LODGE] inquired of the Senator from New Hampshire [Mr. GALLINGER] as to the statistics respecting the loss of life on foreign roads. The Senator from New Hampshire was not prepared to answer the Senator from Massachusetts. I have at hand some comparisons with Prussian and English railroads which will at least in part answer the Senator from Massachusetts.

In Prussia the railroad companies employ a greater number of men relatively to operate their trains and care for their tracks than do the railroad companies of this country. The railroads in this country kill relatively *three times* as many employees as are killed on Prussian roads. In this country the railroads injure relatively *five times* as many employees as are injured on Prussian roads. These figures are taken from a recent report made by the representatives of the Prussian government, who were commissioned to visit this country and investigate the American railways and their operation. The figures which I have quoted from that report are based upon comparisons which take into account all factors necessary to make the results accurate and reliable. There is therefore no escape from the damaging conclusions of this report. It makes an appalling arraignment of the railway management of this country.

Now, Mr. President, with respect to passengers, the representatives of the Prussian government state in this report that American railroads kill relatively *six times* as many passengers as the Prussian roads, and injure *twenty-nine times* as many passengers as the Prussian roads.

With respect to railway accidents upon English roads, I have some interesting comparisons bearing directly upon the question raised by the Senator from Massachusetts.

I read from a message which, as governor, I submitted to the Wisconsin legislature one year ago:

> England has a little over 22,000 miles of railroad. We have in this country a little more than 200,000 miles of railway. England has, therefore, about one-tenth of the railway mileage of the United States. Her passenger trains in 1903 traveled less than one-half the total mileage which the passenger trains in this country traveled. English railroads, however, carried twice as many passengers as were carried by the railroads of the United States during that year. It will thus be seen that the English trains were much more heavily loaded and followed each other much more closely in order to handle on her limited trackage the passenger traffic for 1903.
>
> It is an accepted rule that accidents increase in some measure with the density of traffic. The density of the English traffic compared with that of this country is as six to one. But, notwithstanding the fact that England hauled twice as many passengers with a train mileage less than half as great as ours, and did the work with only 22,000 miles of track, she killed and injured in 1903 only one-tenth of the number killed and injured by the railroads of this country for that year.

There is another important matter reported to the Prussian government by their representatives sent to this country, to which I ask the attention of the Senate, and that is this: The Prussian government employs to guard against accidents upon the railroads operated by that government 636,000 men, as against 50,000 men employed for similar purposes by the railroads of this country.

Mr. President, it does seem to me that these comparisons ought to plead strongly for this legislation. Add to this the startling disclosures revealed in the reports which the railroads file annually with the Interstate Commerce Commission, showing that over 50,000 people, including railway employees and passengers, are killed and injured in the United States every twelve months by railroads, and it would seem that no Senator ought to question the necessity of this legislation or attribute it to an epidemic of pernicious discrimination against railroads or a disposition upon the part of anybody to do them wrong.

The Senator from New Hampshire [Mr. GALLINGER] says he does not know how it will be possible to stem the tide of this epidemic of railway legislation until it has had its run, like the measles. I would suggest to him that the best way to arrest it is to deal fairly with the public in its relations with the railroads.

Mr. GALLINGER. Mr. President——

Mr. LA FOLLETTE. In one moment. If there is an aroused public sentiment for legislative action at this time, it is because the public interest has been so long neglected.

For nearly ten years the people have been knocking at the doors of Congress, asking for legislation to regulate transportation charges upon railroads doing interstate-commerce business in this country. There have been laid before the committees of Congress annually, by the Interstate Commerce Commission in their reports, the fact that the railroad companies of this country were increasing month by month and year by year the transportation charges upon the traffic of the country; that this was being done through a combination and concerted action on the part of the great trunk lines; that over large areas of the country the increase in rates would be made upon the same day and in exactly the same ratio, showing that all the lines operated within a particular section were acting together—were cooperating in the advance of rates.

The reports of the Commission, the testimony presented to the committees of Congress, and the petitions of thousands of people and hundreds of communities have placed it beyond dispute that these advances were extortionate and without excuse or justification.

It has been made plain to the committees of Congress that these advances have been in violation of the economic laws governing the cost of transportation; that with the increase in the volume of traffic and the improvement in the facilities of transportation the rates should have been lowered instead of raised.

In the face of all this, the just demands for legislation have been denied for a decade. It is only at the present session that public pressure has become so strong that Congress has at last granted a little measure of relief for the regulation of railway rates.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I will yield presently, when I have answered the Senator's argument with respect to the epidemic.

The righteous appeals of the railway employees have been ignored and denied.

For nearly twenty-five years they have prayed for legislation to protect them against the negligence of the railway companies. The railway service is under the severest discipline. Employees are compelled to serve with the men the company hires. They can not choose their associates. To offer any objection is to invite discharge. They suffer loss of life and limb in that service through the carelessness of coemployees and the negligence of the railway companies.

For nearly a quarter of a century they sought relief from Congress in vain. Is it to be marveled that the public is awakening to a sense of the wrong it has suffered? Shall its persistent and perfectly fair and reasonable demand for just legislation be rebuked as clamor and disease?

Every country in the world has recognized the demand for legislation that will make the employer respond in damages for the carelessness of the company and negligence or carelessness of the coemployee through whom an employee of the company receives injury. Yet the railroad employees of this country suffered without remedy until the present session, when a rea-

sonably good bill passed this Congress after a protracted struggle to defeat it.

So with the present bill. The railway employees have asked again and again for legislation placing a reasonable limit upon the number of hours of continued service beyond which they shall not be required to run trains. It is argued here that it can be left to contract between the railway companies and their employees. Every man who is at all familiar with the relations existing between railway employees and the companies knows perfectly well that whenever an engineer is called to take out his engine, whenever the call is made upon the train crew, no matter whether they have been on duty to the limit of human endurance, with scarcely an hour's rest, they must respond to that call. They can not argue the matter with the railroad company. They can not refuse to go out.

Of course they will not be discharged at once for such refusal. That would be a violation of the contract. But the refusal is noted on the record of such employee by the train dispatcher. Within a month or two, for some reason that can not be construed to be a violation of the contract entered into between the employee and the railroad company, the employee finds himself dismissed from the services, and dismissed under conditions that will not admit of his procuring employment with other companies.

The service of the railroad companies is in many respects a most difficult one. It is hazardous. It is a service in which the public is profoundly interested. This legislation is demanded because it is just to a faithful, intelligent, and courageous army of men and reasonable in its terms.

Furthermore, it is demanded because the public is deeply interested. It is vital to all who travel that the men who operate the railway trains of this country are in the best physical and mental condition. With scarcely an exception, every afternoon as the hands of the clock point to the hour of 5 some Senator rises to entreat those in charge of legislation for an adjournment. They find themselves weary and exhausted with their attendance upon the session for a scant five hours. The RECORD is full of the complaints of Senators that they have been required to sit here through half the day.

Think, sir, of the engineer, who takes out an engine at midnight for his long run. His employment may not be so exacting as that of Senators on this floor, but the alertness demanded, the concentration of all his faculties, is what wears upon the man. That engineer sits with hand on lever and throttle peering ahead, with all the faculties of his mind and all the powers of his being concentrated on the safe conduct of that train to its destination. He has not only the strain which comes of nervous tension, of a constant apprehension of danger, but he has the weariness which comes with physical taxation. So with the firemen; so with the conductors. When those men have been on duty continuously for sixteen hours, how can any Senator argue that the law ought not fix a limitation beyond which they shall not be required to serve?

Mr. HALE. Will the Senator——

Mr. BAILEY. I want the Senator from Wisconsin to conclude what he is saying, because I have something that I want to say to the Senate, and I must go to a committee meeting. I do not want to interrupt the Senator.

Mr. LA FOLLETTE. If the Senator rose to address me a question. I yield.

Mr. HALE. It is only a matter of reading a conference report.

Mr. BAILEY. A committee is now waiting on me, and I am awaiting the Senator from Wisconsin. I should like to dispose of what I desire to say as soon as possible. I hope the Senator from Maine will not insist now upon interrupting the Senator from Wisconsin.

Mr. HALE. I am only doing what is always done. I have a very important conference report to submit. It will not take any time. I conferred with the Senator from Wisconsin before his bill came up, and instead of bringing it in at that time, I told him I would wait and ask that the unfinished business be temporarily laid aside while I submitted a report on the sundry civil appropriation bill. It is very important, of course, that it should go through. There are no controversies in it. It is simply a matter of reading the report. All I ask is that the unfinished business be temporarily laid aside while I submit the report.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. HALE. Both Senators will see how important this is. I shall not myself take any time. I ask that the unfinished business be temporarily laid aside that I may submit a conference report.

Mr. LA FOLLETTE. If the Senator from Texas does not object, I will not.

Mr. BAILEY. I want to say that if the pending bill is coming to a vote at once when the Senator finishes, I shall have no objection, but I am going to interrupt anything else at the conclusion of his remarks.

Mr. HALE. I shall not take any time, Mr. President.

The VICE-PRESIDENT. The Senator from Maine submits a conference report.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other expenses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 14, 22, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to civilian instructors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "necessary," insert ", not exceeding five thousand dollars;" omit all after the word "Molokai," in line 6 of said amendment, and insert in lieu thereof the following: ", and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Arena Light Station, California: For rebuilding of light station and keepers dwellings, seventy-two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a

contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank Light: Toward establishing a light-house on Staten Island, New York, and raising West Bank Light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of Refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, Harbor of Refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Twelfth Light-House District: Toward the construction of a steam tender for the use of the light-house engineer of the Twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$770,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May 26, 1906, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for 1906 and prior years, which is hereby reappropriated and made available on this account for the fiscal year 1907."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$257,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

"*Provided*, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907, and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the amount paid for said publication and the total received therefor."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$565,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 3, 4, and 5, the words "or for the purpose of increasing the general efficiency or available supply of the full resources in the United States;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,463,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and, on page 78 of the bill, in line 13, after the word "acting," insert the words "after June 30, 1906;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior" and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$363,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,212,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be available after March 4, 1907, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 7. That from and after July 1, 1906, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid, one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year 1908, and annually thereafter, shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"SEC. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States from the Smithsonian Institution, the National Museum, and the Library of Congress such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March 3, 1905, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars.

"The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army and Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. And to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for, so much thereof as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Army and Navy and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers, extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration,

shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Tresury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries: *Provided*, That, as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of $15,000 hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March 3, 1905.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, 1905, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

On amendments numbered 5 and 47 the committee of conference have been unable to agree.

EUGENE HALE,
GEO. C. PERKINS,
JAMES H. BERRY,
Managers on the part of the Senate.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.

The VICE-PRESIDENT. The question is on agreeing to the conference report.

The report was agreed to.

Mr. HALE. I move that the Senate further insist upon its amendments not agreed to, and ask for a further conference with the House, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. PERKINS, and Mr. BERRY as the conferees on the part of the Senate.

Mr. HALE. I am under obligations to the Senator from Wisconsin and to the Senator from Texas.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of em-

ployees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President, I send to the desk petitions which have been given to me to present.

The VICE-PRESIDENT. The petitions will be received and lie on the table.

Mr. LA FOLLETTE. I also send to the desk and ask to have printed in the RECORD a tabulated statement with respect to those petitions.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and it is so ordered.

The statement referred to is as follows:

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, from 174 cities and towns in 39 States and 4 Territories, bearing the signatures of 7,523 members, all praying for the enactment of a law prohibiting excessive hours on duty of locomotive engineers.

City or town.	Number of division.	Number of signatures.
Alabama:		
Anniston	407	16
Montgomery	495	22
Tuscumbia	423	69
Total		107
Arkansas:		
McGehee	585	29
Arizona:		
Winslow	134	36
California:		
Needles	383	67
San Bernardino	398	35
San Francisco	161	149
Rocklin	415	55
Total		306
Colorado:		
Basalt	515	19
Canon City	546	14
Denver	186	31
Do	451	35
Grand Junction	488	43
La Junta	505	47
Trinidad	430	25
Total		214
Connecticut:		
Hartford	205	43
Florida:		
Jacksonville	309	70
Georgia:		
Atlanta	207	38
Do	368	29
Brunswick	649	30
Columbus	409	23
Savannah	256	31
Do	646	26
Way Cross	648	38
Total		215
Idaho:		
Pocatello	228	33
Illinois:		
Aurora	32	60
Centralia	24	27
Champaign	602	34
Chicago	458	38
Do	302	29
Do	394	46
Do	404	39
Do	458	36
Decatur	155	37
East St. Louis	512	66
Do	49	32
Monmouth	484	21
Mount Carmel	400	39
Rock Island	60	39
Urbana	143	19
Total		559
Indiana:		
Howell	154	41
Herrington	434	10
Lafayette	7	21
Logansport	612	36
Michigan City	300	40
Seymour	628	39
Washington	289	32
Total		219
Indian Territory:		
Hugo	638	12

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.

City or town.	Number of division.	Number of signatures.
Iowa:		
Cedar Rapids	159	25
Des Moines	113	24
Fort Madison	391	25
Mason City	117	21
Do	229	6
Perry	208	38
Sanborn	131	11
Stuart	184	15
Total		185
Kansas:		
Arkansas City	462	41
Argentine	396	42
Fort Scott	237	22
Herington	261	36
Newton	252	21
Pittsburg	527	59
Topeka	224	26
Wichita	364	75
Total		382
Kentucky:		
Covington	271	21
Ludlow	603	33
Total		54
Louisiana:		
Monroe	326	17
Maine:		
Bangor	508	28
Henderson	440	22
Houlton	588	28
Total		78
Maryland	52	34
Massachusetts:		
Boston	61	55
Do	439	
Greenfield	112	48
Fitchburg	191	53
Total		156
Michigan:		
Battle Creek	33	61
Gladstone	266	26
Iona	503	28
Jackson	2	49
Total		164
Minnesota:		
Minneapolis	180	32
St. Paul	150	43
Do	516	31
Two Harbors	420	30
Waseca	9	57
Total		193
Mississippi:		
McComb	196	25
Meridian	537	36
Total		61
Missouri:		
Brookfield	616	54
Kansas City	502	57
Monnett	507	29
New Franklin	556	33
Slater	8	31
Sedalia	178	51
Springfield	83	34
Stanberry	17	25
St. Louis	65	48
Do	327	49
Do	428	32
Do	487	20
Thayer	285	32
Trenton	471	44
Total		539
Nebraska:		
Alliance	622	53
Chadron	303	40
Fairbury	431	17
Lincoln	98	47
Wymore	621	28
Total		185
Nevada:		
Sparks	158	30
New Hampshire:		
Nashua	483	17

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.

City or town.	Number of division.	Number of signatures.
New Jersey:		
Camden	22	35
Hoboken	171	73
Total		108
New Mexico:		
Alamogordo	591	12
Albuquerque	446	22
Chama	209	25
San Marcial	264	23
Total		82
New York:		
Binghamton	311	31
East Buffalo	421	120
Elmira	41	90
Do	434	48
Mechanicsville	418	25
Middletown	292	81
Rensselaer	59	28
Rochester	35	26
Troy	87	28
Total		477
North Dakota:		
Grand Forks	470	13
Ohio:		
Air Line Junction	457	26
Ashtabula	260	9
Cleveland	31	28
Do	167	42
Columbus	72	31
Conneaut	273	122
Crestline	306	30
Galion	16	66
Newark	36	68
Springfield	208	80
Van Wert	384	14
Total		517
Oregon:		
La Grande	362	26
Roseburg	476	37
The Dalles	236	19
Total		82
Oklahoma Territory:		
Shawnee	600	34
Pennsylvania:		
Ashley	272	22
Bradford	280	41
Carnegie	416	41
Clearfield	635	42
Columbia	104	96
Connellsville	50	21
Easton	259	47
Hazleton	316	34
Kingston	543	38
Lebanon	414	38
Meadville	43	9
Philadelphia	51	70
Do	109	22
Reading	75	24
Scranton	76	23
Tyrone	467	51
West Philadelphia	45	10
Do	253	60
Total		689
Rhode Island:		
Providence	57	40
South Carolina:		
Abbeville	498	38
Florence	265	32
Total		70
Tennessee:		
Chattanooga	198	62
Knoxville	239	163
Memphis	23	92
Nashville	129	40
Do	473	40
Total		397
Texas:		
Amarillo	299	24
Del Rio	566	22
Denison	568	54
El Paso	192	23
Fort Worth	501	20
Houston	386	62
Laredo	438	19
Somerville	636	26
Total		250

One hundred and ninety-three petitions from 193 divisions of the International Brotherhood of Locomotive Engineers, etc.—Continued.

City or town.	Number of division.	Number of signatures.
Utah:		
Helper	593	33
Ogden	55	73
Salt Lake City	222	51
Total		157
Vermont:		
Bellows Falls	106	33
Rutland	374	47
Total		80
Virginia:		
Clifton Forge	38	35
Manchester	522	68
Do	321	44
Roanoke	401	81
Total		228
Washington:		
Ellensburg	402	6
Starbuck	443	56
Tacoma	238	51
Total		113
West Virginia:		
Grafton	284	154
Wisconsin:		
Antigo	536	22
Ashland	379	21
Baraboo	176	48
Green Bay	297	49
Portage	618	51
Tomah	633	26
West Superior	290	42
Total		259

Mr. LA FOLLETTE. I ask to have read as a part of my remarks a letter which I send to the desk.

The VICE-PRESIDENT. The Senator from Wisconsin asks that the letter presented by him may be read by the Secretary. Without objection, the Secretary will read it.

The Secretary read as follows:

WASHINGTON, D. C., *March 14, 1906.*

Hon. ROBERT M. LA FOLLETTE,
United States Senator, Washington, D. C.

DEAR SENATOR: I inclose herewith the bill regarding which I talked with you personally some days ago, entitled "A bill to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," and which has the indorsement of the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, and Brotherhood of Railroad Trainmen. We would appreciate it very much if you can find it consistent to introduce this bill for us. Earnest efforts have been made by these organizations to prevent excessive hours of service of employees engaged in the movement of trains through agreements with the various railroad managements without the necessity of legislation, but have not been sufficiently successful to properly protect life and limb in this way, and we think it only proper to appeal to Congress for protection.

Very truly, yours,

H. R. FULLER,
Legislative Representative.

Mr. LA FOLLETTE. Mr. President, I will ask to have read a telegram and letter, which I send to the desk, as bearing upon the amendment offered by the Senator from Ohio.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. The telegram reads as follows:

BLUEFIELD, W. VA., *June 27.*

Senator LA FOLLETTE, *Washington, D. C.:*

The Brotherhood of Locomotive Engineers earnestly protest against Foraker amendment penalizing employees in House service bill. We hope you will do all possible to defeat it.

W. S. STONE.

(NOTE.—This man is grand chief engineer of the Brotherhood of Locomotive Engineers.)

The SECRETARY (continuing). The letter reads as follows:

WASHINGTON, D. C., *June 27, 1906.*

Hon. R. M. LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SIR: With reference to the amendment offered by Senator FORAKER to Senate bill No. 5133, by which it is proposed to penalize an employee for working more than the specified number of hours, the organizations of railroad employees are opposed to such an amendment.

The carrier creates the conditions, and it is to it that the Government should look for the safe transportation of persons and property. No employee in train service works excessive hours without the carrier knowing it, as a record is kept—or should be kept—showing the time the employees go on or are relieved from duty; and it is therefore impossible for an employee to deceive the carrier as to the time he has been off or on duty.

The adoption of such an amendment would in many cases defeat the

purpose of the act for the reason that it would prevent the Government from using the employee as a witness, as he could not be compelled to incriminate himself.

To those acquainted with the practical operation of a railroad it is easily seen that such a provision could be used to defeat the law in this way: A train dispatcher, who is the person responsible for the prompt movement of trains, could, in order to cover up his own shortcomings and mistakes which had caused delay to trains, get the employees within a few miles of their homes within the maximum time, and knowing the great temptation for the men to get home, would say to them that he did not know how long they had been on duty, and influence them to stretch the time sufficiently to enable them to reach their homes. It would encourage this practice, which would have the effect of delay rather than an effort to move trains with dispatch.

Very truly, yours,

H. R. FULLER, *Legislative Representative.*

Mr. LA FOLLETTE. Mr. President, in this connection I wish to read just a few lines from the message of the President to Congress the third session of the Fifty-eighth Congress. He said:

I * * * would also point out to the Congress the urgent need of legislation in the interest of the public safety, limiting the hours of labor for railroad employees in train service upon railroads engaged in interstate commerce.

In his message at the present session he said:

The excessive hours of labor to which railroad employees in train service are in many cases subjected is also a matter which may well engage the serious attention of the Congress. The strain, both mental and physical, upon those who are engaged in the movement and operation of railroad trains under modern conditions is perhaps greater than that which exists in any other industry, and if there are any reasons for limiting by law the hours of labor in any employment they certainly apply with peculiar force to the employment of those upon whose vigilance and alertness in the performance of their duties the safety of all who travel by rail depends.

I shall offer, Mr. President, at the proper time some amendments to the bill which I believe will improve it but still keep it within the limits of the manifest intention of the committee which reported it. But I will now yield the floor to the Senator from Texas [Mr. BAILEY].

Mr. MCLAURIN subsequently submitted three amendments intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which were ordered to be printed, and to be printed in the RECORD, and to lie on the table, as follows:

First amendment.—Immediately after the word "employee," in line 3 and in line 15, on page 4, insert the following, to wit: "having been so on duty for sixteen consecutive hours immediately before."

Second amendment.—Immediately after the word "rest," in line 4 and in line 16, on page 4, add the following, to wit: "Any such employee who shall have been on duty ten successive hours shall not be required or permitted to go on duty without having had at least eight hours' rest."

Third amendment.—Insert: "Any common carrier subject to the provisions of this act, which by the negligence of its employee worked overtime shall injure or damage any person, shall be liable, by suit and recovery, in either a State or United States court, to such person so injured or damaged for all damages so sustained."

Mr. LA FOLLETTE subsequently submitted six amendments intended to be proposed by him to the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon; which were ordered to be printed, and to be printed in the RECORD, and to lie on the table, as follows:

1. Amend by inserting, after the word "trip," in line 2, page 4, the following: "or by unknown casualty occurring before he started on his trip."
2. Amend by inserting, after the word "employee," at the end of line 3, page 4, the following: "who has been on duty sixteen hours."
3. Amend by inserting, after the word "rest," at the end of line 4, page 4, the following: "or to require or permit any such employee who has been on duty ten and less than sixteen hours to go on duty without having had at least eight hours for rest."
4. Amend by inserting, after the word "employee," in line 15, page 4, the following: "who has been on duty sixteen hours."
5. Amend by inserting, after the word "rest," in line 16, page 4, the following: "or to require or permit any such employee who has been on duty ten and less than sixteen hours to go on duty without having at least eight hours for rest."
6. After the word "knowledge," line 6, page 5, add the following: "The provision of this act shall not apply to relief or wreck trains."

PERSONAL EXPLANATION.

Mr. BAILEY. Mr. President, to be misunderstood by some good men and to be misrepresented by many bad men is a penalty which every man must pay for actively participating in the politics of this free Republic; and it would be worse than a waste of time for any Senator to answer all of the unfounded and malicious charges which may be circulated against him. I am, moreover, inclined to believe that the rule pursued by nearly all public men of making no answer to any charge is the wiser one, because if some are answered and others are left unanswered the very fact that an answer has been made to some and not to others will be used as an evidence that the unanswered ones are true. For this reason an answer must be made to all or to none; and as any man would make himself ridiculous by asking the public to listen while he corrects every story which the ingenuity of personal and political malevolence may invent, the only safe rule is to trust an intelligent public to judge him by what he says and does without reference to what he is charged with having done or said. But the fact that the publication which contains the false and offensive matter to which I object is owned by a Member of Congress seems to take this case out of the general rule and to demand the answer which I am about to make.

I shall not deal with this as a matter personal to me, because it is of a kind which, if dealt with in that way, would require a different place. Indeed, if I considered it purely and only from a personal point of view, I would not regard it as worthy of any notice; for nothing which this magazine can say will injure me with my constituents or in the estimation of those with whom I have served in either House of Congress. But, Mr. President, I can not free myself from the belief that I owe it to the American people to show them what manner of men these are who are striving to destroy popular faith in the integrity of all public servants.

Several months ago the Cosmopolitan Magazine, which I am informed was up to that time a reputable publication, fell into financial difficulties, and was sold to WILLIAM R. HEARST. As I state this upon information and not upon my own knowledge, I think it proper to lay before the Senate the facts as they were furnished to me by a gentleman familiar with the transaction. In a letter to me upon the subject that gentleman says:

The proposition to sell being satisfactory to the creditors, negotiations were entered into with W. R. HEARST, who agreed to buy the magazine. HEARST was represented in the arrangement of the sale by one Carvalho.

The purchase price agreed on was $500,000. Instead of paying this sum in cash, HEARST organized a dummy corporation to take over this magazine, and called it the "International Magazine Company," he (HEARST) personally guaranteeing the bonds that were issued in settlement of the outstanding debts and over that of a sum up to the purchase price. The creditors and Walker accepted the bonds of this International Magazine Company at par. They are five-year bonds, drawing interest at the rate of 5 per cent, payable semiannually.

Immediately following this change of ownership this magazine announced a series of sensational articles entitled "The Treason of the Senate." As those articles were deliberately planned and widely advertised, the public had a right to expect that they would be written with scrupulous care and a due regard for truth and justice; but so far from meeting this reasonable expectation, they have been so manifestly designed to prejudice, rather than to inform the public, that intelligent men have laid them aside in absolute disgust. Some readers of less intelligence, however, are inclined to believe them, and I have already heard of some shallow and inflammable minds who support them with the argument that if they were not true they would have been denied. For the sake of the men who desire to know the truth and who would not do even their political enemies an injustice, I have determined to expose the reckless mendacity of the man who writes these articles.

I do not, of course, feel at liberty to refer to what he has said about other Senators, because I must respect their determination to pass his attacks on them in silence, and I am therefore driven to the necessity of using the article in which he slanders me. But before proceeding with that, I feel myself warranted in saying a word about one who was grossly abused, and who was not here then, and who can never be here again to speak in his own defense. While Senator Gorman was confined to his home by the sickness which terminated in his death, he was made the object of a bitter arraignment and pursued even beyond the grave, for in his last article this writer renews his miserable aspersions upon the dead Senator.

It has been observed by every intelligent man who has read these articles that the basic charge which runs through them all is that Democratic and Republican Senators are acting together in a secret agreement, and the unsuspecting reader is asked to believe that this secret agreement is carried out behind closed doors and in committee rooms. It was necessary to impress this view upon the public in order to give the articles even an appearance of the truth, because if it had been said that the Democrats and Republicans cooperate in the open Senate, the CONGRESSIONAL RECORD would completely and overwhelmingly refute that charge. It was therefore necessary to first imbue the public mind with the belief that Senators acted one way in the secrecy of the committee room and another way in the open Senate. In accordance with this line of appeal to the suspicions of the people this writer has selected as a special instance to illustrate and establish that charge, the tariff act of 1894, commonly known as the "Wilson bill." He declares, and in order

that there may be no mistake about it, I will read exactly what he says:

As usual, ALDRICH and Gorman retired to their Finance Committee with the tariff bill—as the Senate was "Democratic," Gorman had taken the chairmanship of the committee and the leadership of the Senate that goes with it, and ALDRICH had become nominal second in command. All the mischief, all the treachery that was put into that bill in the secrecy of that committee by those slippery twins will never be known; it is impossible for anyone not in the secret to grasp the effect of the sly amendments slipped in here and there.

If the man who wrote that statement had sincerely desired to know the truth, he could have learned it with very little trouble; and if he had been seeking to enlighten those who read his articles, he would not have misled them with a statement like that. Whether he knows the facts and deliberately misstated them, or whether he merely pretended to know them when he did not, he is equally unworthy of belief. Mr. President, when the Wilson bill was under consideration in the Senate, Senator Gorman was not the chairman of the Finance Committee. Indeed, sir, Senator Gorman was not even a member of that committee at that time, nor was he ever a member of it until within the last three years. What must fair-minded men think of a writer who charges that a Senator abused a position in the face of the official record which shows that he did not occupy the position which he is charged with having abused?

Every man who knows anything about tariff legislation knows perfectly well that for many years the practice has been that the majority members of the Committee on Ways and Means in the House of Representatives first make the tariff bill, and only submit it to the full committee after they have completed it. The minority is then permitted to read it and to criticise it; but they are not permitted to change it. The majority being responsible for the bill, make it to suit themselves and take their responsibility before the country. The same course of procedure is followed in the Senate, and neither Senator ALDRICH nor any other Republican Senator was permitted to even see the amendments to the Wilson tariff bill which were agreed upon by the Democratic majority until after they had finished their work. I do not complain that all men do not understand how tariff bills are made, because many good men have not taken the trouble to inform themselves in that respect; but when a man assumes to explain to the people how any particular bill was made he imposes upon himself the double duty of learning the truth and telling it.

Coming to the article in the last issue of this magazine, in which he assails my reputation and public services, he is guilty of even more vicious misrepresentations, if possible, than those he made about Senator Gorman. While he ought to have examined the official list of the Senate committees before attempting to name the chairman of the most important one, he may not have done so, and his misrepresentation, though inexcusable, may not have been intentional. No such extenuation, however, can be offered for his misrepresentation in respect to me, because he read the record which he distinctly misrepresents in some particulars and deliberately suppresses in others. His first accusation against me relates to a matter which was thoroughly investigated by the very legislature which elected me to the Senate, and it was shown to be so entirely unjust and absurd that the decent men among my most implacable enemies in Texas no longer discuss it. In order that the Senate and the country may understand how palpably and how grossly he has misrepresented that episode, I must be pardoned while I briefly recall it. In 1897 or 1898 a foreign corporation then transacting business in our State was convicted of violating that section of our antitrust law which prohibits exclusive contracts, and its permit was revoked. In the spring of 1900 that judgment was affirmed by the Supreme Court of the United States, and the officers of that corporation then sought to settle with the State by offering to pay whatever penalty might be considered a proper punishment, provided that they could continue their business in Texas. I was asked to intercede in their behalf, and, upon the distinct and positive assurance that the company was an independent one and not controlled by any trust, I advised our State officials to permit it, upon the payment of a fine commensurate with its offense, to continue its business in Texas.

The attorney-general, who was a college mate of mine and a true man in every sense, submitted to me the judgment of the court, and expressed the opinion that he could not, under the terms of that judgment, consent to such a settlement. After carefully examining the judgment I concurred in his opinion, and advised that the only lawful course was to dissolve the offending corporation and organize a new one; but that advice was given upon the understanding that when the new corporation came into the State it should obey our laws. Immediately after that conversation I returned to Washington, and knew absolutely nothing further about the transaction until I read an attack upon the attorney-general in respect to it, when immediately and without the slightest hesitation I defended him, and avowed my responsibility by stating what I had advised. As so often happens in the bitterness of political strife, the circumstance was seized upon and magnified in many ways, and it was charged that I had received a fee ranging from $50,000 to $500,000, according to the imagination of the relater. Finally one man, who was more reckless than the rest and who happened to be a member of the Texas legislature, introduced a resolution directing an inquiry into my connection with the case. Every friend of mine in that legislature, with a single exception, would have voted against that resolution except for my earnest insistence. They contended—and they were right—that there was nothing in the matter which called for an investigation. They pointed out the fact that it was not contended that the matter was connected in the remotest degree with the legislation of Congress, and could not therefore by any possibility involve my official or personal integrity. To all of this my answer was that if the resolution were defeated the lies would multiply and some honest men would be misled into the belief that an inquiry would have revealed some misconduct on my part, and at last my friends in the legislature yielded to my view of the matter and voted for the investigation. A committee was appointed, consisting of four gentlemen who had supported me in my race for the Senate and three who had supported my opponent. That committee unanimously reported to the legislature exonerating me and our State officers from every shadow of an imputation.

Mr. President, it was a case in which there could have been no wrong. Had I chosen to accept employment in that case, I had a perfect right to do so, and I desire the Senate to know that I did not leave that question the subject of any doubt in the minds of that legislature. I told the committee in no spirit of defiance, but merely as a matter of proper self-respect, that I had a right to do all that I was accused of doing; and I will read to the Senate what I said to that committee of the legislature. Here it is:

I desire to have it understood in this connection that had I known that the Waters-Pierce Oil Company would be compelled to dissolve and resort to a legal reincorporation and that they would be pursued in the courts, I would not have hesitated one second about accepting employment from it and taking a fee, provided my labor as their attorney had not taken me from my public duties in Washington.

There could not have been the slightest question about my right to accept a fee to defend them in the courts so long as I believed that they were willing to obey our laws. There could not have been any possibility of their case coming before the body of which I was a member, and therefore neither my vote nor my official conduct could have influenced the decision of it, nor been influenced by their employment of me.

I am a lawyer, and I sincerely hope that I will never be such a political coward as to fear to defend any man or any business when I think their rights are assailed unjustly or with unnecessary severity. Neither am I such a fool as to really want to keep a legitimate business out of the State, nor such a demagogue as to pretend that I do.

With that statement before them, the committee, in the first instance, and the legislature, in the second instance, unanimously exonerated me from any misconduct.

Mr. President, the first misstatement in this magazine article relates to this—no, not the first misstatement, but the first misstatement in it which refers to my public service, relates to this very question of the investigation before the legislature. The writer of this article says:

McFall, however, on January 17, submitted an affidavit to the committee—

Mr. CARMACK. Who is McFall?

Mr. BAILEY. McFall was the member of the legislature who had introduced the resolution of inquiry.

McFall, however, on January 17, submitted an affidavit to the committee. He rehearsed the facts of the Waters-Pierce ejectment from the State and charged—

"That by reason of BAILEY's influence and personal and political popularity and prestige, they (the Waters-Pierce Company) were enabled by a mere sham of dissolution and reincorporation to continue in business in Texas.

"That the said JOSEPH W. BAILEY did, on or about May 2, 1900, accompany H. C. Pierce, president of the Waters-Pierce Oil Company, to Waco for the purpose of holding a consultation with the county attorney of McLennan County, with a view of compromising said suits (the suits were for $105,000 in fines); that the proposition of compromise by said Pierce was $10,000 to the State in full of her claims and the payment of $3,500 to the county attorney as an extra fee for advising the compromise; and that the said BAILEY indorsed said proposition and urged its acceptance."

Mr. President, the Senate has observed that this magazine writer declares that statement to be an affidavit. But any man who has the curiosity to look into the matter will find on page 137 of the house journal of the legislature of Texas, under date of January 21, 1901, the statement from which this magazine quotation is made, and there is not a semblance of an oath to support it.

I attach no particular importance to whether the statement was sworn to or not, because my observation leads me to believe that any man who will tell a lie will swear to it if he thinks it is safe to do so; but I am amazed to learn that a man who pretends to write so carefully as this magazine writer would have us believe he does, not only prints a naked allegation and describes it as an affidavit, but then suppresses a statement in the same report which shows that the man who is said to have made the affidavit declared to the chairman of the committee from his sick bed that he did not know a single fact or circumstance to sustain even that weak charge.

When the man who introduced this resolution was summoned by the committee to appear and sustain his charge, he retired to his home and went to bed, and instead of coming to answer the committee he sent day after day a doctor's certificate that he was unable to come. The committee finally instructed its chairman to go to his home and ascertain whether or not he was really sick. If he were not sick, then they would bring him to the Capitol, and if he were sick and still not too sick to testify they would go to his house and take his statement under oath. In obedience to the committee's instruction, the chairman repaired to the residence of this witness, and here is what the witness told the chairman to say to the committee and what the committee embodied in its report:

After the committee adjourned at noon on the 17th instant the chairman, the Hon. S. J. Hendrick, visited the Hon. D. A. McFall at the home of the latter, to ascertain how soon Mr. McFall would be able to appear before the committee and to testify, and the chairman reported to the full committee that Mr. McFall had requested him to say that it would be useless for the committee to prolong its session for the purpose of awaiting his evidence, because he could not swear to any fact or circumstance that would tend to establish the charges.

Mark you, Mr. President, the committee did not leave him to say whether he could swear to *any fact which would establish the charge*, but they put the question to him, as they had put it to other witnesses, if he knew any fact *or circumstance* which would *tend to establish the charge*, and his answer was that he did not. Yet this magazine writer incorporates the unsupported and unsworn statement of McFall in this article, and describes it as an "affidavit," concealing the fact that the same legislative record from which he took it contained the statement which I have just read in the hearing of the Senate.

This writer next declares, Mr. President, that there was a serious question in the legislature about my exoneration, and he says the final vote was 73 to 41. The final vote on the resolution, it is true, was 73 to 41, but stated in that way it is as misleading as a direct and positive falsehood would be. The truth about it is this: The committee made two reports, a majority report signed by six and a minority report signed by one. But both reports exonerated me and the State officials from all shadow of blame.

The difference was that the majority report, in addition to its exoneration of me, contained a resolution denouncing the liars—some of them were in that legislature—while the minority report, joining the majority in its exoneration of me, protested against the resolution denouncing the men who had calumniated me and the State officials. That was the only difference.

In the same report which this man read—I assume that he read it because he quotes from it, and if he did not read it he is that much more reckless in his work—he found this statement. After the majority report was submitted, they moved to substitute the minority, and on that motion the first vote was taken. Perhaps it is better that I should read the majority and the minority reports. I will not detain the Senate, of course, by reading the entire reports. The majority report concludes in this way:

Whereas the committee of the House of Representatives, appointed to investigate the charges against the Hon. J. W. BAILEY and certain State officials in connection with the readmission of the Waters-Pierce Oil Company into this State, have performed their duty; and

Whereas by the most diligent inquiry they have not been able to find a single fact or circumstance discreditable either to the Hon. J. W. BAILEY or to any State official, but, on the contrary, all of the evidence before said committee completely and overwhelmingly exonerates the Hon. J. W. BAILEY and all State officials from the charges of misconduct; Therefore, be it

Resolved by the house of representatives, That we denounce the malicious imputations and insinuations against the integrity of the Hon. J. W. BAILEY and our State officials as the most cruel, vindictive, and unfounded attack ever made upon the character of a faithful public servant in Texas.

The minority report begins as follows:

We, the minority of your committee appointed under the resolution introduced by the Hon. D. A. McFall, and adopted by the house on January 11, 1901, providing for the investigation of the facts relating to the dissolution and reincorporation of the Waters-Pierce Oil Company, its admission to do business in Texas, etc., agree to all the report of the majority, except wherein they recommend to the house the adoption of the proposed resolution.

There was absolutely no difference, Mr. President, between the majority and the minority upon the question of my exoneration. The only controversy was as to the denunciation of the men who had instigated the political assault. Upon the motion to substitute the minority for the majority report the vote stood 44 to 70. The minority report was thus rejected, and the vote came upon the adoption of the majority report. The gentlemen who voted against it were the same gentlemen, with one exception, who had already voted for the minority report. I want to read to the Senate some reasons which were given by gentlemen who supported the minority report:

We vote for the minority report of the BAILEY investigating committee for the reason that we believe that it as fully exonerates Mr. BAILEY and any State officials as does the majority report, and casts no insinuations on the motives of any citizen of Texas who may have criticised the readmission of the Waters-Pierce Oil Company into Texas to do business, and who have questioned the propriety of Mr. BAILEY's connection therewith.

CLEMENTS.
BEATY.
MCCLELLAN.
BRIDGERS.
GREENWOOD.
WILLINGHAM.

There were statements by other members of the legislature to the same effect, and so it is that when this writer says there was a serious division in the legislature of Texas over my exoneration he deliberately attempts to deceive the public.

He says:

BAILEY was elected Senator on the same day.

But he omits to say that I received 137 votes in that legislature, while only 6 were cast against me, and he omits also to say that after six years, during which this matter has been discussed until decent men have become disgusted with it, my next election to the Senate is as certain and will be as unanimous as the first.

But he says that all of this has happened because we have a political machine in Texas. He presumes upon the ignorance of the people who may read this article as to political conditions in Texas. It is the one Commonwealth of the Union in which a political machine has never yet been constructed, and in which a machine could never endure. And amongst all the men who have taken part in the politics of that great State, no one is more exempt from the charge of being a machine candidate than I was then or than I am now.

Mr. President, I never in my life organized a committee to promote my election to any office. No man ever contributed a dollar to secure either my nomination or my election. More than that, when I was a candidate for the Senate I appealed directly to the people. My demand was that in every county my candidacy and that of my opponent should be submitted to a direct vote in the primary, and that course prevailed in nearly every county. I canvassed that State for one month—as I now recall it, exactly one month—and I spent in that race for the Senate less than one month's salary.

I happen to remember it well. When I learned that my opponent had withdrawn I was at the depot in the town of Smithville, and my friends were congratulating me upon the cessation of the contest. One man said it would save me a great deal of work and a good deal of money. Another gentleman who stood by said it would save me a good deal of work, but it would not save me any money, because I was one of the kind that do not spend money in elections. After some little banter between the two, this friend asked me how much I had spent. I said that I left Washington with exactly one month's salary; and to settle their dispute I examined my book and found that I still had a $20 bill left with some change in my pocket. Less than one month's salary in a Senatorial contest during which I canvassed the State for an entire month!

Mr. President, I was five times elected to the House of Representatives; I have been once elected to the Senate; and I have spent less money in all those elections than the man who owns this magazine spent, perhaps, in a single ward when he was a candidate for mayor in the city of New York. His sworn return shows, according to the papers, that he spent over $60,000 in that contest. That is forty times as much as I ever spent in politics in all my life, and yet he talks about my machine and corrupt political methods. It is a matter of great satisfaction to me to say that there could be no surer way of inviting defeat in the State of Texas than for a man to use his money or to organize his machine.

Mr. President, if I needed any help in Texas this article would have contributed it. It so happens that every time it touches any question which relates to that State it is so obviously incorrect that even if what else it said about me had been true the people of Texas would not believe it, because, knowing that everything was false about which they possessed personal knowledge, they would naturally conclude that everything else was false.

The next specification which this magazine writer makes against me is entitled "The Indian Territory grab." Here is its first sentence:

Last April, when a huge Indian Territory coal, timber, and oil grab was on its stealthy way through the traitor Senate, under the auspices of the "merger," and under cover of fake railway-rate bill excitement, it was LA FOLLETTE, a new Senator from far-away Wisconsin, who exposed it.

Before the distinguished Senator from Wisconsin became a member of the Senate I had gone before the Committee on Indian Affairs and had urged that these mineral lands still belonging to the Indians should be reserved from sale and consecrated to the education of the children in that country. I said the same to the Senator from Wisconsin.

I do not sanction the statement that the provision which the Indian Affairs Committee brought into the Senate was a steal. I think that provision was supported by men as honest as the Senator from Wisconsin or I, but I do believe that it was an unwise disposition of those lands, and therefore I resisted it and throughout the contest over it I was cooperating with the Senator from Wisconsin. If he stopped a steal, I helped him, adn I ask the Senator from Wisconsin to rise in his place and say whether or not we cooperated in that matter.

Mr. LA FOLLETTE. Mr. President, I take great pleasure in saying that I conferred with the Senator from Texas [Mr. BAILEY] before I offered any amendment or took part in any discussion in opposition to the sale or the disposal in any manner of the coal lands in the Indian Territory, and that I received from him valuable suggestions, advice, and cooperation in whatever I did or undertook to do with respect to those lands.

Mr. BAILEY. Mr. President, that is precisely the manly statement which I would expect from the Senator. We thoroughly agreed not only upon that, but upon other matters, to which I now desire to call the attention of the Senate.

Further on in this same paragraph this writer says:

And the amendment, which made it possible for home seekers to buy Indian lands, but impossible for corrupt corporations to grab them, was killed on a point of order.

Here, again, I was cooperating with the Senator from Wisconsin. The only difference between him and me was that he wanted those lands disposed of under the supervision of the Secretary of the Interior, in whose wisdom, I will say, he has more confidence than I have. I do not doubt the honesty of the Secretary of the Interior. If I had ever doubted it, he has done all that is necessary to remove that doubt. But I have always found that he was looking more after the Indians in the Indian Territory than the white population there. Perhaps that was his duty as Secretary of the Interior. But for years I have acted upon the theory that that was a white man's country, and that the law designed to preserve the Indian would tie the hands and retard the progress of the white man. That was the only difference between the Senator from Wisconsin and myself.

The difference between me and other Senators who insisted upon the point of order and opposed the amendment was, and only was, that they felt that if the restriction on alienation was continued the value of the land would greatly enhance, the benefit of which the Indian would obtain. My difference with them was simply this: That the lands would enhance in value enormously, but the Indian would not get the benefit of it, because in the meantime others would use and occupy it at a nominal rent; and believing that the Indian would not get the benefit in the end, I advocated the immediate sale of those lands, so that the present tenants in the Indian Territory might purchase it and become home owners. If any Senator or any citizen chooses to examine the CONGRESSIONAL RECORD of the 27th and 28th of April he will find that for two hours I stood on the floor of the Senate and plead for the privilege of those tenants there to buy this land now, and I warned the Senate that if these restrictions on its alienation were continued, the land would so greatly enhance in price that when the Indians could sell it a poor man would be unable to buy it. That was the argument I made from beginning to end.

Again, Mr. President, this writer says, under the caption of "Indian Territory grab:"

On the other hand, the CONGRESSIONAL RECORD so full of surprises for the careful reader, reveals that BAILEY has been, in his fourteen years at Washington, one of the chief introducers of Indian Territory railway and land bills—bills granting rights of way to railways, bills renewing, extending, and broadening charters.

He then proceeds to give a list of the bills of that character which I have introduced. It would not be singular if I had introduced more bills affecting the Indian Territory than any other Senator or Member. I live within 7 miles of the border line between the Indian Territory and Texas. That Territory has no Representative or Delegate in Congress. It has no Senator in this body. If bills are introduced permitting its development, Senators and Representatives from other States must introduce them. And yet, Mr. President, I was always careful about introducing any bill relating to the Indian Territory, and the RECORD shows what this magazine conceals, that I introduced every bill it enumerates, with a single exception, by request, and they were marked "by request," thus disavowing all responsibility for it. When a citizen of my State sends me a bill and asks me to introduce it, if I have time to examine it and it commends itself to my judgment, I introduce it on my own responsibility. But if I do not have the time to examine it, or if after examining it I do not approve it, I do as every other careful Senator and Representative does—I mark it "by request."

Mr. President, the only bill in this list which I did not introduce by request was for the Gainesville, McAlester and St. Louis Railroad. That was a corporation organized by the most reputable business men in the town where I live, for the purpose of building a railroad from my home to the coal fields of the Indian Territory. I know every man connected with it, and I was so thoroughly and heartily in sympathy with the project that I would have been one of the incorporators except for the fact that being a member of Congress it was necessary for me to obtain the charter, and for that reason I was unwilling to have even a nominal connection with it. Can any man believe that a sound-minded Senator or Representative would refuse to introduce a bill which allowed his own people to build a railroad that would bring cheap fuel to his neighbors? Fuel is an important item in the prairie country of northern Texas, and a Representative who would not have proposed a proper bill enabling his neighbors and his constituents to lighten their fuel cost would have been recreant to their best interests and to his plain duty.

Again, this man says:

All the measures introduced by BAILEY looked well enough; no doubt many of them were harmless enough in and of themselves; no doubt many of them might have been most beneficent if properly investigated and freed of all sly looting schemes.

In this article he testifies to the integrity and efficiency of the Secretary of the Interior, and perhaps it will console him to know that every one of those bills was referred to the Interior Department before it was even reported favorably by any committee, and if they were not properly "freed from looting schemes" the fault lies with the Secretary of the Interior, to whom the writer gives a certificate of high character. The Secretary of the Interior is one of the few men whom he praises, and that moves me to suspect that the Secretary of the Interior is one of the few men who do not stand in the way of somebody's ambition.

The next charge against me is that I spent some of the present session in discussing "the fake railroad rate bill." I will not insult the intelligence of the American people by answering that grave charge. It is rather a high compliment to me that after five months of diligent quest they have found no more serious charges than these. They have raked the gutters from Houston, Tex., to New York, coming by way of Lexington, Ky., and not forgetting the horse-training stables there, and the end of it is a feeble attempt to infer some wrong.

He makes another charge. He says I was opposed to the pure-food bill, and here is the way he testifies to my constituents that I was right:

The Gorman, or the so-called "Democratic" gang reaches the same end of protecting the plutocracy by the way so long used by and for the antebellum slavocracy.

That is a mild appeal to the dead prejudices of the North; but it will affect nobody except some one who is so simple-minded as to believe what he finds in the Cosmopolitan Magazine. This writer then adds:

The Constitution must be *strictly* interpreted; the rights of the States must not be violated!

And he puts an exclamation mark there, as if to evidence his abhorrence of such a doctrine. Mr. President, whether it was used by what he calls the "slavocracy" or not, I cheerfully range myself upon the side of the men who believe in a strict construction of the Constitution and in a sound defense of the doctrine of States rights, and I welcome him, as I welcome every man, to make all the capital against me he can out of that circumstance.

It will surprise some people to know that this is the sum of all that was said about my public career or in reference to my political connection in an article which for five long months has been advertised as a coming sensation. He says some other things about my business and professional career to which I make no reply. He says that I practice law successfully, in that I make money. If he will ask my clients, he will also find that I have practiced law successfully in the way of protecting their interests. If that is a crime, it is time the country should know it. Mr. President, I despise those public men who think they must remain poor in order to be considered honest. I am

not one of them. If my constituents want a man who is willing to go to the poorhouse in his old age in order to stay in the Senate during his middle age, they will have to find another Senator. I intend to make every dollar that I can honestly make, without neglecting or interfering with my public duty; and there is no other man in this country who would not do the same, if he has sense enough to keep a churchyard.

I have been in Congress fourteen years, and the man does not live who can put his finger upon a speech or vote that I have ever made or cast in the interest of my clients and against the interest of my constituents.

This man says himself—I dislike a little to call him as a witness, but surely he will not be deemed a witness partial in my favor—beginning the very second paragraph of his article:

> Of course, in the House, in the Senate, and on the stump, BAILEY has spoken as strenuously for people and country as any other politician.

No man would be willing to say in the presence of men who know the truth that I have ever spoken one way and voted another. There is the record. It is an open book, fourteen years long, and not a single instance can be found where I have spoken and voted differently.

This man says I speak for country and people. As I vote like I speak, then I must vote for country and people. And yet though I have spoken for country and people and voted for country and people, he asks the men in whose service I work day and night to believe that I have betrayed their interests.

Mr. President, perhaps I owe the Senate and the country an apology for having dignified this screed by noticing it in the Senate. I have done it against the advice of nearly all my friends, but I have done it under a solemn sense of obligation to the public.

I want to say this: It may have been somewhat barbaric, but I believe in the old civilization, under which when a man slandered you you had a right to call him to answer for it. But I recognize that I live in another civilization, which does not permit that course. I want also to say to the country that the very fact that these attacks are permitted to pass unchallenged encourages men to make them. They misstate the record. They suppress the truth. Why? Because they feel that the men whom they attack will sit silent under their misrepresentations.

But, Mr. President, it is reassuring, even when we think of this, to remember that they constitute only a small per cent of the magazines and newspapers of the land. As in every neighborhood we find men and women who are banished for their evil habits from decent association, so in the midst of the splendid publications striving to enlighten, uplift, and glorify mankind, we must not despair when we find such as this. They can no more corrupt the mind of the American people than the degenerate amongst men and women can degrade society.

Even in my most resentful mood against papers and publications like this I have never seen the time when I would abridge the just freedom of the press. I believe that the light ought to beat fiercely on every man who occupies a high position, but in God's name let it be the white light of truth without the taint of yellow in it.

These men do harm, almost unmeasured harm; but they do it in another way, and that other way is this: They slander the upright, and therefore when reputable publications accuse the treacherous the public are incredulous about the charge. No men have ever done the rascals a greater service than those who try to make the people believe that all men are rascals. That creed can never find acceptance in this land, and the only effect of such teaching is that at last the pendulum swings back to the other extreme, and the people conclude that nobody is half as bad as they are painted.

Such publications as this ought to be scourged by decent magazine writers from the company of well-behaved men and women. They ought to be outlawed, as it were, in a literary sense, and left to suffer under the contempt, into which they unjustly sought to bring honest men.

Mr. President, there is one other matter which I wanted to call to the attention of the Senate, but I have almost overlooked it. The day after this article appeared in the magazine, to which Mr. HEARST's name is not attached, there appeared an editorial in the Evening Journal, to which Mr. HEARST's name is attached. It is a double column of mendacity and malice, and yet the only direct averment against my public service is that I have voted to give away the public lands to corporations; and he says that in the face of the RECORD, which shows that I never voted to give an acre of public land to any corporation in my life.

This article is not altogether political; it is a little commercial. Listen to this: And remembering that Mr. HEARST owns the magazine, for whose bonds he stands a guarantor to the extent of $500,000, we can easily understand what interest he has in its financial prosperity. So he tells his readers through his paper:

> We believe that a majority of our leading citizens will read Mr. Phillips's entire article for their own information, and we urge them to purchase the July Cosmopolitan and do so.

There is some thrift mixed with a little politics. HEARST's magazine prints a slander against a man, and then HEARST's newspaper advises those who read it to buy the magazine; and this editorial not only appeared in his New York publication, but it appeared in his Chicago one as well.

Mr. President, it is a great temptation for me to say what I think about these people, but that would offend the dignity and propriety of the Senate, and I forbear. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform the occupants of the galleries that applause is not permitted under the rules of the Senate.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. Mr. President, I rise to make a privileged statement in regard to the conference upon the agricultural appropriation bill and the differences between the House and the Senate referred to the other day here. We had agreed in conference upon all the items except the one in regard to meat inspection and one minor one, which we doubtless could have agreed upon, but the House conferees——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. The Senator from Vermont will suspend until the Senate is in order. The Senate will please be in order.

Mr. HALE. This is a very important statement that the Senator from Vermont is making, and every Senator ought to hear it.

Mr. PROCTOR. The conferees on the part of the House positively refused to consider any proposition of compromise upon this point of the meat inspection. The Senate conferees submitted a proposition for a compromise. The provision of the House, which appropriates $3,000,000 for the cost of inspection, is as follows:

> That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

The conferees on the part of the Senate proposed as a compromise that there be added to the above the following:

> The entire cost of inspection shall be paid from this appropriation, but to reimburse the Treasury for the expense incurred for the inspection of meat food products subsequent to the inspection of the live animal and the carcass, the Secretary of the Treasury shall, upon the return to the Secretary of Agriculture of the number of animals inspected and examined under the provisions of this act, collect and deposit in the Treasury a fee of 5 cents each for every head of cattle inspected and examined, and 3 cents for each head of sheep, swine, and goats so inspected and examined, and he shall publish the necessary rules and regulations for carrying out this provision.

This the House conferees positively refused to consider, or any other proposition, insisting that we accept absolutely the provision that they submitted.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Maine?

Mr. PROCTOR. I do.

Mr. HALE. Can the Senator tell the Senate from any estimate he has made what portion of the $3,000,000 appropriated by the Government would be reimbursed or returned to the Treasury from the source that he has indicated?

Mr. PROCTOR. One-half, perhaps a little more, would be reimbursed and paid into the Treasury.

I might say, further—I think it is justifiable under the circumstances to say—that they not only positively refused to join in any report—for we had agreed upon everything substantially except this item—so far as we had agreed and assent to another conference, but they took a position that involves the failure of the bill unless we yielded everything they asked.

Mr. HALE. Is it not then the practical result that if the House conferees maintain their ground and refuse further conference and refuse all propositions all legislation is arrested on the subject?

Mr. PROCTOR. It is, Mr. President. It seems so to me. There can be no doubt of it.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Minnesota?

Mr. PROCTOR. I do.

Mr. NELSON. What result, if any, did the conference reach as to the date on the label—as to the labeling?

Mr. BEVERIDGE. The date on the cans.

Mr. PROCTOR. We did not reach that point. The other came up first. We reached it only so far as this, that they insisted upon the whole. We did not discuss that. There was no chance for a compromise upon that. It must be with the date or without it, but their insistence was upon the entire measure as they proposed it.

Mr. NELSON. They would not yield on any point?

Mr. HALE. For the present, then, there is nothing further that the Senator or his fellow-conferees representing the Senate can do but to await action on being called together again by the House conferees. Has the Senator any programme other than that?

Mr. PROCTOR. None whatever, Mr. President. I see nothing whatever that the conferees on the part of the Senate can do. There was a positive refusal to join in any report, although everything had been agreed to substantially except this one item.

Mr. HALE. If the Senator will allow me, I think the Senate is indebted to the Senator from Vermont for stating just what the situation is upon this most important matter, and my impression is that for the present we will do well to leave it there. Overnight or in the morning something may come from the House conferees to open the question. I should like myself to have the opportunity given. Without any hasty action here which would perhaps tend to further inflame the condition, I should prefer to have the matter stand just as it is overnight, and in the morning we will see whether anything further can be done.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from New Hampshire?

Mr. PROCTOR. I do.

Mr. GALLINGER. With the consent of the Senator from Vermont, I want to ask the Senator from Maine, who is, as he frequently says of other Senators, an old legislator, and has had very much to do with appropriations, whether, in his experience, there have been many cases similar to this, where the conferees of one body refused to have a bill reported to the Houses showing the points upon which an agreement had been reached?

Mr. HALE. In my official life here in the Senate I have known but one case. I recall a case which I think may have been similar to this. It was a long controversy upon the naval appropriation bill. I think perhaps other old Senators who were here at the time will remember it. In that case my recollection is that the House conferees declined a further conference and declined to submit any further report.

The processes provided by the rule are agreement, disagreement, or insistence, or, finally, adherence. The rule provides that either House, when it is determined upon a certain course on an amendment or a statute, can close the matter up, so far as any further steps are taken, by voting to adhere. That is a notice to the other House that the House voting to adhere will have no further conference and nothing else except what it desires.

One reason why I suggested that no hasty action be taken now is that when this goes back, not as a conference report, but as a statement to the House, I should hope that the reasonable men in that body—and there are plenty of them—will not proceed to the extremity of voting to adhere, and that out of reflection, as in a thousand cases that occur in all our lives, will come a feeling that upon this important matter no pride of opinion and no pride in the body shall prevent some salutary legislation.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. I do.

Mr. HEMENWAY. I wish to make an inquiry before the Senator from Vermont yields the floor.

Mr. BEVERIDGE. I desire to ask the Senator from Vermont a question, merely whether the Senate is to understand the Senator from Vermont as reporting that the House conferees would rather see the entire bill defeated than to yield upon any point or modify any point of the bill. That, it strikes me, is an exceedingly important statement.

Mr. HOPKINS. Mr. President——

Mr. BEVERIDGE. I want to know if I correctly understood the Senator.

Mr. HOPKINS. That is for the Senator to answer, but it seems to me that the language used by the conferees on either side ought not to be bruited about in either the House or the Senate if they do not agree.

Mr. BEVERIDGE. The statement was made, and I think it is important to know whether that is the attitude. We want to know what the situation is.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Wyoming?

Mr. PROCTOR. Allow me to reply to the Senator from Illinois. I made the statement that their position involved the failure of the bill, as will be seen by the RECORD. I stand by that statement. Whether it is proper or not, it is true.

Mr. HOPKINS. Well, Mr. President, I think it only fair to the House members of the conference committee that the Senator should state the explicit and forceful language he used on that proposition. This is a matter as to which I think the Senate ought not to condemn the House conferees for language they have used without an opportunity of their being heard to show whether there was any provocation for language of that kind.

Mr. PROCTOR. Mr. President, I can say——

Mr. NELSON. I think the Senate ought to know.

Mr. PROCTOR. I wish to reply to the Senator from Illinois [Mr. HOPKINS]. I can say, for once, that the conduct of the Senate conferees was entirely amiable. We said nothing to bring out such an earnest statement from the House conferees.

Mr. HALE. You were modest.

Mr. PROCTOR. We are always so.

Mr. WARREN. Mr. President——

Mr. PROCTOR. Wait a moment. We simply asked if we could make a report of conditions—what was agreed to and what would be disagreed to. The House conferees positively declined to assent to that. Everything we said was in the direction of trying to come to an amicable agreement.

Mr. HOPKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Illinois?

Mr. PROCTOR. I do.

Mr. HOPKINS. The reason I made my suggestion along the line I did was that, if we are to get a bill, there must be an agreement between the conferees of the Senate and of the House, and if the language of the conferees of the House is given in the Senate and they are denounced, it seems to me that that sort of thing is not something that will placate them and make them the more readily agree. We know, Mr. President, that they are reasonable men, the same as are the conferees on the part of the Senate, and that they have no opportunity of being heard upon this floor. I think the discussion should be limited to the attitude of the Senate conferees, without any reflection on the conferees on the part of the House.

Mr. PROCTOR. I have not intended, Mr. President, to reflect upon the House conferees. I have merely stated what they said. Now I yield to the Senator from Wyoming.

Mr. WARREN. Mr. President, I did not hear the first statement made by the Senator from Vermont as to what is the condition.

Mr. PROCTOR. That the House conferees refused to join in any report unless we agreed absolutely to their propositions.

Mr. WARREN. In regard to what?

Mr. PROCTOR. In regard to the meat-inspection amendment principally, although there was one other matter in dispute.

Mr. WARREN. Then, as I understand, the conferees have agreed upon all matters but those?

Mr. PROCTOR. Yes.

Mr. WARREN. Mr. President, if the Senator will allow me just a word, I will say that I think the advice of the Senator from Maine [Mr. HALE] is good, as it always is, and I am generally willing to follow his advice. In this meat-inspection matter we have a condition which is, I believe, unprecedented in legislation. I recall nothing that has happened since I have been a member of this body, and I do not recall ever having heard or read of any, where a proposition involving millions and millions of dollars, at the last moment, without consideration by any committee or the Senate, was submitted and attached as an amendment to an appropriation bill without a word of debate. Such action creates a condition that naturally would cause a wide difference between the Senate and the House of Representatives.

The Senate did not carefully consider the matter, but desiring to correct one evil in a hurry and without much thought, it

agreed to the amendment on this floor in a matter of four or five minutes; while, on the other hand, the Agricultural Appropriation Committee of the other House, consisting of some seventeen or nineteen men, practical farmers and practical business men, entered into hearings and the taking of testimony on the subject. They had the matter under earnest and attentive consideration for weeks, and after the hearings, the taking of evidence, and full discussion the committee brought in a substitute amendment, as it had a right to do, and the House agreed to the same. It seems to me, under these circumstances, we can afford to be very patient, and I do not know but we can afford to be rather more than patient with those who are evidently trying to do their duty, and who have at least behind them the proof of their earnestness and attention in their long and laborious work in connection with this subject.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Vermont yield to the Senator from Massachusetts?

Mr. PROCTOR. I do.

Mr. LODGE. I merely desire to ask a question, Mr. President, to see whether I apprehend the situation correctly. The conferees having been unable to agree on a certain proposition in the agricultural appropriation bill, I understand the Senate conferees proposed to report a disagreement?

Mr. PROCTOR. Yes.

Mr. LODGE. And that was absolutely refused. So they are unable to report a partial agreement, a complete disagreement, or a complete agreement, and they are not allowed to go to their respective Houses for instructions. That is the point. It is not a conflict between the Senate and the House. It is because the House conferees will not permit the Senate and the House to pass on what is still in dispute.

Mr. HEMENWAY. Mr. President, I want, as a Senator here, to protest against the discussion by a member of this body of what occurs in a conference committee. A Member of the other House can not speak for himself here; he can not stand up and say that this did not occur or that something else equally as bad did occur upon the part of the Senate conferees.

I served on many conference committees while I had the honor of being a Member of the House of Representatives; and while I have no desire to criticise, I have never yet stood up in that body and said the conferees on the part of the Senate said so and so, because the conferees on the part of the Senate had no power or right on the floor of the House to answer my charge. So the conferees on the part of the House have no right here to reply to statements made by Senators as to what occurred in conference.

I desire to put this question to the Senator from Maine [Mr. HALE], who has had long experience on conference committees: Is it not the rule of conferences that where legislation is placed upon an appropriation bill the body seeking to legislate must recede if the other body dissent? There is no place upon an appropriation bill, as a rule, for legislation. We talk about things getting through the Congress of the United States without notice. They get through sometimes by putting them into a bill of perhaps 300-odd pages, and driving them through. I am not in sympathy with the idea that legislation can be placed upon an appropriation bill as this legislation was, whether it be good or bad, without discussion.

Mr. WARREN. Will the Senator allow me?

The VICE-PRESIDENT. The Senator from Vermont [Mr. PROCTOR] is entitled to the floor. Does he yield to the Senator from Wyoming?

Mr. PROCTOR. I do.

Mr. WARREN. If the Senator will allow me, I want to ask the Senator from Indiana [Mr. HEMENWAY], who has served on a great many conference committees, a question in relation to this matter. This is the case of a bill coming here originally from the House and the Senate adding on a new appropriation, both enlarging the agricultural appropriation bill as to expenditures and enacting new legislation. If, under such circumstances, the other House resist, is it not the rule that the Senate should recede? If, in other words, legislation is put on in either House and submitted to the other, and the House to which it is submitted insists upon disagreeing to it, is not the House placing it there in duty bound to recede?

Mr. HEMENWAY. In my judgment—and I believe the Senator from Maine will agree with me—either body which places legislation upon an appropriation bill must recede if the other House insists that it shall.

Mr. PROCTOR. Mr. President, I submit that that is not this case. Where we put legislation upon an appropriation bill, if the other House oppose that, it might be our duty to recede, but they do not oppose that. They propose a substitute, to themselves legislate. I insist that it is an entirely different case.

Mr. HEMENWAY. Then there is a disagreement.

Mr. PROCTOR. There is a disagreement, and that is all.

Mr. WARREN. And it is incumbent upon them either to agree or to disagree.

Mr. CULLOM. Mr. President, I understand from the statement of the Senator from Vermont [Mr. PROCTOR] that he is not asking anything at this time. He simply comes here and states what the condition is. The Senator from Maine [Mr. HALE], very properly, I think, advised him to let the thing go over until to-morrow morning, and in the meantime one side or the other may think of something that will bring them together again. That is all there is in this case.

Mr. PROCTOR. That is what I propose to do, Mr. President. I did not think of asking for any action on the part of the Senate at this time.

Mr. HALE. Mr. President, as I have been appealed to by the Senator from Indiana [Mr. HEMENWAY] to state what is my experience, I will state that when either House puts in an appropriation bill legislation it can not force the other House to agree, but it must in the end recede if the proposition is one that the other House will not at all agree to. In this case it seems to me, from the very clear and guarded statement of the Senator from Vermont, that it is not a question of the House resisting absolutely and declaring that nothing shall go on the bill, but it is a question of agreeing between the two bodies as to what legislation shall be adopted different from what the Senate has put on. I do not think we take any profit by further inflaming the situation. To test the sense of the Senate that for the present this matter shall stand, I move that the Senate adjourn.

Mr. BLACKBURN. Mr. President——

Mr. CULLOM. I hope the Senator from Maine will not make that motion, but will let us have an executive session.

Mr. HALE. If it is desirable to have an executive session, I will not insist upon the motion.

Mr. BLACKBURN. I have a conference report which I desire to make.

Mr. HALE. Then I withhold the motion for the present.

PROTECTION OF WILD BIRDS AND ANIMALS IN THE DISTRICT.

Mr. BLACKBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

JO. C. S. BLACKBURN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,
Managers on the part of the House.

The report was agreed to.

UNLADING OF BONDED MERCHANDISE.

Mr. GALLINGER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

J. H. GALLINGER,
GEO. C. PERKINS,
Managers on the part of the Senate.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

The report was agreed to.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the

consideration of executive business. After forty-two minutes spent in executive session the doors were reopened.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HOWELL of New Jersey, Mr. BONYNGE, and Mr. BURNETT managers at the conference on the part of the House.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. PERKINS, Mr. DENBY, and Mr. HOWARD managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 18750) making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes; and it was thereupon signed by the Vice-President.

PURE-FOOD BILL.

Mr. HEYBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture, sell, or offer for sale within any Territory or the District of Columbia, or deliver for shipment or to cause to be delivered, shipped, or transported from within any State, Territory, or District of Columbia to any State, Territory, or District of Columbia or foreign country any article of food, drugs, medicines, or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article, duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"SEC. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"SEC. 7. That for the purposes of this act an article shall be deemed to be adulterated:

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"SEC. 98. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded—

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane, chloroform, cannabis indica, choral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"SEC. 12. That the term 'territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association,

within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"SEC. 13. That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. B. HEYBURN,
P. J. MCCUMBER,
A. C. LATIMER,
Managers on the part of the Senate.
W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

Mr. HEYBURN. I move that the report be printed in the RECORD, printed as a document, and that it be printed as a bill in bill form.

The motion was agreed to.

JAMES N. ROBINSON AND SALLIE B. M'COMB.

Mr. FULTON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with amendments as follows: Strike out in each amendment the words "two thousand five hundred" and insert the words "three thousand two hundred and fifty;" and agree to the same.

The effect of both of these amendments is to make the allowance under the bill $3,250 instead of $5,000, as the bill originally passed the House, and instead of $2,500, as the bill passed the Senate.

C. W. FULTON,
J. A. HEMENWAY,
THOMAS S. MARTIN,
Managers on the part of the Senate.
THEO. OTJEN,
G. M. HAUGEN,
T. W. SIMS,
Managers on the part of the House.

The report was agreed to.

UNITED STATES COURT IN CHINA.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SPOONER. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. SPOONER, Mr. KEAN, and Mr. BACON as the conferees on the part of the Senate.

REGULATION OF IMMIGRATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. DILLINGHAM. I move that the Senate insist upon its amendments, agree to the conference asked by the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. DILLINGHAM, Mr. PENROSE, and Mr. MCLAURIN as the conferees on the part of the Senate.

HELEN C. SANDERSON.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying bill, ordered to lie on the table:

To the Senate:

In compliance with the resolution of the Senate (the House of Representatives concurring) of the 26th instant, I return herewith Senate bill No. 3028, entitled "An act granting an increase of pension to Helen C. Sanderson."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 27, 1906.*

SAMUEL H. DAVIS.

Mr. MCCUMBER. I move to reconsider the vote by which the bill (H. R. 18905) granting an increase of pension to Samuel H. Davis was passed.

The motion to reconsider was agreed to.

Mr. MCCUMBER. I move that the bill be postponed indefinitely, another bill having already been signed by the President giving a pension to the same beneficiary.

The motion was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 7 minutes p. m.) the Senate adjourned until to-morrow, Thursday, June 28, 1906, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate June 27, 1906.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet George William Kleineberg, of California, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

Cadet Archibald Howard Scally, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

Chief Engineer John Quincy Walton to be a constructor in the Revenue-Cutter Service of the United States, in accordance with the act of Congress, approved June 23, 1906.

CONSULS, ETC.

William Coffin, of Kentucky, to be consul of the United States of class 9 at Maskat, Oman, to fill an original vacancy.

Louis J. Rosenberg, of Michigan, to be consul of the United States of class 7 at Seville, Spain, vice Richard M. Bartleman, promoted to be consul-general at large.

Robert J. Thompson, of Illinois, to be consul of the United States of class 7 at Hanover, Germany, vice Jay White, promoted to be consul-general of class 6 at Bogota.

William C. Tiechmann, of Missouri, to be consul of the United States of class 8 at Eibenstock, Saxony, to fill an original vacancy.

William J. Yerby, of Tennessee, to be consul of the United States of class 9 at Sierra Leone, West Africa, vice John T. Williams, resigned.

Peter Augustus Jay, of Rhode Island, now secretary of the legation at that place, to be secretary of the embassy of the United States at Constantinople, Turkey.

Lewis Einstein, of New York, now second secretary of the legation at that place, to be second secretary of the embassy of the United States at Constantinople, Turkey.

Thomas Ewing Moore, of the District of Columbia, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the legation of the United States at Peking, China, vice John Gardner Coolidge, resigned.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general at Bangkok, to be secretary of the legation and consul-general to Roumania and Servia, vice Thomas Ewing Moore, nominated for promotion to be secretary of the legation at Peking.

Irwin B. Laughlin, of Pennsylvania, now second secretary of the legation at Tokyo, to be secretary of the legation and consul-general of the United States at Bangkok, Siam, vice Montgomery Schuyler, jr., nominated to be secretary of the legation and consul-general to Roumania and Servia.

Norman Hutchinson, of California, now secretary of the legation at Caracas, to be secretary of the legation of the United States at Stockholm, Sweden, to fill an original vacancy.

APPOINTMENT IN THE ARMY.

Col. Walter T. Duggan, First Infantry, to be brigadier-general from June 26, 1906, vice Baldwin, retired from active service.

MEMBER MISSISSIPPI RIVER COMMISSION.

Maj. James L. Lusk, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a Mississippi

River Commission for the improvement of said river from the Head of the Passes near its mouth to its headwaters," vice Col. Oswald H. Ernst, Corps of Engineers, United States Army, to be retired.

COMMANDERS IN THE NAVY.

I nominate the following-named commanders to take rank as commanders in the Navy from the dates set opposite their names, to correct the dates of their promotion as nominated on June 25, 1906, caused by a clerical error in submitting their nominations, which nominations are withdrawn:

John L. Gow, to take rank from May 26, 1906;
George R. Clark, to take rank from June 6, 1906; and
George E. Burd, to take rank from June 12, 1906.

I nominate the following-named commanders to take rank as commanders in the Navy from the dates set opposite their names, to correct the dates of their promotion as confirmed June 23, 1906, which was caused by a clerical error in submitting their nominations:

Albert N. Wood, to take rank from February 12, 1906;
Edward Lloyd, jr., to take rank from February 19, 1906;
Richard M. Hughes, to take rank from February 28, 1906;
Frank W. Bartlett, to take rank from April 13, 1906; and
Frederick C. Bieg, to take rank from May 13, 1906.

POSTMASTERS.

ALABAMA.

Charles Doud to be postmaster at Sheffield, in the county of Colbert and State of Alabama, in place of Alice Pardue. Incumbent's commission expired January 21, 1906.

Felix T. Hudson to be postmaster at Auburn, in the county of Lee and State of Alabama, in place of Annie L. Dillard. Incumbent's commission expired January 20, 1906.

A. G. Negley to be postmaster at Florence, in the county of Lauderdale and State of Alabama, in place of James T. Pitt, removed.

W. W. Pridgen to be postmaster at Evergreen, in the county of Conecuh and State of Alabama, in place of Sanford B. Strout. Incumbent's commission expired March 21, 1906.

William A. Warner to be postmaster at New Decatur, in the county of Morgan and State of Alabama, in place of Eli P. Jennings. Incumbent's commission expired February 10, 1906.

ARIZONA.

J. Knox Corbett to be postmaster at Tucson, in the county of Pima and Territory of Arizona, in place of J. Knox Corbett. Incumbent's commission expires June 30, 1906.

CONNECTICUT.

George A. Lemmon to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut, in place of George A. Lemmon. Incumbent's commission expires June 30, 1906.

DELAWARE.

George B. Ruos to be postmaster at Bridgeville, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expires July 1, 1906.

W. Scott Walls to be postmaster at Georgetown, in the county of Sussex and State of Delaware, in place of James H. Maull. Incumbent's commission expired June 10, 1906.

IDAHO.

Harry W. Ingalls to be postmaster at Mullan, in the county of Shoshone and State of Idaho, in place of John H. Newbury, resigned.

ILLINOIS.

Daniel E. Keen to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois, in place of Daniel E. Keen. Incumbent's commission expired May 21, 1906.

INDIANA.

John M. Johnston to be postmaster at Logansport, in the county of Cass and State of Indiana, in place of William W. Moss. Incumbent's commission expired June 19, 1906.

IOWA.

Arthur S. Hazelton to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa, in place of Arthur S. Hazelton. Incumbent's commission expired June 19, 1906.

KANSAS.

T. A. Dilley to be postmaster at Sterling, in the county of Rice and State of Kansas, in place of Rufus F. Bond. Incumbent's commission expires June 28, 1906.

W. H. Jones to be postmaster at Lyons, in the county of Rice and State of Kansas, in place of Martin L. Grimes. Incumbent's commission expires June 28, 1906.

Marshall M. Murdock to be postmaster at Wichita, in the county of Sedgwick and State of Kansas, in place of Marshall M. Murdock. Incumbent's commission expired June 25, 1906.

James D. Smith to be postmaster at West Mineral, in the county of Cherokee and State of Kansas. Office will become Presidential July 1, 1906.

MASSACHUSETTS.

Charles A. Wilbar to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts, in place of Charles A. Wilbar. Incumbent's commission expired June 24, 1906.

MICHIGAN.

Fred N. Potter to be postmaster at Alpena, in the county of Alpena and State of Michigan, in place of Lemuel G. Dafoe. Incumbent's commission expires July 1, 1906.

MISSOURI.

Delia Crowder to be postmaster at Lexington, in the county of Lafayette and State of Missouri, in place of James M. Crowder, deceased.

NEBRASKA.

W. P. Hall to be postmaster at Holdrege, in the county of Phelps and State of Nebraska, in place of Charles W. McConaughy, resigned.

Romaine A. St. John to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska, in place of William A. Rodgers, resigned.

NEVADA.

Walter R. Bracken to be postmaster at Las Vegas, in the county of Lincoln and State of Nevada. Office will become Presidential July 1, 1906.

NEW MEXICO.

Henry H. Carter to be postmaster at Las Cruces, in the county of Dona Ana and Territory of New Mexico, in place of Allen J. Papen. Incumbent's commission expired February 10, 1906.

Harry W. Hamilton to be postmaster at Artesia, in the county of Eddy and Territory of New Mexico. Office became Presidential January 1, 1906.

John M. Wiley to be postmaster at Silver City, in the county of Grant and Territory of New Mexico, in place of Artie E. Galloway. Incumbent's commission expired February 10, 1906.

NORTH CAROLINA.

Seymour W. Hancock to be postmaster at Newbern, in the county of Craven and State of North Carolina, in place of Seymour W. Hancock. Incumbent's commission expires July 1, 1906.

OHIO.

Abner Allison to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio, in place of Abner Allison. Incumbent's commission expired March 21, 1906.

OKLAHOMA.

W. H. Cleveland to be postmaster at Mountain View, in the county of Kiowa and Territory of Oklahoma, in place of Herbert C. Huber. Incumbent's commission expired February 10, 1906.

Jabez A. Felt to be postmaster at Hennessey, in the county of Kingfisher and Territory of Oklahoma, in place of Jabez A. Felt. Incumbent's commission expired January 20, 1906.

Elliott F. Hook to be postmaster at Walter, in the county of Comanche and Territory of Oklahoma. Office became Presidential October 1, 1905.

Wallace R. Kelley to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma, in place of Emily McKinley, resigned.

Milburn M. McCoy to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma, in place of Milburn M. McCoy. Incumbent's commission expires June 30, 1906.

Charles G. Wattson to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma, in place of George F. Wattson. Incumbent's commission expired February 10, 1906.

PENNSYLVANIA.

William D. Boyd to be postmaster at Mars, in the county of Butler and State of Pennsylvania, in place of John B. Dickey, deceased.

W. L. Gouger to be postmaster at Danville, in the county of Montour and State of Pennsylvania, in place of Charles P. Harder. Incumbent's commission expired March 18, 1906.

William W. Henderson to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania, in place of William W. Henderson. Incumbent's commission expires June 30, 1906.

David A. Templeton to be postmaster at Washington, in the county of Washington and State of Pennsylvania, in place of William H. Underwood. Incumbent's commission expired March 10, 1906.

George E. Washburn to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania, in place of George E. Washburn. Incumbent's commission expired April 10, 1906.

SOUTH CAROLINA.

Thomas Tolbert to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina, in place of Robert S. Link. Incumbent's commission expired February 10, 1906.

SOUTH DAKOTA.

John F. Reid to be postmaster at Elk Point, in the county of Union and State of South Dakota, in place of John F. Reid. Incumbent's commission expired January 21, 1906.

TENNESSEE.

Roy P. Smith to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee, in place of Robert C. Wilcox. Incumbent's commission expired February 7, 1906.

George T. Taylor to be postmaster at Union City, in the county of Obion and State of Tennessee, in place of George T. Taylor. Incumbent's commission expired March 13, 1906.

TEXAS.

Jeff D. Burns to be postmaster at Tyler, in the county of Smith and State of Texas, in place of Jeff D. Burns. Incumbent's commission expires June 27, 1906.

Robert E. Hannay to be postmaster at Hempstead, in the county of Waller and State of Texas, in place of Harry W. Rankin. Incumbent's commisson expired February 17, 1906.

Samuel E. Morris to be postmaster at Carthage, in the county of Panola and State of Texas, in place of Annie L. Pool. Incumbent's commission expires June 30, 1906.

Hal Singleton to be postmaster at Jefferson, in the county of Marion and State of Texas, in place of Hal Singleton. Incumbent's commission expires June 27, 1906.

Henry O. Wilson to be postmaster at Marshall, in the county of Harrison and State of Texas, in place of Henry O. Wilson. Incumbent's commission expired May 19, 1906.

VIRGINIA.

McClung Patton to be postmaster at Lexington, in the county of Rockbridge and State of Virginia, in place of McClung Patton. Incumbent's commission expired June 24, 1906.

WEST VIRGINIA.

William B. Hensel to be postmaster at Gary, in the county of McDowell and State of West Virginia. Office became Presidential January 1, 1906.

WITHDRAWALS.

Executive nominations withdrawn from the Senate June 27, 1906.

Archie Jones to be postmaster at Chincoteague Island, in the State of Virginia.

Lieut. Commander John H. Shipley to be a commander in the Navy from the 12th day of June, 1906, vice Commander Sidney A. Staunton, promoted.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 27, 1906.

CONSUL.

George B. McGoogan, of Indiana, to be consul of the United States of class 9 at La Paz, Mexico.

DISTRICT JUDGE.

Charles M. Hough, of New York, to be United States district judge for the southern district of New York. An original appointment under the provisions of the act approved May 26, 1906.

SURVEYOR-GENERAL OF MONTANA.

John Frank Cone, of Hamilton, Mont., to be surveyor-general of Montana.

REGISTERS OF LAND OFFICES.

George W. Wilson, of Minot, N. Dak., to be register of the land office at Williston, N. Dak.

Clarence C. Schuyler, of North Dakota, to be register of the land office at Fargo, N. Dak.

Daniel Arms, of Montana, to be register of the land office at Missoula, Mont., to take effect July 18, 1906.

MARSHAL.

C. G. Brewster, of Texas, to be United States marshal for the southern district of Texas.

RECEIVERS OF PUBLIC MONEYS.

Edward A. Winstanley, of Montana, to be receiver of public moneys at Missoula, Mont.

Judson J. Jordan, of North Dakota, to be receiver of public moneys at Fargo, N. Dak.

Victor Chaffee, of Grand Forks, N. Dak., to be receiver of public moneys at Williston, N. Dak.

APPRAISER OF MERCHANDISE.

Edward S. Fowler, of New York, to be appraiser of merchandise in the district of New York, in the State of New York.

INDIAN AGENT.

Samuel G. Reynolds, of Montana, to be agent for the Indians of the Crow Agency in Montana.

POSTMASTERS.

NEW YORK.

George B. Harwood to be postmaster at Skaneateles, in the county of Onondaga and State of New York.

NEW MEXICO.

Henry H. Carter to be postmaster at Lascruces, in the Territory of New Mexico.

Harry Hamilton to be postmaster at Artesia, in the Territory of New Mexico.

John M. Wiley to be postmaster at Silver City, in the Tertory of New Mexico.

VIRGINIA.

L. G. Funkhouser to be postmaster at Roanoke, in the county of Roanoke and State of Virginia.

NEVADA.

Walter R. Bracken to be postmaster at Las Vegas, Lincoln County, Nev.

PENNSYLVANIA.

David A. Templeton to be postmaster at Washington, Washington County, Pa.

W. L. Couger to be postmaster at Danville, Montour County, Pa.

William A. Boyd to be postmaster at Mars, Butler County, Pa.

ACT AND PROTOCOL AT ALGECIRAS, SPAIN.

June 27, 1906. The injunction of secrecy was removed from the general act and an additional protocol signed on April 7, 1906, by the delegates of the powers represented at the conference which met at Algeciras, Spain, to consider Moroccan affairs. (Ex. J., 59th Cong., 1st sess.)

INTERNATIONAL INSTITUTE OF AGRICULTURE.

June 27, 1906. The injunction of secrecy was removed from a convention signed at Rome on June 7, 1906, by the delegates of the various powers for the creation of an international institute of agriculture, having its seat at Rome. (Ex. L., 59th Cong., 1st sess.)

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *June 27, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of yesterday's proceedings was read and approved.

EVENING SESSION.

Mr. PAYNE. Mr. Speaker, I ask that the House take a recess this evening not later than 6 o'clock, until 8 o'clock, to consider the bill H. R. 19750, under an order exactly in terms with the order for last night.

The SPEAKER. The gentleman from New York asks unanimous consent that the House take a recess at 6 o'clock——

Mr. BARTLETT. Not later than 6 o'clock.

The SPEAKER. Not later than 6 o'clock, until 8 o'clock, and that the evening session be held from 8 until not later than 11.

Mr. PAYNE. Under the same terms as the order for last night.

The SPEAKER. Under the same terms as the order of yesterday.

Mr. WILLIAMS. Mr. Speaker, I am sorry to say that there was some little dispute last night as to what the terms of the agreement were. The usual course in matters of this kind has been to put the time under the control of the chairman of the committee having the bill under its charge and the senior member of the other party on the committee, and let them divide the time, the time to be equally divided between the two parties. Now, last night again there was some little friction, which was totally unnecessary, because it was not, or seemed not to be, clearly understood that the time was to be equally divided between the two parties; and I would suggest to the gentleman, as an addendum to his request, this: That the time be equally divided between the two parties, the time upon that side of the Chamber to be controlled by the gentleman from New York [Mr. PAYNE], as chairman of the committee, and the time on this side to be under my control, as senior Democratic member on the committee.

Mr. PAYNE. Mr. Speaker, I feel unwilling to consent to that. I do not like the idea at all of the chairman of the committee and a member of the minority controlling the time on one side of the House or the other. It leads to long yielding out of time, and adds to the debate. The friction last night arose out of the fact that the gentleman's side had thirty-five minutes more of general debate in the afternoon than this side of this House, and from no other cause. The gentleman ought to be satisfied, as long as his side has half of the time, while we have 100 more Members on our side than he has on his, and I would not like to make any agreement to that effect.

Mr. WILLIAMS. Mr. Speaker, I have never heard yet that the fact that one side had 100 more Members than another had ever been thought of as a reason why debate should be unequally divided. The gentleman is correct in this, that we had yesterday during the daytime from twenty-five to thirty minutes' advantage in the time of debate.

Mr. BURLESON. They had their time, if they had wanted to occupy it.

Mr. WILLIAMS. True, because the order of the House was that this side should have an hour and that side have an hour; and that side did not use its hour. That was not our fault. But notwithstanding that, I am perfectly willing, to-day, during the day, that that side shall have its twenty-five or thirty minutes additional to make up, because I want to do the square thing.

Mr. PAYNE. The gentleman knows that is impracticable.

Mr. WILLIAMS. I know no such thing. I know the contrary. But I do want it understood that at the night session the time is to be equally divided between the two parties, so that when we object to a Republican taking up more than half of the entire time of the night, the right to object shall not again be questioned, nor our motive questioned.

The SPEAKER. Will the gentleman from New York restate his proposition?

Mr. PAYNE. My proposition is that to-night, not later than 6 o'clock, the House take a recess until 8 o'clock for general debate only, the session to hold not later than 11 o'clock.

The SPEAKER. Is their objection?

Mr. WILLIAMS. Mr. Speaker, I wish to amend the request for unanimous consent by asking that in addition to that this be submitted to the House: "The time to be equally divided between the two parties."

The SPEAKER. Does the gentleman from New York modify his request?

Mr. PAYNE. I do not, Mr. Speaker.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. WILLIAMS. Mr. Speaker, I do not see how I can help objecting unless it is agreed that the time shall be equally divided.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 158. An act granting an increase of pension to John Ard Gordon;

S. 940. An act granting an increase of pension to Antonette Stewart;

S. 6062. An act granting a pension to Mary Haney;

S. 6422. An act granting an increase of pension to John L. Wells;

S. 6521. An act granting a pension to Abbie J. Daniels;

S. R. 70. Joint resolution providing for the improvement of a certain portion of the Mississippi River; and

S. 1343. An act for the relief of Wells C. McCool;

The message also announced that the Senate had excused Mr. PATTERSON from further service on the committee of conference on the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, and had appointed Mr. MCLAURIN in his place.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 1343. An act for the relief of Wells C. McCool—to the Committee on War Claims.

S. R. 70. Joint resolution providing for the improvement of a certain portion of the Mississippi River—to the Committee on Rivers and Harbors.

S. 6521. An act granting a pension to Abbie J. Daniels—to the Committee on Invalid Pensions.

S. 6422. An act granting an increase of pension to John L. Wells—to the Committee on Invalid Pensions.

S. 158. An act granting an increase of pension to John Ard Gordon—to the Committee on Invalid Pensions.

CHANGE OF REFERENCE.

Mr. HEPBURN. Mr. Speaker, the bill (H. R. 20381) to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction, is upon the Calendar of the Committee of the Whole House on the state of the Union. I ask that it be placed on the House Calendar, where it belongs.

The SPEAKER. The gentleman from Iowa moves to change the reference from the Union Calendar to the House Calendar of the bill indicated.

Mr. BARTLETT. What is the request, Mr. Speaker?

The SPEAKER. The gentleman from Iowa moves to take the bill indicated from the Union Calendar and refer it to the House Calendar under the rule. Is there objection? [After a pause.] The Chair hears none.

ISTHMIAN CANAL.

Mr. HEPBURN. Mr. Speaker, I move to take from the Speaker's table the bill (S. 6191) to provide for the construction of a lock canal between the waters of the Atlantic Ocean and Pacific Ocean, and the method of construction, a similar bill being on the House Calendar.

The Clerk read as follows:

Be it enacted, etc., That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January 24, 1905, in pursuance of an act entitled "An act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June 28, 1902.

Mr. HEPBURN. Mr. Speaker, these two bills are identically alike. I ask that the Senate bill be placed on its passage.

The bill was ordered to be read a third time; was read the third time, and passed.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

Mr. MANN. Mr. Speaker, I ask unanimous consent that I may extend remarks in the RECORD upon the bill just disposed of.

The SPEAKER. The gentleman from Illinois asks unanimous consent to extend remarks in the RECORD. Is there objection?

There was no objection.

SULPHUR SPRINGS RESERVATION.

Mr. SPERRY. Mr. Speaker, I ask unanimous consent to discharge the Committee on Indian Affairs from further consideration of the Senate joint resolution 69, directing that the Sulphur Springs Reservation be named and hereafter called the "Platt National Park," and consider the same now.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Resolved, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to change the name of the Sulphur Springs Reservation, and Indian Reservation now in the State of Oklahoma, formerly in the Indian Territory, so that said reservation shall be named and hereafter called the "Platt National Park," in honor of Orville Hitchcock Platt, late and for twenty-six years a Senator from the State of Connecticut and for many years a member of the Committee on Indian Affairs, in recognition of his distinguished services to the Indians and to the country.

The joint resolution was ordered to be read a third time; was read the third time, and passed.

A similar House joint resolution (No. 181) was laid on the table.

On motion of Mr. SPERRY, a motion to reconsider the vote whereby the joint resolution was passed was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER AT ST. CHARLES.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20175) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time; read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS THE MISSOURI RIVER NEAR THE CITY OF GLASGOW.

Mr. CLARK of Missouri. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20176) to authorized the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri.

The Clerk read the bill at length.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; was read the third time, and passed.

On motion of Mr. CLARK of Missouri, a motion to reconsider the last vote was laid on the table.

GRAND CANYON FOREST RESERVE.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 2732) for the protection of wild animals in the Grand Canyon Forest Reserve.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor.

SEC. 2. That when such areas have been designated as provided in section 1 of this act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding $1,000, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 3. That it is the purpose of this act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HOWELL of Utah. Mr. Speaker, there is a portion of the Grand Canyon Forest Reserve, north of the Grand Canyon of the Colorado, that is ideally adapted as a game preserve, and is already well stocked with deer, mountain sheep, pine chickens, as well as wolves, coyotes, and mountain lions. On what is locally known as the "Buckskin Mountains," but which is designated on the map as the Karhab Plateau, there is an area of about 2,000 square miles that can be at comparatively trivial cost converted into an inclosed game preserve. This tract is effectually fenced by that eighth great wonder of the world, the Grand Canyon of the Colorado, on the south and southeast, and on the west by the impassable gulf of the Kanab wash. By connecting these natural barriers by a fence a distance of some 16 miles the entire tract would be securely inclosed, and migration of game absolutely precluded. This region is a part of what is known as the "Arizona Strip"—that part of the Territory of Arizona completely isolated and cut off from the balance of the Territory by the impassable barrier of the Grand Canyon of the Colorado. This part of Arizona should be annexed to Utah. There is but one small community located near the Utah line on the entire strip. A citizen of this strip is required to travel 300 miles by team to visit his county seat. The people residing on the strip would hail such a change with joy. A large part of this strip has been included in a forest reserve. There is no running water worthy of mention within the entire reserve, and there is enough timber going to waste annually to supply all the wants of the people in that section of Utah and Arizona. There is no water to conserve, and isolation is sufficient to protect the timber against everything but forest fires, but it is nevertheless a forest reserve, and I hope it will now become a game preserve, for which it is eminently adapted.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

On motion of Mr. HOWELL of Utah, a motion to reconsider the last vote was laid on the table.

FORT DOUGLAS MILITARY RESERVATION, UTAH.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6395) for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War, for and on behalf of the United States, is hereby authorized to grant and convey by deed to Le Grand Young, his heirs and assigns forever, that portion of the lands comprised within the Fort Douglas Military Reservation, adjoining Salt Lake City, Utah, described as follows, to wit: Commencing at the west boundary line of the Fort Douglas Military Reservation at a point where it is intersected by the south line of First South street, in Salt Lake City, Salt Lake County, State of Utah, and running thence north on said west boundary line of said military reservation a distance of 1,590 feet, more or less, to the southwest corner of what is known as "Popperton place," in Salt Lake City; thence east on a line between the said military reservation and the said Popperton place, a distance of 1,159 feet; thence south on a line running parallel to the said west boundary line of the military reservation a distance of 1,590 feet, more or less, to the northeast corner of the land granted to the University of Utah by act of Congress approved July 23, 1894; thence west along the north line of said university lands a distance of 1,159 feet to the place of beginning, containing 42.3 acres of land, reserving, however, for the use of the military and the public a right of way in and over the present macadamized road leading from the post of Fort Douglas through said premises to Salt Lake City: *Provided*, That there is hereby granted and reserved to the University of Utah a perpetual easement for the construction, maintenance, and repair of a pipe line over the following-described portion of said lands: Beginning at the intersection of the north line of First South street with the west line of the said military reservation, and running thence north along the west line of the said reservation 50 feet; thence east 1,159 feet; thence south 50 feet; thence west 1,159 feet to the place of beginning: *And provided further*, That there is hereby granted and reserved to Salt Lake City, a municipality organized and existing under the laws of the State of Utah, in the State of Utah, a perpetual easement for the construction, maintenance, and repair of a pipe line over the following-described portion of said lands: Commencing at the northwest corner of the University of Utah campus, running thence north along the west boundary of the Fort Douglas United States Military Reservation 200 feet; thence east 1,164.83 feet; thence south 200 feet; thence west 1,164.83 feet to the place of beginning. The Secretary of War is further authorized to convey to the said Le Grand Young, his heirs and assigns, a right of way 100 feet wide, for a railroad and wagon road, along the south side of the said military reservation, within metes and bounds as follows: Commencing at the southeast corner of the said military reservation and running thence west 600 rods to the southwest corner; thence north 100 feet; thence east 600 rods; thence south 100 feet to the place of beginning: *Provided*, That said roadway shall be subject to use by the public for highway purposes.

SEC. 2. That the deed provided for in section 1 of this act shall not be delivered to the said Le Grand Young until said Le Grand Young shall have first conveyed to the United States a title in fee simple, free and clear of all incumbrances, subject to the approval of the Attorney-General of the United States, to all of the following-described lands, easements, and ways, to wit: All of lots 4, 5, and 6, of section 2, township 1 south, range 1 east, and all of section 36, township 1 north, range 1 east, Salt Lake meridian; also, a release of all rights reserved by deed from Le Grand Young, trustee, dated April 23, 1888, under act of Congress approved March 3, 1887, entitled "An act granting a right of way through certain public lands of the United States in the Territory of Utah, and for other purposes;" and of all rights granted by said act to the Salt Lake Rock Company, its successors or assigns, in and over the following-described land, to wit: Sections 24, 25, and 35, and the east half of section 26, township 1 north, range 1 east; section 19, the south half of section 18, the west half of section 20, and the north half of section 30, township 1 north, range 2 east; including all rights of way on said lands, and also all rights of way on the Fort Douglas Military Reservation appurtenant to said lands, or used in connection therewith.

SEC. 3. That the Secretary of War is hereby authorized and directed, upon the approval of the conveyances provided for in section 2 of this act, to pay to the said Le Grand Young, his heirs or assigns, in further consideration therefor, the sum of $5,000; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, the sum of $6,000, or so much thereof as may be necessary, to make said payment and cover the expenses of the execution of this act.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. PAYNE. Mr. Speaker, I understand this matter is placed in the hands of the Secretary of War, and that he recommends the passage of the bill.

Mr. HOWELL of Utah. Mr. Speaker, this bill merely carries into effect an agreement for the transfer of certain lands between the Secretary of War and Mr. Le Grande Young, of Salt Lake City. By the provisions of the bill the Secretary of War is authorized to convey to Mr. Young about 42 acres in the northwest corner of the reservation, adjoining the City of Salt Lake, valuable for residences and other purposes, in exchange for a tract comprising nearly 1,000 acres adjoining the reservation on the east. By the acquisition of this extensive tract from Mr. Young the Government secures exclusive and absolute control of the watershed and water supply for Fort Douglas. It will afford ample opportunity for field and target practice and furnish adequate ground for all military purposes. It will greatly enlarge the advantages of Fort Douglas as a rendezvous for a larger garrison than has been heretofore quartered there.

This addition to the reservation meets my full and hearty approval, but I think the purchase of it should have been made outright, thus leaving the 42 acres for future disposition for the public interests. While I am not fully in accord with the methods by which this land is acquired, the general result is so desirable that I have yielded to the desire of the Department, and consent to the passage of the bill.

Fort Douglas is picturesquely situated on an eminence overlooking the beautiful city of Salt Lake City from the east. I hope now that its boundaries have been enlarged and its mili-

tary advantages increased, that the War Department will be induced to give greater consideration to maintaining a full complement of troops there, and also give proper attention to the improvement and beautifying of its grounds, until it shall be what its picturesque location ought to demand—an attractive and delightful suburb of the beautiful City of Salt Lake.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

On motion of Mr. HOWELL of Utah, a motion to reconsider the last vote was laid laid on the table.

CERTAIN LANDS IN THE STATE OF OREGON.

Mr. HERMANN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 3200) providing when patents shall issue to the purchasers of certain lands in the State of Oregon.

The bill was read, as follows:

Be it enacted, etc., That all persons who have heretofore purchased any of the lands of the Umatilla Indian Reservation, in the State of Oregon, and have made or shall make full and final payment therefor in conformity with the acts of Congress of March 3, 1885, and of July 1, 1902, respecting the sale of such lands, shall be entitled to receive patent therefor upon submitting satisfactory proof to the Secretary of the Interior that the untimbered lands so purchased are not susceptible of cultivation or residence, and are exclusively grazing lands, incapable of any profitable use other than for grazing purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading, and it was accordingly read the third time, and passed.

UINTAH RESERVATION LANDS.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6375) granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah.

The bill was read, as follows:

Be it enacted, etc., That there is hereby granted to the corporation of the Episcopal Church in Utah the following-described land lying within the former Uintah Indian Reservation, in the State of Utah, and now occupied by the said church for missionary purposes: Beginning at the northeast corner of the southeast quarter of section 7, township 3 south, range 2 east, United States meridian; running thence north, 60° 33′ west, 233.4 feet to a stake; thence south, 16° 30′ west, 1,324.2 feet to the left bank of the Uintah River; thence along the left bank of the said river in an easterly direction to the section line between sections 7 and 8 of said township and range; thence north, no degrees 15′ east, 1,353 feet to the place of beginning, containing 12.70 acres, more or less: *Provided*, That said property shall be held and used for missionary, school, and religious purposes, and in case said land shall be abandoned for said purposes the said land and all improvements thereon shall revert to the United States.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. HOWELL of Utah, a motion to reconsider the last vote was laid on the table.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD.

The SPEAKER. The gentleman from Utah asks unanimous consent to print remarks in the RECORD. Is there objection?

There was no objection.

SPECIFICATIONS FOR GRADING LUMBER.

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent for the present consideration of Senate joint resolution 67, to protect the copyrighted matter appearing in the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States." I ask that the Committee on Patents be discharged from the further consideration of this bill, a similar resolution having been reported unanimously by the House committee.

The SPEAKER. The gentleman from Nebraska asks unanimous consent that the Committee on Patents be discharged from the further consideration of Senate joint resolution 67, a similar House bill being upon the Calendar, and that the Senate joint resolution be considered at this time. Is there objection?

There was no objection.

The joint resolution was read, as follows:

Whereas the proprietors of certain copyrighted grading specifications and other copyrighted matter have consented to the use of such copyrighted matter in the "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States," a publication prepared in the Forest Service of the United States Department of Agriculture; and

Whereas sufficient authority to publish and pay for the printing of said "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States" is given in the bill making appropriations for the Department of Agriculture: Therefore

Resolved, etc., That said copyrighted matter, wherever it appears in said "Rules and Specifications for Grading Lumber Adopted by the Various Lumber Manufacturing Associations of the United States," shall be plainly marked as copyrighted matter, and shall be as fully protected under the copyright laws as though published by the proprietors themselves; and the permission for the use of such matter shall be deemed to be limited to the purposes of this resolution.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I should like to hear some explanation of this. As I understand it, it is to protect the copyright upon some book gotten out by the Lumbermen's Association.

Mr. HINSHAW. The various lumbering manufacturing associations of the United States have some rules and specifications for grading lumber. Now, the Agricultural Department is getting up a bulletin, in which will be embraced certain features of these rules and specifications, for distribution through the Department of Agriculture.

Mr. CURRIER. The various specifications being copyrighted.

Mr. HINSHAW. The rules and specifications are copyrighted, and this is simply to protect the copyright in the matter published by the Government, which is furnished to the Government by the Lumber Manufacturing Association. A similar thing was done in regard to the Woodman's Handbook, which was published heretofore. Congress protected the copyright in that work also.

Mr. WILLIAMS. Upon what ground, then, do you wish to confine it to the disposition of these people?

Mr. CURRIER. I think the gentleman does not understand. These people give the Government the right to use this copyrighted matter for free distribution in this publication. They do not wish by that act to lose control of the copyright in their own publication. This bill simply seeks to protect the copyright.

Mr. WILLIAMS. How will this cut off? How could these people be hurt if this were not passed?

Mr. CURRIER. I do not think they could be hurt at all, but the law officer for the Agricultural Department thinks they might be, and for that reason the proprietor of the copyright declines to allow the Government to use this matter unless this resolution be passed.

Mr. WILLIAMS. I have no objection.

The SPEAKER. The Chair hears no objection. The question is on the third reading of the Senate joint resolution.

The resolution was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, a similar House joint resolution (No. 174) on the House Calendar will lie on the table.

There was no objection; and it was so ordered.

DIVERSION OF WATERS OF LITTLE RIVER, ALABAMA.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant, which I send to the desk and ask to have read.

The Clerk read as follows:

Whereas Henry T. Henderson and associates purpose to erect a dam across Little River, in the State of Alabama, and at a point on said Little River in or near the southeast quarter of section 30, township 7 south, range 10 east, for the purpose of storing the waters of said river and utilizing the same in the operation of a water-power plant to be erected at or near Blanche station, on Chattanooga Southern Railroad, in Cherokee County, Ala., for the manufacture or generation of electric energy and the manufacture and sale of electric light and power; and

Whereas in the storing and utilizing of said waters the same will be diverted from the original channel of said Little River; and

Whereas below said proposed dam site said Little River passes through what is known as "Mays Gulf," in township 8 south, range 9 east, in the State of Alabama; and

Whereas the lands situated within the said Mays Gulf have never been surveyed and is the property of the United States Government; and

Whereas under the laws of the said State of Alabama the owners of land along nonnavigable streams in said State have the sole right to the use of the waters of such streams and are authorized and empowered to contract with reference thereto, and inasmuch as the United States Government, as the owner of the lands in said Mays Gulf, alone has the right as the riparian owner of the lands along said Little River, in said Mays Gulf, to grant the right to divert the waters of said stream from the channel where it passes through said lands: Therefore

Be it enacted, etc., That there be, and is hereby, granted unto Henry T. Henderson and associates the right or authority to perpetually divert the waters of Little River from the said lands so owned by the United States of America, and situated in Mays Gulf, in township 8 south, range 9 east, in the State of Alabama, for the purpose of storing and utilizing said waters in the operation of a water-power plant to be erected at or near Blanche, in Cherokee County, in the State of Alabama, for the generation of electric energy or power, and the sale of electric light and electric power.

With the following amendments:

On page 2, line 12, after the word "power," insert: "*Provided*, That the said Henry T. Henderson and associates shall pay to the Secretary of the Interior the reasonable value thereof within six months after

the passage of this bill, the value to be fixed by the register and receiver of the land office in the district where said water is located, and on failure to pay for the same the Secretary of the Interior may, in his discretion, declare forfeited the right to divert said water."

The SPEAKER. Is there objection?

Mr. DALZELL. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Alabama from what committee this bill comes?

Mr. BURNETT. The Committee on Public Lands.

Mr. DALZELL. Would not the object be accomplished by striking out all these "whereases?" That is a very bad feature.

Mr. BURNETT. I have no objection whatever to that. It is more a matter of explanation than anything else.

Mr. DALZELL. It is a bad thing to put on the statute books.

Mr. BURNETT. I have no objection whatever.

Mr. DALZELL. I would suggest that the gentleman strike that out.

Mr. BURNETT. Mr. Speaker, I ask unanimous consent to strike out the preamble.

The SPEAKER. The gentleman from Alabama asks unanimous consent to strike out the preamble. Is there objection? [After a pause.] The Chair hears none, and it is so ordered. Is there objection to the present consideration of the bill as amended?

Mr. MONDELL. Mr. Speaker, I do not want to object, but I would like to be yielded to for a minute or two.

Mr. BURNETT. I yield to the gentleman.

Mr. MONDELL. Mr. Speaker, I shall not object to the passage of this bill, but I want to call the attention of the House to the character of the legislation. This bill purports to grant the right to divert the waters of a certain creek in the State of Alabama. I think it is questionable whether Congress has any authority to grant to these parties or to anybody else the right to divert the waters of the State of Alabama. What is sought to be accomplished by this bill is a waiver of the rights of the United States as a riparian owner to certain lands along the stream below the point of diversion, and my opinion is that if it is wise to legislate along these lines the bill ought to have clearly stated its purpose. We can not grant to these people the right to divert the water of that stream. It may be held, and probably will be held, that this legislation which assumes to grant certain parties the right to divert the waters of a nonnavigable stream is in the nature of a waiver of the rights of the United States as a riparian owner along the stream. My principal objection to the legislation is that it is not in a form to indicate its real purpose, and I do hope it will not be considered a precedent for future legislation. I am of the opinion if the House fully understood the measure it would insist on putting it in a form to clearly indicate its evident purpose to secure a waiver of the rights of the Government as a riparian owner.

The SPEAKER. The question is on the committee amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

LOAN OF UNITED STATES VESSEL TO PHILIPPINE GOVERNMENT.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and empowered to loan temporarily to the government of the Philippine Islands, upon the written application of the Secretary of War, a vessel of the United States Navy, to be selected from such vessels as are not suitable or required for general service, together with such of her apparel, charts, books, and instruments of navigation as he may deem proper, said vessel to be used only by such nautical schools as are or may hereafter be maintained by said government of the Philippine Islands: *Provided*, That when such schools shall be abandoned, or when the interests of the naval service shall so require, such vessel, together with her apparel, charts, books, and instruments of navigation, shall be immediately restored to the custody of the Secretary of the Navy: *And provided further*, That when such loan is made to the government of the Philippine Islands, the Secretary of the Navy is authorized to detail from the enlisted force of the Navy a sufficient number of men, not exceeding six for any vessel, as ship keepers, the men so detailed to be additional to the number of enlisted men allowed by law for the naval establishment, and in making details for this service preference shall be given to those men who have served twenty years or more in the Navy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

DISTRIBUTION OF PUBLIC DOCUMENTS TO LIBRARY AT MANILA.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 19754) to provide for the distribution of public documents to the library of the Philippine government at Manila, P. I., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the superintendent of documents is hereby authorized and directed to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, P. I.; and the Public Printer is hereby directed to print, bind, and deliver to the superintendent of documents the extra number of documents required to comply with this act.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. COOPER of Wisconsin, a motion to reconsider the last vote was laid on the table.

ALASKA SHORT LINE RAILWAY AND NAVIGATION COMPANY.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4256) for the relief of the Alaska Short Line Railway and Navigation Company's railroad, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the time of the Alaska Short Line Railway and Navigation Company to comply with the provisions of sections 4 and 5 of chapter 299 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, in acquiring and completing its railroad now under construction in Alaska is hereby extended as follows:

First. The time to file the map and profile of definite location of its second section of at least 20 miles with the register of the land office in the district of Alaska, as provided in said sections 4 and 5, is hereby extended to and including the 20th day of March, 1907.

Second. The time to complete the first section of at least 20 miles of its railroad, as provided in said section 5, is hereby extended to and including the 20th day of March, 1907, and such railroad and navigation company shall be entitled to all the benefits conferred upon it by the provisions of such act upon its due compliance with all the provisions thereof, excepting only the provisions thereof relating to the filing of the map and profile of definite location of its second section of not less than 20 miles of its road: *Provided*, That it shall have successively one year each after said 20th day of March, 1907, in which to file the map and profile of its definite location of the succeeding sections of not less than 20 miles each: *And provided further*, That it shall have five years in which to complete its entire line from Iliamna Bay to the Yukon River.

The SPEAKER. Is there objection?

Mr. JOHNSON. Mr. Speaker, reserving the right to object, I would like to know what the bill is.

Mr. HUMPHREY of Washington. Mr. Speaker, it provides for the extension of a year's time for this railway to complete its surveys for the second section. It has completed the first section, and then also provides for a year's extension right through for each section—that is, it is a year's extension for the entire railroad. The statute gives four years in which to complete it, and they ask five years in which to complete it. The statute gives one year on each 20 miles, and this asks an extension of time—that is, it gives one year more time all the way through.

Mr. JOHNSON. Under the present law they allowed four year in which to complete the road?

Mr. HUMPHREY of Washington. Yes; and they want five years. They want an extension of time on all after the first 20-mile section.

Mr. JOHNSON. How long has the road been under construction?

Mr. HUMPHREY of Washington. They commenced about a year ago, and they have got the surveys and definite locations on the first 20 miles. They do not ask an extension on that, but do on the rest. I will say, for the information of the gentleman, this road is 250 miles north of any other road and does not conflict with anybody else, no other company making any claim, and it is the unanimous report, both of the Senate and House committee.

Mr. OLMSTED. Where is this road?

Mr. HUMPHREY of Washington. It runs from Iliamna Bay to Anvic, on the Yukon. It is way up in the northern or western portion of the peninsula.

Mr. OLMSTED. Is this the company that is selling bonds on the strength of the statement this road is already in operation?

Mr. HUMPHREY of Washington. No, sir.

Mr. OLMSTED. I have no objection to the road, but I object to selling bonds on a road that is not built.

Mr. HUMPHREY of Washington. I do not think that those connected with this road are doing anything of that kind.

Mr. DRISCOLL. Is that a new road?

Mr. HUMPHREY of Washington. It is a comparatively new road.

Mr. DRISCOLL. Does it parallel another road there?

Mr. HUMPHREY of Washington. No; it is way beyond those two.

Mr. DRISCOLL. Is this the one Shafroth is against?

Mr. HUMPHREY of Washington. No; I think not, because there are Colorado people interested in it.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time; was read the third time and passed.

Mr. BURKE of South Dakota. Mr. Speaker, the bill H. R. 17112, Calendar, No. 163 is on the House Calendar. The subject-matter of that bill has been incorporated in the Indian Appropriation bill. Therefore I ask unanimous consent that that bill and also House joint resolution 133 (Private Calendar No. 2495) do lie on the table.

The SPEAKER. Without objection the House bill and joint resolution named will lie upon the table. [After a pause.] The Chair hears no objection.

DANIEL D. HEIDT.

Mr. CASSEL. Mr. Speaker, I present the following privileged report from the Committee on Accounts.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution (H. Res. 595).

Resolved, That the Clerk of the House be, and he is hereby, directed to pay to Daniel G. Heidt, jr., the sum of $56.66 for amount due for services as clerk to Hon. Rufus E. Lester, late a Representative from the State of Georgia, from June 1, 1906, to June 17, 1906, the same to be paid from the contingent fund of the House.

The question was taken; and the report was agreed to.

R. E. TOMPKINS.

Mr. CASSEL. Also the following privileged report.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution (H. Res. 591).

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to R. E. Tompkins, the sum of $80, being the amount of clerk-hire allowance due as clerk to the late Representative John M. Pinckney, from April 1 to the date of said Pinckney's death, April 24, 1906, both dates inclusive.

The committee amendments were read as follows:

In line 3, after the word "House," insert the words "miscellaneous items, 1905."

In line 7 strike out "six" and insert "five."

The amendments were agreed to.

The resolution as amended was agreed to.

E. D. BELL.

Mr. CASSEL. I also offer the following.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution (H. Res. 592).

Resolved, That the Clerk of the House is hereby authorized and directed to pay, out of the contingent fund of the House, to E. D. Bell the sum of $33.33, being amount of clerk-hire allowance due for services rendered Representive-elect JOHN M. MOORE from June 6 to June 15, 1905.

The committee amendment was read, as follows:

In line 3, after the word "House," insert the following: "Miscellaneous items, 1905."

The amendment was agreed to.

The resolution as amended was agreed to.

MESSENGER, HOUSE POST-OFFICE.

Mr. CASSEL. Also the following, Mr. Speaker.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolution (H. Res. 574).

Resolved, That the Postmaster of the House is hereby authorized and directed to employ a messenger for duty on the heavy mail wagon from the end of the present session to December 3, 1906, to be paid out of the contingent fund of the House at the same rate of compensation now paid for such service.

The resolution was agreed to.

REPORTING COMMITTEE HEARINGS.

Mr. CASSEL. Mr. Speaker, I also offer House resolution No. 585, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, That the Clerk of the House be, and he is hereby, authorized and directed to pay, out of the contingent fund of the House, for reporting committee hearings, such accounts as may be certified to be correct, upon vouchers approved by the Committee on Accounts.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

D. P. THOMAS.

Mr. CASSEL. Mr. Speaker, I also offer House resolution No. 433, which I send to the Clerk's desk.

The Clerk read as follows:

Resolved, That the Clerk of the House of Representatives is hereby authorized and directed to pay, out of the contingent fund of the House, to D. P. Thomas, messenger to the Chief Clerk, the sum of $200, for extra services rendered.

The SPEAKER. The question is on agreeing to the resolution.

Mr. FITZGERALD. Mr. Speaker, I would like to have some explanation of this.

Mr. CASSEL. I would say this employee is engaged during the summer at unusual work, and this resolution has been passed by former Congresses, because this man is employed during vacation. He remains here constantly, and is paid only for the services which he renders.

Mr. FITZGERALD. Is this additional compensation?

Mr. CASSEL. He receives no compensation during this time except the pay he receives by this resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

CLERK TO COMMITTEE ON IMMIGRATION AND NATURALIZATION.

Mr. CASSEL. Mr. Speaker, I also desire to offer House resolution No. 425, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania offers a resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the chairman of the Committee on Immigration and Naturalization is hereby authorized to appoint a clerk to said committee, who shall be paid out of the contingent fund of the House at the rate of $2,000 per annum from and after July 1, 1906, unless otherwise provided for by law; and the Committee on Appropriations is hereby authorized and directed to provide for the salary of said clerk in one of the general appropriation bills: *Provided*, That the same shall be in lieu of the session clerk assigned to said committee.

The amendment of the committee, in the nature of a substitute, was read, as follows:

Resolved, That during the remainder of the present Congress, or until otherwise provided for by law, there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Immigration and Naturalization, a sum equal to the rate of $2,000 per annum, payable monthly: *Provided*, That so much of the resolution adopted December 19, 1905, as assigned a session clerk to said committee is hereby vacated.

The SPEAKER. The question is on agreeing to the resolution.

Mr. PAYNE. Mr. Speaker, I wish to make a point of order against that resolution. It is plainly a change of law, and seems to me not of a privileged character.

Mr. CASSEL. In what way does it change the law, may I inquire?

Mr. PAYNE. The law provides no annual clerk for this committee with a salary of $2,000. I do not think the rule should be construed to allow the Committee on Accounts to bring in a resolution here changing existing law as to the pay of an officer.

The SPEAKER. The Chair will hear the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. If the Committee on Accounts can make this unauthorized expenditure, we might bring in a resolution here to pay each Member of the House an additional salary of $2,500 out of the contingent fund of the House. Of course, they can not do that, and I do not see how they can create a new office. They create here an annual office out of the contingent fund of the House.

Mr. CASSEL. No; they do not.

Mr. CRUMPACKER. Will the gentleman allow a question? Does the gentleman take the position that the House can not provide any additional clerical force for the committees without a general law—without the consent of the Senate and the Executive?

Mr. PAYNE. Congress having legislated upon the subject and provided annual clerks for committees, no.

Mr. CRUMPACKER. The position of the gentleman is that the House as such has not the inherent or essential power to provide itself independently with all the equipment and service necessary for the discharge of its duties?

Mr. PAYNE. Not until the House has the power of legislation given to it with which to do so.

The SPEAKER. The Chair understands the gentleman from New York claims that this is not provided under the rule. Yet the Chair will call the attention of the gentleman to the rule:

The following-named committees shall have leave to report at any time on the matters herein stated:
* * * and the Committee on Accounts, on all matters of expenditure of the contingent fund of the House.

Mr. PAYNE. Now, Mr. Speaker, while that is the rule of the House, here is something that proposes legislation in regard to an officer. It proposes an annual clerk where the law provides for no annual clerk.

Mr. OLMSTED. Not an annual clerk, but only for the balance of this session.

The SPEAKER. Yet the Chair will call the attention of the gentleman from New York to the language of the resolution:

That during the remainder of the present Congress, or until otherwise provided by law, there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Immigration and Naturalization, a sum equal to the rate of $2,000 per annum, payable monthly.

Mr. PAYNE. Now, Mr. Speaker, if it limits it to the present session of the present Congress then I can see reason for the contention.

The SPEAKER. It is limited.

Mr. PAYNE. It says "or until otherwise provided by law," which has the effect of continuing the salary unless a law shall be provided during this Congress.

The SPEAKER. Not beyond the 4th day of March next, when the Congress will expire.

Mr. PAYNE. Certainly; but it does provide for the balance of this Congress, by its terms, for an annual clerk.

The SPEAKER. Is not that just what this House may do under this rule?

Mr. PAYNE. When it is not in contravention of law; but the rule can not do away with the law.

The SPEAKER. Well, but what law does it contravene?

Mr. PAYNE. There is a law providing annual clerks for certain committees. They are appropriated for in the appropriation bill. This proposes to make another clerk, an annual clerk, to be paid out of the contingent fund of the House, in place of a session clerk.

The SPEAKER. May the Chair ask the gentleman would it not be in order, on a report of the Committee on Accounts—would it not be privileged—to pay one thousand or two thousand dollars for a clerk to a committee that has not a clerk even? In other words, under the rule, has not the House plenary powers over its contingent fund?

Mr. PAYNE. Well, when it is within the law, yes.

The SPEAKER. Well, but what law is in contravention with this?

Mr. PAYNE. I say there is no law providing for an annual clerk to this committee.

The SPEAKER. Precisely. The Chair will again say, take a committee that has no clerk; to illustrate, the Committee on Mileage, which, I believe, has no clerk. But let that be as it may; is not, under the rule, a resolution from the Committee on Accounts privileged that would provide $1,000 or $100 or $2,000 to be paid to a clerk during this Congress from the contingent fund? Would not that be in order?

Mr. PAYNE. Well, I do not think so. I do not think it would be in order no more than it would be in order to have an additional clerk for each Member of the House, allowing them to appoint them. Some one must appoint this annual clerk. They have legislation to that effect in this resolution. It is only expenditures that is privileged. It is not to create an office for the sake of making the expenditure. It is the expenditure itself that is privileged.

The SPEAKER. The Chair will again read this resolution:

That during the remainder of the present Congress, or until otherwise provided for by law, there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Immigration and Naturalization, a sum equal to the rate of $2,000 per annum, payable monthly.

Now, the effect of the resolution, if indorsed, would be to pay the clerk monthly at the rate of $2,000 per annum from the adoption of the resolution, from the contingent fund, until the 4th day of March next. It seems to the Chair that the resolution is privileged under the rules. It does not violate the privilege.

Mr. PAYNE. I would like a little time from the chairman of the committee.

Mr. CASSEL. What time?

Mr. PAYNE. Oh, five or ten minutes to discuss this, which is only a matter of a few thousand dollars.

Mr. CASSEL. It is not a matter of $2,000.

Mr. PAYNE. Wait a moment; let me finish my statement and then you will not have to contradict it. It is only a matter of a few thousand dollars, because I understand there are a number of these resolutions before the Committee on Accounts for a similar purpose—the idea of making annual clerks to committees that now and for years have gotten along with session clerks. Now, you take this Committee on Immigration and Naturalization. They have reported two important bills at this session of Congress. Their work is done upon those two important measures. Both of them have been passed by the House, and there is no excuse for this additional salary to be paid during the vacation of Congress. Now, I know it is an unpleasant thing to get up here and oppose extravagant expenditures by the House. It is hopeless almost, and it is a thankless task. It is a good deal like opposing an omnibus building bill or something of that kind; and still I beg this side of the House to reflect how the use of this contingent fund is constantly growing, and the fund itself growing, and the expenditures of the House growing from session to session. I think there ought to be some restraint put upon it. I think this is a good place to take a step in that direction, and give this committee what they have had heretofore, a clerk at $6 per day and not an annual clerk, to be followed up by a dozen—no one knows how many more—committees with similar appropriations to that provided for this; and I protest against the passage of this resolution.

Mr. CASSEL. Mr. Speaker, a statement or two. First, the contingent fund of the House has not been increased, nor has the Committee on Accounts authorized expenditures beyond the amount that has been appropriated, for the last eight or ten years. There is no question but that the necessities of the House, for clerical assistance, have become much greater during that time. There are many things that come before the committees of the House which are much more important than formerly. The volume of business is greater and the jurisdiction more important. The needs of this House and of its committees increase commensurately with the growth in membership here and with the growth of the country. Yet, notwithstanding the natural growth of both, we have exercised careful and economical oversight of the contingent fund of the House, and for this fiscal year have kept within the total amount usually appropriated for miscellaneous items—something like $75,000. Of this sum, however, only a comparatively small portion has been paid for salaries, and no new offices have been created or salaries or payments made until after the Committee on Accounts were satisfied, upon diligent inquiry and investigation, that they should be approved by the House. We have expended of the entire contingent fund for this year only $25,000 for actual salaries, all of it necessary for the proper conduct of the business of the House, and in some instances increases over current salaries which our committee and the House thought just and right in the interest of worthy and faithful employees.

The remainder of the contingent fund has been or will be expended to defray the expenses of special and select committees of the House—such as the investigation by the Printing Commission, the investigation of hazing by the Naval Committee, the St. Elizabeth asylum investigation, the investigation ordered by the House, but not yet conducted, of the Agricultural Department, and expenses in the contested-election case of Coudrey *v.* Wood, and in the case of Mr. Michalek, to determine his right to a seat in this House, all of which expenses were ordered paid by the House. We will also pay for reporting committee hearings. We have also paid the expenses in connection with the funerals of deceased Members and employees, paying the legal representatives of the latter in each case, as is customary, an amount equal to six months' salary, besides taking care of all other incidental and miscellaneous expenditures—such as for telephone service, rental of annex folding room, purchase of all supplies for committees and offices other than stationery, for laundry, and for numerous necessary odds and ends I will not take time to mention. And I want to say for the Committee on Accounts that we have given painstaking consideration to every proposition which has come before us, carefully scrutinizing each proposed expenditure, whether ordinary or unusual; and while the committee has been deluged in these last days of the session with many resolutions, we have exercised great care in their consideration and many of them still remain on our docket to be hereafter considered.

Mr. PAYNE. May I ask the gentleman a question?

Mr. CASSEL. Just one minute. Let me explain that the chairman of this committee, as well as several others who have session clerks, do not have any secretaries during the time Congress is in session. Under the law they are deprived of their secretaries during the session. Consequently their secretaries must do both the work of clerk of the committee and that of secretary to the chairman in his representative capacity. After Congress adjourns there is piled upon them twice the

amount of work which they ought to have. The employment as clerk to the committee ceases, but the work goes on. This resolution will correct this inequality and injustice in this particular case by giving the chairman a secretary such as the other Members of the House have. I do think that the chairmen of committees of as great importance as this and the other committee that will be covered by another resolution, are entitled to sufficient consideration to give them the clerical help which they need to transact their business.

Mr. PAYNE. Has this ever been done before, in regard to this committee?

Mr. CASSEL. In regard to this committee it has not.

Mr. PAYNE. Then this is an increase, is it not?

Mr. CASSEL. It is.

Mr. PAYNE. Now, is it not a fact that while the fund has not been increased by appropriation, the appropriation bills have provided for the payment of the salaries of officers, created by this committee, and provided for them otherwise than from the contingent fund? For instance, the number of the official reporters to committees has been increased, so that the demand upon the contingent fund for official reporting of committees by outside reporting firms has been thereby made less than it otherwise would be. And so in regard to offices that have been created by the action of this committee. The Committee on Appropriations have appropriated specifically for their salary, and in that way the demand upon the contingent fund has been lessened.

Mr. BARTLETT. Will the gentleman yield to me?

Mr. CASSEL. Yes.

Mr. BARTLETT. I yield to the gentleman from South Carolina [Mr. FINLEY] five minutes.

Mr. FINLEY. Mr. Speaker, I do not think it is any argument against this proposition that the Committee on Immigration and Naturalization has had no annual clerk heretofore. It is known to everybody that this committee is growing in importance. Some committees decrease in importance, and I call the attention of the gentleman from New York [Mr. PAYNE] to the fact that the great committee over which he presides with so much ability is not as important in this Congress as it has been in other Congresses. Why, it is well known that the amount of work performed by the Ways and Means Committee in this Congress, and for the past seven years, for that matter, has been insignificant, and yet I believe that committee has as many clerks as it ever had. Now, the Committee on Immigration and Naturalization has grown in importance in the last few years. While I only have knowledge of the work of that committee as other Members of the House have, yet I know that the work performed by the Immigration Committee in this Congress and in the last Congress is very great. There were hearings day after day, week after week, month after month, and yet this committee is without the necessary clerical assistance. I want to say further that no committee in this House has performed a better work at this session of Congress than has the Committee on Immigration. The bill to regulate the immigration of aliens into the United States, reported by this committee at this session, and a bill which I heartily approve, is the highest proof of the amount and importance of the work of that committee. This clerk is necessary, and I hope the resolution will pass.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

CLERK TO COMMITTEE ON IRRIGATION OF ARID LANDS.

Mr. CASSEL. Mr. Speaker, I also am directed to report the following.

The Clerk read as follows:

Resolved, That during the remainder of the present Congress, or until otherwise provided for by law, there shall be paid out of the contingent fund of the House, for the services of a clerk to the Committee on Irrigation of Arid Lands, a sum equal to the rate of $2,000 per annum, payable monthly: *Provided*, That so much of the resolution adopted December 19, 1905, as assigned a session clerk to said committee is hereby vacated.

The resolution was agreed to.

GRANTING LOS ANGELES RIGHTS OF WAY OVER CERTAIN PUBLIC LANDS.

Mr. McLACHLAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6443) granting to the city of Los Angeles, Cal., rights of way over and through certain public lands, and over and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, in the State of California, and for other purposes, and I ask that the Clerk read the substitute recommended by the committee.

The Clerk read the substitute, as follows:

Amend said bill by striking out all after the enacting clause and inserting the following:

"That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles, and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

"SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided*, That any changes of location of said rights of way may be made by said city of Los Angeles, within two years after the filing of said map or maps, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes, of the rights of way indicated on the original maps: *And provided further*, That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein.

"SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however*, That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

"SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further*, That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works, as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence, as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further*, That the city of Los Angeles shall clear its rights of way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further*, That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further*, That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyment of the rights of way by the city of Los Angeles: *And provided further*, That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project necessary for storage or right-of-way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map

showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior, and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however,* That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

"SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however,* That if construction of said waterworks shall not have been begun in good faith within five years from the date of approval of this act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

"SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

"SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved."

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. NEEDHAM. Mr. Speaker, reserving the right to object, I would like to ask my colleague if this bill gives any rights to water or apportions it in any way?

Mr. McLACHLAN. It does not attempt to dispose of any water rights whatever. It simply grants rights of way over the public domain for the waters of the city of Los Angeles, which they now own.

Mr. NEEDHAM. The question of water rights is to be settled entirely by the State law?

Mr. McLACHLAN. Entirely by the State law.

Mr. NEEDHAM. Mr. Speaker, I shall not object.

The SPEAKER. Is there objection?

There was no objection.

The amendment in the nature of a substitute was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. McLACHLAN, a motion to reconsider the last vote was laid on the table.

HARBOR AT MILWAUKEE, WIS.

Mr. OTJEN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20290) amending the river and harbor act of March 3, 1905.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized, in his discretion, to modify the conditions of the plan for the improvement of the inner harbor of the city of Milwaukee, Wis., as set forth in paragraph 28 of House Document No. 120, Fifty-eighth Congress, second session, and authorized by the river and harbor act of March 3, 1905, by omitting from said plan the turning basin at the head of navigation on the Kinnickinnic River.

The SPEAKER. Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

The bill was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. OTJEN, a motion to reconsider the last vote was laid on the table.

PHILIPPINE TARIFF.

Mr. DALZELL. Mr. Speaker, I present the following privileged report from the Committee on Rules.

The Clerk read as follows:

Resolved, That during the consideration of the general deficiency appropriation bill, now pending in Committee of the Whole House on the state of the Union, it shall be in order to consider points of order notwithstanding the paragraph relating to the ratification of the Philippine tariff, page 4, lines 17 to 26, and page 5, lines 1 and 2, as follows, viz:

"That the tariff duties, both import and export, imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed."

Mr. DALZELL. Mr. Speaker, upon that I demand the previous question.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 130, noes 77.

So the previous question was ordered.

Mr. DALZELL. Mr. Speaker, the urgent deficiency bill now under consideration by the House contains this paragraph, and I desire especially to call the attention of the House to its terms:

That the tariff duties, both import and export, imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

To that paragraph a point of order was made that it was new legislation, and that point of order was sustained. If the resolution now pending be adopted, this paragraph will be restored to the urgent deficiency bill and then be the subject of debate just as if it had been in the bill originally. Mr. Speaker, just a word or two with respect to the reasons why this legislation is necessary. On the 12th of July, 1898, while the war with Spain was in progress, President McKinley issued an order imposing import and export duties upon goods going into or coming out of the Philippine Islands. The treaty of peace was ratified on the 11th of April, 1899. Of course so far as the customs duties are concerned that we collected between the date of the order of President McKinley and the ratification of the treaty there could be no question. The duties, however, continued to be collected under the McKinley order, and a number of amendments thereto, up until March 8, 1902, when Congress enacted the first Philippine tariff bill. It is claimed that the duties collected subsequent to the ratification of the treaty of peace were without authority of law, and on the 1st day of July, 1902, the Congress passed an act ratifying and legalizing all the duties that had been collected subsequent to the McKinley order and up to the date of the passage of that act. The question was raised as to whether or not this act of the 1st of July, 1902, operated as Congress thought it would operate, to legalize and ratify the imposition and the collection of these customs duties. Several cases were brought against the United States to recover back the duties paid under the McKinley order, and the Supreme Court held that the act of 1902, July 1, did not extend so far as to legalize all of the duties collected. After that decision a petition was filed upon the part of the United States calling the attention of the court to the fact, as the attorney for the United States believed, that the court in its decision had overlooked the amendments to the McKinley order, and a rehearing was granted upon the question as to whether Congress by the act of July 1, 1902, ratified the collection of the sums sought to be recovered in those suits. On that rehearing the court held that the act of 1902 was not sufficient to cover all the customs duties that had been collected prior to the passage of the first Philippine tariff act by Congress. The necessity, therefore, arises, if Congress believes that those duties were properly collected, to supplement the act of July 1, 1902, by the legislation which is included in the paragraph that is now proposed to be put upon the urgent deficiency bill.

Mr. Speaker, there are legal questions involved that I have not now time to discuss within the limited time allowed for a discussion on the adoption of the rule, but abundant opportunity will be afforded to discuss them and they will be appropriate to be discussed when the rule shall have been adopted and the paragraph is inserted in the bill. I trust that the rule, therefore, will pass and the opportunity be afforded for that discussion.

Mr. STERLING. Mr. Speaker, I would like to ask the gentleman if there was a stipulation or agreement that the cases of these claimants should abide the decision in the case the gentleman has referred to.

Mr. DALZELL. I know of no such agreement.

Mr. SHERLEY. Mr. Speaker, before the gentleman takes his seat I wish he would tell the House whether this matter was ever brought to the attention of Congress by a bill properly introduced and sent to the Judiciary Committee, either of the House or of the Senate.

Mr. DALZELL. I do not know. I have no knowledge on the subject.

Mr. SHERLEY. It struck me as peculiar that a technical matter of this kind should be determined in this way, and that there might have been some such action taken.

Mr. DALZELL. I have no knowledge on the subject.

Mr. ALEXANDER. Does the gentleman know the amount of the claims now filed?

Mr. DALZELL. Claims have been filed now to the amount of nearly $3,000,000, but those claims represent only customs duties paid upon goods that came from the United States. If this legislation should fail, the amount of claims would be something like $15,000,000.

Mr. ALEXANDER. Has the gentleman any doubt himself as to the constitutionality of this proposed legislation?

Mr. DALZELL. Not a bit; I have no doubt about it.

Mr. Speaker, I reserve the balance of my time.

Mr. WILLIAMS. Mr. Speaker, I will ask the Speaker to rap me down at the end of five minutes. Mr. Speaker, upon July 12, 1898, the executive department of the Federal Government undertook to legislate into existence tariff acts between the

Philippine Islands and the United States and also to legislate into existence taxation in the Philippines under the guise of its being an exercise of the war power. This was a usurpation of legislative power by the Executive. This was in the opinion of many of us at that time, and we asserted that opinion, a clear act of executive usurpation.

Later the Supreme Court of the United States decided, what it seems to me ought to have been plain to any man who was born and reared in an American atmosphere, to wit, that the executive department of the Government could not pass taxation laws, but that the Congress of the United States, being the legislative department, alone could do that. The Supreme Court decided that the acts of the Executive in that far were usurpatory and invalid, not using that language so far as the first word goes, but that they were invalid, and being invalid of course they were usurpatory. Then by the act of July 1, 1902, the second section of it, Congress undertook to cure that, but upon a rehearing asked by the Government the Supreme Court of the United States decided that it had not been cured. Some of these taxes were resisted and were not paid. Other suits were brought and were in process of determination when the United States Supreme Court decided.

Now, the gentleman from Pennsylvania says he does not know whether or not any of those cases were made test cases. I inform the House now that one of the counsel in one of those cases (and the gentleman from Massachusetts in a few moments will read what he said) asserted most positively that by agreement with the Solicitor they were made test cases. Now, then, this rule is for the purpose of making germane to this bill a proposition which otherwise would not be germane, and which, if carried by the House, amounts simply to this, to confirm and ratify a usurpatory and invalid act of the executive department of the Federal Government and to cut off from their right to a remedy in the courts of the United States the people who were injured by that act. Now, Mr. Speaker, I shall yield——

Mr. DALZELL. I do not know anything about this alleged agreement; but does the gentleman from Mississippi hold that the Attorney-General of the United States could make an agreement that would bind Congress not to legislate in a matter of this kind?

Mr. WILLIAMS I do not; of course I hold no such thing; but as you were asked the question and you replied to it, I replied to your reply; but I do hold that a great Government ought to be equal in good morals and in the observance of good faith to the humblest citizen in the land. [Applause on the Democratic side.] Mr. Speaker, how much of my five minutes have I remaining?

The SPEAKER. The gentleman has one minute remaining of his five minutes.

Mr. WILLIAMS. I now yield eleven minutes to the gentleman from Massachusetts [Mr. SULLIVAN].

Mr. SULLIVAN of Massachusetts. Mr. Speaker, in the treatment of claims of citizens of the United States by this Government many of us must have felt little to sanction in our consciences. It is regarded by many Members as amounting almost to a national scandal. The case we have to discuss here to-day will be a national scandal if this rule is adopted and the legislation it brings in order is passed, and it will be not only a scandal which reflects upon us here in the United States, but one which will reflect upon us in every quarter of the globe, for not only are the rights of citizens of the United States involved, but also those of citizens of England, Germany, Spain, and Switzerland, countries with which we are at peace, and which we ought to respect. In a word, if the action of the majority is followed here to-day you will vote to establish injustice rather than justice; you will vote to repudiate a debt which the highest court of the United States has established by a solemn decree; you will vote to confirm the title of the United States to money belonging to citizens, according to the decisions of the Supreme Court of the United States. Now, what are the facts? On the 12th of July, 1898, during the war with Spain, President McKinley issued an order providing for the collection of taxes in such ports and places in the Philippine Islands as fell under the American arms. On the 11th of April, 1899, the treaty of peace between Spain and the United States was proclaimed. Notwithstanding that, customs duties on exports and imports were collected until the 8th of March, 1902, when the revenue act for the islands, passed by Congress, went into effect. In 1900 suits were brought in the Court of Claims for the payment of duties alleged to have been collected illegally. On the 12th of July, 1901, Congress passed an act the second section of which was thought to have ratified and made legal the collection of duties in the Philippine Islands in this period. The suits were decided against the claimants in the Court of Claims. Thereupon two of them were appealed to the Supreme Court of the United States, and under an agreement between the Government and those claimants they were made as test cases, and the Government's counsel stated to the Supreme Court that all cases then filed in the Court of Claims would be governed by the decision of the Supreme Court in the test cases.

On the 20th and 26th of May, 1905, two lists, giving the names of the claimants and the amount of the claims pending in the Court of Claims, were filed with the Supreme Court by the Attorney-General, in order to show to that court what the consequences of its decision would be. In addition to that there was an agreement that the cases in the Court of Claims should be held in abeyance pending the decision of the Supreme Court, and I shall insert in my remarks at the close a letter from Mr. Pradt, one of the counsel for the United States, to an attorney for the claimant, which demonstrates absolutely that the Government took such action as to prevent the perfecting of their rights by claimants against the United States.

Mr. HAMILTON. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. I can not yield now, as I have only ten minutes.

Now, on the 3d of April, 1905, the Supreme Court decided these test cases—Warner, Barnes & Co., and the Lincoln case—and it has disposed of the defense of the United States by the decision that there was no state of war existing in the Philippine Islands upon which the military order of the President could be lawfully predicated; and, secondly, that the second section of the act of July 1, 1902, did not in fact, regardless of the question of whether it was so intended, ratify and make legal the collection of these duties. In that case every question brought forward by the Government was patiently and fully considered by the Supreme Court. Later, in 1905, the Government asked a rehearing, and the court again heard the Government's contention, and again it decided that the act of July 1, 1902, did not ratify and give validity to the collection of the taxes in the Philippine Islands which were the subject of the controversy before the court.

Now, then, as it is the statement of the Attorney-General to that court that cases pending in the Court of Claims would be governed by the decision of the Supreme Court, we must in equity deal with those cases in the Court of Claims upon the same footing as we deal with the two test cases that were actually before the Supreme Court in which judgment has been entered.

What will be the effect of this legislation? The gentleman from New York [Mr. LITTAUER] admitted yesterday that it was the purpose of the legislation to defeat the claims, not only of those who had paid taxes and had not brought suit, but also of those who had brought suit, but in which suits no judgments had been entered. Now, then, this legislation will affect not only our citizens, but the citizens of foreign countries which throw their own courts open to us, allow our citizens to get judgments against such governments, and allow the decisions of those courts to be carried out by the executive departments of those governments. We are asked by the adoption of this rule to nullify two solemn decisions of the Supreme Court of the United States. We are asked to nullify the fifth amendment to the Constitution of the United States, which provides that the property of the citizen may not be taken without due process of law and without just compensation. We are asked to establish a precedent which may work hardship to citizens of our own land in their dealings with foreign governments later on, and no man ought to vote for this rule who would be prepared to sanction this state of things.

Suppose that exporters from the United States send goods to the port of Hamburg, in Germany. Suppose taxes are levied upon them there unlawfully. Suppose a test suit were brought in and decided by the highest court of Germany, upholding the contention of American citizens and confirming their title to the money they had been unlawfully compelled to pay. Suppose the German Government would then pass an act in its Parliament defeating the decisions of its highest court, which had established the rights of American citizens in that country. Is there a man in this House who would not burn with indignation against that repudiation by Germany of the judgment of its own courts in its dealings with American citizens? [Applause.] If a weak power—as, for example, Venezuela—should deal with our citizens in such a manner, what man is there upon this floor who would not invoke the war power of this nation in order to compel Venezuela to do justice to our citizens in response to the mandate of its highest court?

Now, the gentleman who is not willing to sanction that course of procedure ought not by his vote to-day sanction the procedure which the majority asks us to adopt. I say that it is not a mere question of ratification. It is a question of whether

you will strike down those constitutional guaranties which are the safeguards of property and the bulwarks of civilization in this land. It is not a mere question of the number of claimants or the amount of the claims involved. It is not a question merely of good faith between the law officers of the Government and these claimants who have come properly before our courts. It goes beyond that.

It is a question whether you shall repudiate the decree of the Supreme Court that has confirmed the property rights of citizens to money which has been unlawfully collected by the Government of the United States. In the last analysis it is a question whether you shall by your vote here to-day cast a stain upon the honor of this Republic and make it a byword and a reproach in every civilized capital in every quarter of the globe; whether you shall discard all partisan considerations, improperly injected into this debate, and join with us here and now in opposing a measure that attacks not merely the courts of the United States, but the very honor of this Republic. [Loud applause on the Democratic side.]

I ask unanimous consent to insert the letter and documents showing the agreement as to cases pending in the Court of Claims.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter and documents are as follows:

[Copy of a letter written by Hon. L. A. Pradt, former Assistant Attorney-General in charge of Court of Claims, to Henry M. Ward, one of the attorneys for claimants in the Philippine tariff cases.]

1410 H STREET NW., WASHINGTON, D. C.,
June 27, 1906.

Mr. H. M. WARD, *Washington, D. C.*

DEAR MR. WARD: In response to your inquiry as to my recollection regarding the understanding which was had between yourself and other attorneys for claimants in the Philippine tariff cases and myself, as Assistant Attorney-General in charge of the defense of those cases, I have to say that after the decision of the Court of Claims adverse to the claimants in the Warner Barnes case, and the appeal to the Supreme Court which followed, there was no attempt made by claimants to prove the amounts of duties for which a refund was claimed in the other cases, all of which were then filed, as I recollect; and any such move would have been useless, since the court, according to its unwritten rule, would have sustained the objection which I should, of course, have made to such procedure, because of the pendency of the test case in the Supreme Court. After the Supreme Court had reversed the decision of the Court of Claims in the Warner Barnes case arrangements had about been completed for the appointment of an auditor to report the facts to the court in the other cases, when the motion for a rehearing was made, whereupon, by mutual consent, all further proceedings were suspended pending the result of the motion. If you and your associates had not so agreed, I should have asked the court to make an order to that effect, and the motion would certainly have prevailed.

Yours, very truly, L. A. PRADT.

ON PETITION FOR REHEARING—STATEMENT OF CLAIMS FILED.

We submit to the court the following statement of claims filed, which would come under the decision herein, for refund of duties. The clerk of the Court of Claims states that this list is complete and accurate to date. It is evident that additional claims are being presented from day to day. The list is arranged to show the aggregate of claims up to July 1, 1902, and the aggregate of claims since that date and up to the present time.

Claims filed up to July 1, 1902.

22757.	Jan. 18, 1902.	Warner, Barnes & Co	$162, 253. 29
22758.	Jan. 20, 1902.	Warner, Barnes & Co	326, 386. 62
22760.	Jan. 25, 1902.	Smith, Bell & Co	1, 216, 000. 00
22761.	Jan. 25, 1902.	Smith, Bell & Co	4, 000. 00
22762.	Jan. 25, 1902.	Smith, Bell & Co	445, 000. 00
22763.	Jan. 25, 1902.	Smith, Bell & Co	244, 000. 00
22808.	Feb. 27, 1902.	Guiterrez Hermanos	138, 939. 97
22809.	Feb. 27, 1902.	Juan B. Gomez	19, 753. 75
22810.	Feb. 27, 1902.	Juan B. Gomez	3, 127. 09
22812.	Mar. 3, 1902.	Warner, Barnes & Co	700. 00
22813.	Mar. 3, 1902.	Warner, Barnes & Co	2, 104. 00
22816.	Mar. 5, 1902.	Perez & Co	1, 400. 00
22817.	Mar. 5, 1902.	Perez & Co	16, 000. 00
22823.	Mar. 13, 1902.	Ker & Co	180, 000. 00
22824.	Mar. 13, 1902.	Ker & Co	131, 000. 00
22825.	Mar. 13, 1902.	Ker & Co	4, 300. 00
22826.	Mar. 13, 1902.	Ker & Co	49, 000. 00
22846.	Apr. 3, 1902.	Walter F. Stevenson et al	24, 084. 37
22860.	May 3, 1902.	Warner, Barnes & Co	300, 000. 00
22879.	May 19, 1902.	Jacob Hankrom	72, 568. 43
22901.	June 21, 1902.	Pacific Oriental Trading Co	4, 280. 00
22902.	June 21, 1902.	Pacific Oriental Trading Co	1, 587. 39
22903.	June 21, 1902.	Pacific Oriental Trading Co	5, 632. 33
22904.	June 21, 1902.	Pacific Oriental Trading Co	104, 374. 53
22905.	June 21, 1902.	Pacific Oriental Trading Co	33, 148. 86
22907.	June 25, 1902.	Robinson & Co	8, 000. 00
22908.	June 25, 1902.	Compañía General de Tabacos	25, 984. 64
		Total	3, 523. 618. 07

Claims filed on and since July 1, 1902.

22913.	July 1, 1902.	McLeod & Co	$360, 000. 00
22914.	July 1, 1902.	C. Heinszin & Co	125, 000. 00
23117.	Nov. 28, 1902.	Pacific Oriental Trading Co	125, 761. 18
24313.	Oct. 30, 1903.	The American Commercial Co	3, 011. 37
24314.	Oct. 30, 1903.	The American Commercial Co	267, 556. 21
24315.	Oct. 30, 1903.	The American Commercial Co	3, 591. 52
24316.	Oct. 30, 1902.	The American Commercial Co	550, 875. 34
27736.	Apr. 11, 1905.	Stahl & Rumcker	$6, 500. 00
27737.	Apr. 11, 1905.	Lenora T. Ayiade Xobel	5, 500. 00
27738.	Apr. 11, 1905.	Fabrica de Tabacos la Insular	400. 00
27739.	Apr. 11, 1905.	Alfredo Chicote Beltran or Alfredo Chicote	5, 500. 00
27757.	Apr. 12, 1905.	The Standard Oil Co. of New York	173, 221. 44
27772.	Apr. 17, 1905.	John M. Switzer	20, 000. 00
27773.	Apr. 17, 1905.	Calder & Co	4, 000. 00
27774.	Apr. 17, 1905.	Lambert & Presty	2, 600. 00
27775.	Apr. 17, 1905.	Manila Navigation Co	3, 100. 00
27776.	Apr. 17, 1905.	Philippine Lumber and Development Co	1, 400. 00
27777.	Apr. 17, 1905.	J. Parsons	3, 000. 00
27778.	Apr. 17, 1905.	Teodore de los Reyes	1, 900. 00
27779.	Apr. 17, 1905.	Successors of R. Bren	375. 00
25425.	June 15, 1904.	Cosme Blanco Herrera et al	35, 000. 00
26013.	Aug. 18, 1904.	Kuenzle & Strieff	140, 000. 00
26014.	Aug. 18, 1904.	Kuenzle & Strieff	175, 000. 00
26015.	Aug. 18, 1904.	Holliday, Wise & Co	117, 000. 00
27176.	Dec. 22, 1904.	Edward A. Keller Sturche	79, 790. 89
27177.	Dec. 22, 1904.	Edward A. Keller Sturche	2, 226. 27
27306.	Jan. 16, 1905.	American Sugar Refining Co	113, 946. 90
27379.	Feb. 4, 1905.	Use of Carmon & Co	6, 000. 00
27381.	Feb. 4, 1905.	Augustine Medel	31, 425. 00
27591.	Apr. 1, 1905.	Campanía General de Tabacos de Filipinas	25, 936. 55
27592.	Apr. 1, 1905.	E. C. McCullough & Co	72, 050. 00
27593.	Apr. 1, 1905.	Ynchansti Companie	9, 740. 00
27594.	Apr. 1, 1905.	American Hardware and Plumbing Co	14, 610. 00
27595.	Apr. 1, 1905.	Newhall & Fenner	5, 357. 00
27596.	Apr. 1, 1905.	Findlay & Co	19, 967. 00
27597.	Apr. 1, 1905.	Macondray & Co	40, 395. 00
27598.	Apr. 1, 1905.	Sackerman & Co	73, 050. 00
27599.	Apr. 1, 1905.	Lutz Moll & Co	100, 000. 00
27600.	Apr. 1, 1905.	Behm, Myer & Co	200, 000. 00
27607.	Apr. 1, 1905.	Campanía General de Tabacos de Filipinas	217, 628. 16
27608.	Apr. 1, 1905.	Sprungli & Co	3, 477. 86
27610.	Apr. 1, 1905.	Luchsinger & Co	5, 000. 00
27711.	Apr. 10, 1905.	Rita Donaldson Sim Valdez	30, 000. 00
27712.	Apr. 10, 1905.	Manuel T. Figueras	20, 500. 00
27713.	Apr. 10, 1905.	Compania Maritima	5, 750. 00
27727.	Apr. 10, 1905.	Conrad Struckmann et al.[a]	8, 442. 83
27728.	Apr. 11, 1905.	Hoskyn & Co	4, 700. 00
27729.	Apr. 11, 1905.	Union Farmacentica Filipinas	2, 100. 00
27730.	Apr. 11, 1905.	Cesar Garcia, administrator of one Gomez	150, 000. 00
27731.	Apr. 11, 1905.	Manuel Earnshaw & Co	3, 900. 00
27732.	Apr. 11, 1905.	Juan Tuason, liquidator of G. Hollman & Co	40, 000. 00
27733.	Apr. 11, 1905.	Meerkamp & Co	900. 00
27734.	Apr. 11, 1905.	Reyes & Smith	25, 000. 00
27735.	Apr. 11, 1905.	Kuenzle & Streiff	3, 400. 00
27780.	Apr. 17, 1905.	Forbes, Munn & Co	50, 000. 00
27781.	Apr. 17, 1905.	Felix Ullmann	5, 000. 00
27782.	Apr. 17, 1905.	E. J. Smith	25, 000. 00
27783.	Apr. 17, 1905.	D. H. Gulick	2, 500. 00
27650.	Apr. 10, 1905.	Levy Brothers	5, 000. 00
27651.	Apr. 10, 1905.	Henry D. Wolf	5, 500. 00
27652.	Apr. 10, 1905.	Erlanger & Galinger	20, 000. 00
27653.	Apr. 10, 1905.	Heacock & Freer	5, 000. 00
27654.	Apr. 10, 1905.	Carlos Gsell	4, 600. 00
27655.	Apr. 10, 1905.	L. J. Lambert	3, 000. 00
27656.	Apr. 10, 1905.	Daniel Denniston	2, 000. 00
27657.	Apr. 10, 1905.	The B. W. Cadwallader Co	7, 000. 00
27658.	Apr. 10, 1905.	John Gibson	3, 500. 00
27659.	Apr. 10, 1905.	El Verdadero de Manila	10, 000. 00
27660.	Apr. 10, 1905.	The Singer Manufacturing Co	8, 500. 00
27661.	Apr. 10, 1905.	Mariano y Chaco	5, 000. 00
27662.	Apr. 10, 1905.	M. A. Clarke	15, 000. 00
27663.	Apr. 10, 1905.	Greilcammer Bros	1, 200. 00
27664.	Apr. 10, 1905.	Camille Alkam	7, 500. 00
27665.	Apr. 10, 1905.	Francisco Reyes	7, 000. 00
27666.	Apr. 10, 1905.	Froloch & Kuttner	12, 000. 00
27667.	Apr. 10, 1905.	J. F. Ramirez	4, 100. 00
27668.	Apr. 10, 1905.	Rafaell Reyes	15, 000. 00
27669.	Apr. 10, 1905.	San Miguel Brewery	4, 600. 00
27670.	Apr. 10, 1905.	J. M. Tuason & Co	8, 000. 00
27671.	Apr. 10, 1905.	Alfredo Roensch	8, 000. 00
27672.	Apr. 10, 1905.	N. T. Hashim & Co	30, 000. 00
27673.	Apr. 10, 1905.	Pons & Co	100. 00
27674.	Apr. 10, 1905.	Santos and Jaehrling	2, 200. 00
27675.	Apr. 10, 1905.	Blanc and Brunschwig	1, 400. 00
27676.	Apr. 10, 1905.	Paul Hube	2, 400. 00
27677.	Apr. 10, 1905.	Serre & Co	600. 00
27678.	Apr. 10, 1905.	Vinda de M. Soler	1, 900. 00
27679.	Apr. 10, 1905.	A. G. Librant, Siegert	1, 400. 00
27680.	Apr. 10, 1905.	Ramon Moutes	2, 100. 00
27681.	Apr. 10, 1905.	Lutz & Co	1, 600. 00
27682.	Apr. 10, 1905.	Rita Donaldson Sim Valdez	10, 000. 00
27683.	Apr. 10, 1905.	La Compania Elextricista	8, 200. 00
27801.	Apr. 19, 1905.	W. F. Stevenson & Co	194, 163. 89
27820.	Apr. 24, 1905.	Angel Ortigm	30, 480. 00
27830.	Apr. 26, 1905.	Rueda Hermanos	1, 417. 00
27831.	Apr. 26, 1905.	Hubert y Guamis	1, 800. 00
27832.	Apr. 26, 1905.	Vinda de E. Bota	600. 00
27833.	Apr. 26, 1905.	Cortijo & Co	650. 00
27834.	Apr. 26, 1905.	Perez Hermanos	350. 00
27835.	Apr. 26, 1905.	Luciano Cordoba	1, 600. 00
		Total	3, 982, 546. 41

In the following cases preliminary petitions have been filed alleging indebtedness generally:

27848.	May 3, 1905.	David Sampson	$100, 000. 00
27849.	May 3, 1905.	Zeetvion	15, 000. 00
27850.	May 3, 1905.	H. Price	8, 000. 00
27851.	May 3, 1905.	James Norton	5, 000. 00

[a] Total of this claim is $184,723.77 Mexican currency; $176,280.94 is for duties on imports from Spain.

27852.	May 3, 1905.	Mariana Velasco	$4,000.00
27853.	May 3, 1905.	Weingarten Brothers	3,000.00
27854.	May 3, 1905.	Tanjoco Company	3,000.00
27855.	May 3, 1905.	Woodward Company	3,000.00
27856.	May 3, 1905.	Luttrell Darley	2,000.00
27857.	May 3, 1905.	Phil Selder	1,000.00
		Total	144,000.00

RECAPITULATION.

Total claims filed up to July 1, 1902	$3,523,618.07
Total claims filed on and since July 1, 1902	3,982,546.41
Petitions alleging indebtedness generally	144,000.00
Grand total	7,650,164.48

WILLIAM H. MOODY, *Attorney-General.*
HENRY M. HOYT, *Solicitor-General.*

In the Supreme Court of the United States, October term, 1904. Frederick W. Lincoln et al., plaintiffs in error, *v.* The United States. No. 149. Warner, Barnes & Co. (Limited), appellant, *v.* The United States. No. 466.

ON PETITION FOR REHEARING—CORRECTION AS TO STATEMENT OF CLAIMS FILED.

We inform the court that our statement of claims filed is erroneous in that we assumed the amounts to be in American currency, whereas many are in Mexican dollars. Furthermore, the list submitted to the court contained some claims of export duties and other items not involving the import tariff at all or imports from foreign countries. The list has now been carefully revised and corrected, and is appended hereto in accurate form. Claims on imports from Spain have been retained because of the provision of the treaty (Art. IV) that "the United States will, for the term of ten years from the date of the exchange of the ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States."

The information originally given us led us to think that either the claims expressed in American currency on their face or that they had been reduced to that currency before the list was transmitted to us. We have just discovered these mistakes (which were inadvertent), and hasten to apprise the court that the amount of refunds due under the decision will not be $7,650,164.48, as stated, but somewhat less than half that amount, viz, $3,485,328.74.

This total does not include the particular claim of Warner, Barnes & Co. before the court, amounting to $81,126.65, nor the Lincoln claim, amounting to $713.42, and it is proper to add that the number and amount of claims, like the Lincoln claim, pending in other Federal courts than the Court of Claims, is at present unknown.

It is unnecessary to say that we had no intention or desire to exaggerate the consequences of the decision, and it is manifest that, allowing for the error made, the sum of money at stake is large enough to justify fully our previous references to the money importance of the issue.

WILLIAM H. MOODY, *Attorney-General.*
HENRY M. HOYT, *Solicitor-General.*

Claims filed up to July 1, 1902.

22761.	Jan. 25, 1902.	Smith, Bell & Co	$2,000.00
22808.	Feb. 27, 1902.	Guiterrez Hermanos	69,469.98
22809.	Feb. 27, 1902.	Juan B. Gomez	9,876.88
22810.	Feb. 27, 1902.	Juan B. Gomez	1,563.55
22812.	Mar. 3, 1902.	Warner, Barnes & Co	700.00
22816.	Mar. 5, 1902.	Perez & Co	700.00
22817.	Mar. 5, 1902.	Perez & Co	8,000.00
22823.	Mar. 13, 1902.	Ker & Co	90,000.00
22825.	Mar. 13, 1902.	Ker & Co	2,150.00
22879.	May 19, 1902.	Jacob H. Ankrom	72,568.43
22904.	June 21, 1902.	Pacific Oriental Trading Co	104,374.53
22905.	June 21, 1902.	Pacific Oriental Trading Co	33,148.86
22907.	June 25, 1902.	Robinson & Co	60,000.00
		Total	454,552.23

Claims filed on and since July 1, 1902.

22914.	July 1, 1902.	C. Heinszen & Co	$125,000.00
23117.	Nov. 28, 1902.	Pacific Oriental Trading Co	125,761.18
24313.	Oct. 30, 1903.	The American Commercial Co	3,011.37
24314.	Oct. 30, 1903.	The American Commercial Co	267,556.21
24315.	Oct. 30, 1903.	The American Commercial Co	3,591.52
24316.	Oct. 30, 1902.	The American Commercial Co	550,875.34
27736.	Apr. 11, 1905.	Stahl & Rumeker	6,500.00
27737.	Apr. 11, 1905.	Lenora T. Aylade Zobel	5,500.00
27738.	Apr. 11, 1905.	Fabricade Tabacos La Insular	400.00
27739.	Apr. 11, 1905.	Alfredo Chicote Beltran or Alfredo Chicote	5,500.00
27757.	Apr. 12, 1905.	The Standard Oil Co., of New York	173,221.44
27772.	Apr. 17, 1905.	John M. Switzer	20,000.00
27773.	Apr. 17, 1905.	Calder & Co	4,000.00
27774.	Apr. 17, 1905.	Lambert & Presty	2,600.00
27775.	Apr. 17, 1905.	Manila Navigation Co	3,100.00
27776.	Apr. 17, 1905.	Philippine Lumber and Development Co	1,400.00
27777.	Apr. 17, 1905.	John Parsons	3,000.00
27778.	Apr. 17, 1905.	Teodore de los Reyes	1,900.00
27779.	Apr. 17, 1905.	Successors of R. Bren	375.00
26013.	Aug. 18, 1904.	Kuenzle & Strieff	140,000.00
26014.	Aug. 18, 1904.	Kuenzle & Strieff	175,000.00
26015.	Aug. 18, 1904.	Holliday, Wise & Co	117,000.00
27176.	Dec. 22, 1904.	Edward A. Keller Sturche	79,790.89
27177.	Dec. 22, 1904.	Edward A. Keller Sturche	2,226.27
27591.	Apr. 1, 1905.	Compania General de Tabacos de Filipinos	25,936.55
27592.	Apr. 1, 1905.	E. C. McCullough & Co	72,050.00
27593.	Apr. 1, 1905.	Ynchansti Companie	9,740.00
27594.	Apr. 1, 1905.	American Hardware & Plumbing Co	14,610.00
27595.	Apr. 1, 1905.	Newhall & Fenner	5,357.00
27596.	Apr. 1, 1905.	Findlay & Co	19,967.00
27597.	Apr. 1, 1905.	Macondray & Co	40,395.00
27598.	Apr. 1, 1905.	Sackerman & Co	36,525.00
27599.	Apr. 1, 1905.	Lutz, Moll & Co	50,000.00
27600.	Apr. 1, 1905.	Behm, Myer & Co	100,000.00
27608.	Apr. 1, 1905.	Sprungli & Co	3,477.86
27712.	Apr. 10, 1905.	Manuel T. Figueras	$20,500.00
27713.	Apr. 10, 1905.	Compania Maritima	5,750.00
27727.	Apr. 10, 1905.	Conrad Struckmann et al	92,361.88
27728.	Apr. 11, 1905.	Hoskyn & Co	4,700.00
27729.	Apr. 11, 1905.	Union Farmacentica Filipinas	2,100.00
27730.	Apr. 11, 1905.	Cesar Garcia, administrator of one Gomez	150,000.00
27731.	Apr. 11, 1905.	Manuel Earnshaw & Co	3,900.00
27732.	Apr. 11, 1905.	Juan Tuason, liquidator of G. Hollman & Co	40,000.00
27733.	Apr. 11, 1905.	Meerkamp & Co	900.00
27734.	Apr. 11, 1905.	Reyes & Smith	25,000.00
27735.	Apr. 11, 1905.	Kuenzle & Strieff	3,400.00
27780.	Apr. 17, 1905.	Forbes, Munn & Co	50,000.00
27781.	Apr. 17, 1905.	Felix Ullmann	5,000.00
27782.	Apr. 17, 1905.	E. J. Smith	25,000.00
27783.	Apr. 17, 1905.	D. H. Gulick	2,500.00
27650.	Apr. 10, 1905.	Levy Brothers	5,000.00
27651.	Apr. 10, 1905.	Henry D. Wolf	5,500.00
27652.	Apr. 10, 1905.	Erlanger & Galinger	20,000.00
27653.	Apr. 10, 1905.	Heacock & Freer	5,000.00
27654.	Apr. 10, 1905.	Carlos Gsell	4,600.00
27655.	Apr. 10, 1905.	L. J. Lambert	3,000.00
27656.	Apr. 10, 1905.	Daniel Denniston	2,000.00
27657.	Apr. 10, 1905.	The B. W. Cadwalader Co	7,000.00
27658.	Apr. 10, 1905.	John Gibson	3,500.00
27659.	Apr. 10, 1905.	El Verdadero de Manila	10,000.00
27660.	Apr. 10, 1905.	The Singer Manufacturing Co	8,500.00
27661.	Apr. 10, 1905.	Mariano y Chaco	5,000.00
27662.	Apr. 10, 1905.	M. A. Clarke	15,000.00
27663.	Apr. 10, 1905.	Greilsammer Bros	1,200.00
27664.	Apr. 10, 1905.	Camille Alkam	7,500.00
27665.	Apr. 10, 1905.	Francisco Reyes	7,000.00
27666.	Apr. 10, 1905.	Froloch & Kuttner	12,000.00
27667.	Apr. 10, 1905.	J. F. Ramirez	4,100.00
27668.	Apr. 10, 1905.	Rafael Reyes	15,000.00
27669.	Apr. 10, 1905.	San Miguel Brewery	4,600.00
27670.	Apr. 10, 1905.	J. M. Tuason & Co	8,000.00
27671.	Apr. 10, 1905.	Alfredo Roensch	8,000.00
27672.	Apr. 10, 1905.	N. T. Hashim & Co	30,000.00
27673.	Apr. 10, 1905.	Pons & Co	100.00
27674.	Apr. 10, 1905.	Santos & Jachrling	2,200.00
27675.	Apr. 10, 1905.	Blanc & Brunschwig	1,400.00
27676.	Apr. 10, 1905.	Paul Hube	2,400.00
27677.	Apr. 10, 1905.	Serre & Co	600.00
27678.	Apr. 10, 1905.	Viuda de M. Soler	1,900.00
27679.	Apr. 10, 1905.	A. G. Librant, Siegert	1,400.00
27680.	Apr. 10, 1905.	Ramon Montes	2,100.00
27681.	Apr. 10, 1905.	Lutz & Co	1,600.00
27682.	Apr. 10, 1905.	Rita Donaldson Sim Valdez	10,000.00
27683.	Apr. 10, 1905.	La Compañía Electricista	8,200.00
27820.	Apr. 24, 1905.	Angel Ortigm	30,480.00
27830.	Apr. 26, 1905.	Rueda Hermanos	1,417.00
27831.	Apr. 26, 1905.	Hubert y Guamis	1,800.00
27832.	Apr. 26, 1905.	Vinda de E. Bota	600.00
27833.	Apr. 26, 1905.	Cortijo & Co	650.00
27834.	Apr. 26, 1905.	Perez Hermanos	350.00
27835.	Apr. 26, 1905.	Luciano Cordoba	1,600.00
		Total	2,886,776.51

In the following cases preliminary petitions have been filed, alleging indebtedness generally:

27848.	May 3, 1905.	David Sampson	$100,000.00
27849.	May 3, 1905.	Zeetvion	15,000.00
27850.	May 3, 1905.	H. Price	8,000.00
27851.	May 3, 1905.	James Norton	5,000.00
27852.	May 3, 1905.	Mariano Velasco	4,000.00
27853.	May 3, 1905.	Weingarten Bros	3,000.00
27854.	May 3, 1905.	Tanjoco Co	3,000.00
27855.	May 3, 1905.	Woodward Co	3,000.00
27856.	May 3, 1905.	Luttrell Darley	2,000.00
27857.	May 3, 1905.	Phil Seldner	1,000.00
			144,000.00

RECAPITULATION.

Total claims filed up to July 1, 1902	$454,552.23
Total claims filed on and since July 1, 1902	2,886,776.51
Petitions alleging indebtedness generally	144,000.00
Grand total	3,485,328.74

In the Supreme Court of the United States, October term, 1904. Frederick W. Lincoln, Henry W. Peabody, John R. Bradlee, and Charles D. Barry, trading as copartners under the firm name and style of Henry W. Peabody & Co., plaintiffs in error, *v.* The United States. No. 149. In error to the district court of the United States for the southern district of New York. Warner, Barnes & Co. (Limited), appellant, *v.* The United States. No. 466. Appeal from the Court of Claims.

Mr. DALZELL. How is the time, Mr. Speaker?

The SPEAKER. The gentleman from Mississippi has five minutes and the gentleman from Pennsylvania twelve.

Mr. DALZELL. Will the gentleman use his five minutes?

Mr. WILLIAMS. Will the gentleman use the balance of his time in one speech?

Mr. DALZELL. I yield the balance of my time to the gentleman from Ohio—all to be used in one speech, I think.

Mr. COCKRAN. Will the gentleman from Pennsylvania yield for a question? Following the statement of the case presented by the gentleman from Massachusetts, I take it that the fact that these moneys have been collected is conceded, and that the Supreme Court has held that collection was illegal.

Mr. DALZELL. No; not necessarily.

Mr. COCKRAN. Does the gentleman dispute that question of fact?

Mr. DALZELL. It is in dispute.

Mr. COCKRAN. Do you dispute that the Supreme Court had held——

Mr. DALZELL. I assume and assert that the matter is still within the power of Congress to regulate.

Mr. COCKRAN. That is not exactly my question. It was whether the Supreme Court had held in a suit, in the absence of this legislation by Congress, that the collection was illegal.

Mr. DALZELL. The Supreme Court has held that the act that Congress passed intended to ratify and legalize the collection of these taxes did not legalize and ratify the collection of all of them; that some of them were not covered by the order under which they were collected.

Mr. COCKRAN. So that the object of this legislation now is to make legal what at the present time is without warrant of law?

Mr. DALZELL. The object of this legislation is that Congress now shall do what it had the power to do, even if it did not before.

Mr. WILLIAMS. But in the absence of doing, the Executive did. Will the gentlemen on the other side conclude their remarks in one speech?

Mr. GROSVENOR. That will be the case.

Mr. WILLIAMS. Then I yield five minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the question before the House is whether the House will adopt a rule to authorize the consideration of a provision already reported upon an appropriation bill. That that is a provision that requires careful consideration, and ample consideration by some committee of the House, is apparent from the statement of the gentleman from Massachusetts. It has never received consideration from any committee of the House. It was hurriedly placed upon the appropriation bill, and it will receive scant consideration from the Committee of the Whole House. It is asserted in justification that it was the intention of Congress in the act of July, 1902, to ratify all the taxes collected under the Executive order. Let me read what the Supreme Court said on the 28th of May:

> Moreover, the act of July, 1902, was passed with full knowledge and after careful consideration of the decision of this court, and Congress was aware that grave doubt, at least, had been thrown upon its power to ratify the taxes under circumstances like the present.

I read now from the De Lima case, to which Justice Fuller refers, in which Mr. Justice Brown said, referring to the act applying to the revenues collected from Porto Rico:

> * * * Perhaps we might go further, and say that so far as these duties were paid voluntarily and without protest, the legality of that payment was entitled to be recognized; but it could have no retroactive effect as to money paid under protest, for which action to recover back had already been brought.

And this provision is for the cases in which actions have already been brought.

> To say that Congress could by subsequent act deprive them of the right to prosecute this action would be beyond its power. In any event, it should not be interpreted so as to make it retroactive.

Now, then, with this decision of the Supreme Court, this House is asked to take the chance that this provision to confiscate property to which the Supreme Court has already decided litigants are entitled will by some means be sustained by the Supreme Court of the United States.

I am opposed to legislation which has the effect to nullify a decision of the Supreme Court, made in cases intended as tests, in actions then pending. I do not believe that the mere fact that a large sum of money, three or four million dollars, is involved is sufficient to justify Congress in such an act, constituting at the least bad faith. If our courts have decided that in the administration of the public affairs money has been illegally exacted from citizens or from aliens, then the highest considerations of justice and good faith demand that the Government shall refund to those from whom these moneys have been illegally exacted that to which they are entitled, and no condition of affairs confronts this country that would justify the confiscation of this property.

In my judgment legislation of this character should be considered either by the Committee on the Judiciary, the Committee on Ways and Means, or the committee which has jurisdiction of tariff matters with the Philippines, or at least properly considered by some committee, and the result of its deliberations submitted to the House for its advice and action. Then the House could act intelligently and properly. [Applause.]

Mr. DALZELL. I yield the balance of my time to the gentleman from Ohio [Mr. GROSVENOR].

Mr. COCKRAN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COCKRAN. Is the effect of this resolution, if adopted, to place this amendment before the Committee of the Whole for its discussion and adoption or rejection, or does the adoption of this rule ipso facto adopt the proposition itself?

The SPEAKER. If the gentleman will notice the rule, it merely makes it in order to consider the proposition in the Committee of the Whole House on the state of the Union—that and that only.

Mr. DALZELL. This puts the paragraph that went out on a point of order back again.

Mr. COCKRAN. It throws it all open to the committee?

Mr. DALZELL. Certainly.

Mr. GROSVENOR. Mr. Speaker, this is a very important question. It is a question of law, a question of proper legislation, and the gentleman from New York [Mr. FITZGERALD] says it is a question of honor. The interior facts of this case can be very briefly stated. A set of importers and exporters, mainly foreigners, the list of whose names I can not read because I can not pronounce them, imported into this country and imported into the Philippine Islands large amounts of goods, sold them with the duties added, and pocketed their profits. Now they are seeking to recover back the duties, and do not make any proposition to give back to the people who paid the duties any part of the money. There is a large sum involved, and some of the biggest lawyers in New York, and perhaps Massachusetts, are engaged in the prosecution of these claims. I have here a list of the attorneys. Under the statement of the gentleman from Massachusetts that France is involved, and that Germany is involved in it, and that Spain is involved in it, it becomes a matter that ought to be very carefully and cautiously considered by the Congress of the United States.

The reason why this claim did not come to the Committee on Appropriations in time for its consideration is made very plain and easily understood when you recognize the fact that the decision necessitating this action of Congress was not rendered by the Supreme Court of the United States until the 28th day of May last, less than a month ago, probably not many days if at all prior to the time when the Committee on Appropriations were engaged in the work of constructing the general deficiency bill. So if there was any lack of ample consideration by the committee at the time they agreed to put this proposition into the bill, it is not a new question, nevertheless. It has been discussed by the Cabinet of the President; the distinguished Secretary of War has presented his views over and over again in writing, and has made a very strong contention through the Attorney-General's office in favor of the position now taken by the Government. So much now for the importance of the matter.

What is sought by the adoption of this rule? It is simply to give to the House of Representatives jurisdiction to try and determine the propriety of this legislation. Surely this House will not shrink from the duty of trying this question; and upon the ex parte statement by counsel—I beg pardon, by gentlemen on the other side—the Administration is called to a hearing and a trial before this Congress.

Mr. SHERLEY. What effort, if any, was made to get this matter considered by the Judiciary Committee, the committee that ordinarily would have jurisdiction of it?

Mr. GROSVENOR. I give it up. I do not know.

Mr. SHERLEY. Do you not think it somewhat extraordinary, in the closing hours of this session of Congress, to give consideration of this important matter in this way, without any consideration by the Judiciary Committee?

Mr. GROSVENOR. Not at all. Ordinarily the point of the gentleman might be well taken, but under existing circumstances the Government has argued this case in all its aspects before the highest tribunal of the country, and we have the opinion of the country that we believe fully justifies this legislation. So that it would have been an idle process to have sent this matter to the Judiciary Committee for their opinion, when we had the opinion of the law department of the Government on our side.

Mr. SHERLEY. Will the gentleman yield?

Mr. GROSVENOR. Yes.

Mr. SHERLEY. If I understand the gentleman, this is in the nature of an appeal from the Supreme Court?

Mr. GROSVENOR. I think the gentleman understands how near this is in the nature of an appeal from the Supreme Court. It is no appeal from the Supreme Court. The Supreme Court simply pointed out that the legislation of Congress did not cover what Congress understood it was to cover, and at the same time we have the authorities here to show when the proper time comes that Congress had the undoubted power at the time, and now has, to exercise that power and to leave to the parties on the other side who are seeking this enormous graft upon the Treasury of the United States—to let them proceed with their cases and meet the proposition of the Government that we will put into this bill if this order is agreed to.

Mr. STERLING. Does the gentleman know whether there is any statute of limitations that would bar these claimants if they had delayed bringing suit, awaiting the decision of the Warren-Barnes' case?

Mr. GROSVENOR. I do not know. I think the suits are all filed, and I think we have the contract showing who is to get the bigger part of the money—the friends of the gentleman from New York——

Mr. FITZGERALD. I beg the gentleman's pardon.

Mr. GROSVENOR. I hope the gentleman from New York does not think I make any reflection upon him.

Mr. FITZGERALD. I do not think the gentleman does, but the language might.

Mr. GROSVENOR. Well, I will put it mountains strong that I meant nothing of the sort.

Mr. FITZGERALD. Let me ask the gentleman a question. Did not Chief Justice Fuller in his opinion on the rehearing say that Congress had an opportunity to consider the case?

Mr. GROSVENOR. I do not want the gentleman to take up my time. I have no doubt that the judge of the court delivering the opinion did put it on the ground that Congress had had an opportunity and might have done more than it did, and that they did not do all that they thought they were doing. But at the same time we claim that we have abundant authority to show that the present action of Congress will retroact and validate the position we have taken.

Mr. FITZGERALD. But the court does not say anything of the kind.

Mr. GROSVENOR. If that is so, then these importers are not harmed. If it is not true that Congress hadn't power then and has the power now, then your suits will go on to judgment, and if this legislation is not enacted, then the United States is barred and the Treasury will be plundered $15,000,000 or $20,000,000, so the wrong will be inflicted against the Government and not against the claimants.

Mr. WALDO. Will the gentleman yield for a question?

Mr. GROSVENOR. Yes.

Mr. WALDO. The gentleman spoke of some contract by which a large amount, if recovered, is going to some one else. Has the gentleman any objection to stating who those men are?

Mr. GROSVENOR. Yes; I have. I like to have lawyers get big fees and plenty of them, especially when they are coming out of foreign importers.

Mr. WALDO. It would seem, unless the act is passed, that the 50 or 60 per cent you are talking about would come out of the United States and not out of the foreign importers.

Mr. GROSVENOR. It will all come out of the United States.

Mr. COCKRAN. Out of the Philippine treasury.

Mr. GROSVENOR. They are taking the money, every dollar of it most, out of the Treasury now. I hope the House will pass this resolution and let us thrash it out, so as to get at what is really the rights in the premises.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 111, noes 68.

Mr. WILLIAMS. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 154, nays 82, answered "present" 15, not voting 128, as follows:

YEAS—154.

Acheson	Darragh	Higgins	Madden
Adams	Davidson	Hinshaw	Mahon
Alexander	Davis, Minn.	Hoar	Mann
Allen, N. J.	Dawson	Holliday	Marshall
Bannon	Denby	Howell, N. J.	Michalek
Barchfeld	Dickson, Ill.	Howell, Utah	Miller
Bates	Dixon, Mont.	Hubbard	Moon, Pa.
Bennet, N. Y.	Dresser	Huff	Morrell
Bennett, Ky.	Driscoll	Humphrey, Wash.	Mouser
Bishop	Dunwell	Jenkins	Needham
Bonynge	Dwight	Jones, Wash.	Nevin
Boutell	Ellis	Kahn	Olcott
Brick	Esch	Keifer	Olmsted
Brooks, Colo.	Fassett	Kennedy, Nebr.	Otjen
Burke, Pa.	Fletcher	Kennedy, Ohio	Parker
Burton, Del.	Foster, Ind.	Kinkaid	Payne
Burton, Ohio	Foster, Vt.	Klepper	Perkins
Calderhead	Fowler	Lacey	Reynolds
Campbell, Kans.	French	Lafean	Rives
Campbell, Ohio	Fulkerson	Landis, Chas. B.	Roberts
Capron	Fuller	Lawrence	Rodenberg
Cassel	Gaines, W. Va.	Le Fevre	Samuel
Chapman	Gardner, Mass.	Lilley, Conn.	Schneebeli
Cocks	Gardner, Mich.	Littauer	Scott
Cole	Gilbert, Ind.	Loud	Sherman
Conner	Goebel	Loudenslager	Smith, Cal.
Cooper, Wis.	Graff	McCarthy	Smith, Ill.
Coudrey	Grosvenor	McCreary, Pa.	Smith, Iowa
Cousins	Hale	McGavin	Smith, Wm. Alden
Cromer	Hamilton	McKinlay, Cal.	Smyser
Crumpacker	Haskins	McKinley, Ill.	Snapp
Currier	Hayes	McKinney	Southwick
Curtis	Henry, Conn.	McLachlan	Sperry
Dalzell	Hermann	McMorran	Stafford
Steenerson	Tirrell	Watson	Wilson
Sterling	Townsend	Webber	Wood
Sulloway	Volstead	Weeks	Young
Tawney	Waldo	Weems	
Thomas, Ohio	Wanger	Wiley, N. J.	

NAYS—82.

Adamson	Fitzgerald	Kitchin, Claude	Rhinock
Bankhead	Flood	Kitchin, Wm. W.	Rixey
Bartlett	Floyd	Lamar	Rucker
Beall, Tex.	Garber	Lamb	Ruppert
Bell, Ga.	Garrett	Lee	Russell
Broussard	Gill	Lever	Ryan
Brundidge	Gillespie	Lindsay	Sheppard
Burgess	Granger	Livingston	Sherley
Burleson	Gregg	Lloyd	Sims
Burnett	Griggs	McCall	Smith, Md.
Byrd	Hay	McNary	Sullivan, Mass.
Candler	Heflin	Macon	Sulzer
Clark, Fla.	Henry, Tex.	Maynard	Talbott
Clark, Mo.	Hill, Miss.	Moon, Tenn.	Trimble
Cockran	Hopkins	Moore	Underwood
Davey, La.	Houston	Murphy	Wallace
Davis, W. Va.	Humphreys, Miss.	Padgett	Watkins
De Armond	Hunt	Patterson, S. C.	Webb
Dixon, Ind.	Johnson	Pou	Williams
Ellerbe	Jones, Va.	Pujo	
Finley	Keliher	Ransdell, La.	

ANSWERED "PRESENT"—15.

Bradley	Gaines, Tenn.	Gudger	Parsons
Burleigh	Glass	Hardwick	Richardson, Ky.
Butler, Pa.	Graham	James	Spight
Dale	Greene	Meyer	

NOT VOTING—128.

Aiken	Flack	Littlefield	Shartel
Allen, Me.	Fordney	Longworth	Sibley
Ames	Foss	Lorimer	Slayden
Andrus	Gardner, N. J.	Lovering	Slemp
Babcock	Garner	McCleary, Minn.	Small
Bartholdt	Gilbert, Ky.	McDermott	Smith, Ky.
Bede	Gillett, Cal.	McLain	Smith, Samuel W.
Beidler	Gillett, Mass.	Martin	Smith, Pa.
Bingham	Goldfogle	Minor	Smith, Tex.
Birdsall	Goulden	Mondell	Southall
Blackburn	Gronna	Mudd	Southard
Bowers	Haugen	Murdock	Sparkman
Bowersock	Hearst	Norris	Stanley
Bowie	Hedge	Overstreet	Stephens, Tex.
Brantley	Hepburn	Page	Stevens, Minn.
Broocks, Tex.	Hill, Conn.	Palmer	Sullivan, N. Y.
Brown	Hitt	Patterson, N. C.	Taylor, Ala.
Brownlow	Hogg	Patterson, Tenn.	Taylor, Ohio
Buckman	Howard	Pearre	Thomas, N. C.
Burke, S. Dak.	Hughes	Pollard	Towne
Butler, Tenn.	Hull	Powers	Tyndall
Calder	Ketcham	Prince	Van Duzer
Chaney	Kline	Rainey	Van Winkle
Clayton	Knapp	Randell, Tex.	Vreeland
Cooper, Pa.	Knopf	Reeder	Wachter
Cushman	Knowland	Reid	Wadsworth
Dawes	Landis, Frederick	Rhodes	Weisse
Deemer	Law	Richardson, Ala.	Welborn
Dovener	Legare	Robertson, La.	Wharton
Draper	Lewis	Robinson, Ark.	Wiley, Ala.
Edwards	Lilley, Pa.	Scroggy	Woodyard
Field	Little	Shackleford	Zenor

So the motion was agreed to.

The Clerk announced the following pairs:

For the session:

Mr. HULL with Mr. SLAYDEN.

Mr. BRADLEY with Mr. GOULDEN.

Mr. FOSS with Mr. MEYER.

Mr. DALE with Mr. BOWIE.

Until further notice:

Mr. BABCOCK with Mr. LITTLE.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. LILLEY of Pennsylvania with Mr. GILBERT of Kentucky.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. HILL of Connecticut with Mr. BUTLER of Tennessee.

Mr. BIRDSALL with Mr. HEARST.

Mr. BROWNLOW with Mr. SMITH of Texas.

Mr. DEEMER with Mr. KLINE.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Mr. GRAHAM with Mr. PAGE.

Mr. HUGHES with Mr. REID.

Mr. HEDGE with Mr. SPIGHT.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. DOVENER with Mr. SPARKMAN.

Mr. HITT with Mr. LEGARE.

Mr. LA FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. SLEMP with Mr. GLASS.

Mr. VREELAND with Mr. FIELD.

For the day:

Mr. WACHTER with Mr. WILEY of Alabama.

Mr. WOODYARD with Mr. SOUTHALL.

Mr. SAMUEL W. SMITH with Mr. STANLEY.
Mr. SIBLEY with Mr. SMALL.
Mr. RHODES with Mr. SHACKLEFORD.
Mr. PALMER with Mr. SMITH of Kentucky.
Mr. MURDOCK with Mr. ROBINSON of Arkansas.
Mr. MUDD with Mr. TAYLOR of Alabama.
Mr. LAW with Mr. REID.
Mr. KNOWLAND with Mr. RAINEY.
Mr. KNAPP with Mr. TOWNE.
Mr. KETCHAM with Mr. RANDELL of Texas.
Mr. HEPBURN with Mr. RICHARDSON of Alabama.
Mr. FORDNEY with Mr. PATTERSON of Tennessee.
Mr. DRAPER with Mr. MCLAIN.
Mr. DAWES with Mr. LEWIS.
Mr. COOPER of Pennsylvania with Mr. HOWARD.
Mr. GILLETT of Massachusetts with Mr. CLAYTON.
Mr. BOWERSOCK with Mr. GOLDFOGLE.
Mr. BINGHAM with Mr. BOWERS.
Mr. BEIDLER with Mr. AIKEN.
Mr. BUCKMAN with Mr. ROBERTSON of Louisiana.
Mr. LITTLEFIELD with Mr. SULLIVAN of New York.
Mr. BURLEIGH with Mr. MCDERMOTT.
Mr. BEDE with Mr. BRANTLEY.
Mr. PEARRE with Mr. VAN DUZER.
For the vote:
Mr. WADSWORTH with Mr. ZENOR.
The result of the vote was announced as above recorded.

GENERAL DEFICIENCY BILL.

On motion of Mr. LITTAUER, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 20403—the general deficiency bill, Mr. CRUMPACKER in the chair.

The CHAIRMAN. When the committee rose on yesterday there was pending a point of order to the paragraph in the bill on page 23 beginning on line 10 and extending to and including line 24. The paragraph carries an appropriation to reimburse the State of Texas for moneys expended by that State in defending its frontier against Mexican marauders and Indian depredations prior to June 20, 1860. The point of order was made by the gentleman from Pennsylvania [Mr. DALZELL] that there is no law authorizing an appropriation for the payment of the claim. Under the rules of the House no provision can be carried in a general appropriation bill for the payment of a claim against the Government of the United States unless the payment of the claim is clearly authorized by existing law. In the case now under consideration the State of Texas a number of years ago expended a considerable sum of money in defending its borders against invasion, primarily for the protection of its own citizens, but in doing that the State performed a duty that under the Federal Constitution belonged to the United States Government. There was no law then and there is no law now authorizing the reimbursement of States that expend funds in the execution of a service of the character mentioned.

In 1859 and in 1860 Congress made appropriations covering portions of the claim of the State of Texas included in the paragraph under consideration. In 1859 the appropriation was for the expense of six companies of State militia for a period of three months. In 1860 Congress extended the provisions of the law of 1859 so as to cover all the troops of the State of Texas that were engaged in defending the frontier, the State militia and the rangers, limiting the amount, however, to about $123,000. Those are the only acts of legislation that Congress ever made upon the subject. The apropriations were not drawn by the State, and under the operation of a general statute lapsed and were covered into the Treasury. In the general deficiency bill for 1905 a provision was incorporated directing the Secretary of War to inquire into and report to Congress for its consideration what sums of money were actually expended by the State of Texas during the period between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the government of Texas in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States.

The original acts of Congress appropriating money for the reimbursement of the State did not cover the entire claim that is contained in the paragraph under consideration, and therefore it is not necessary for the Chair to determine whether those appropriation acts—the appropriations having lapsed and been covered into the Treasury—constitute a continuing liability on the part of the Government for the payment of the claim or whether they were coupled with the appropriations and ceased to operate after the appropriations lapsed. If there is any law for the payment of this claim, it is contained in the provision the Chair just quoted in the general deficiency act for the fiscal year 1905. The question is whether by that provision Congress created a legal liability upon the United States for the payment of this claim. The Chair is of the opinion that the provision did not create such liability. The Secretary of War was directed to inquire into the claim and report "for the consideration of Congress"—not for payment, but "for the consideration of Congress." The language fairly implies that Congress intended to further consider the question in the light of any new facts that might be developed by the investigation of the Secretary of War.

Mr. LIVINGSTON. Pardon me just there for one moment. I agree with the Chair that the War Department reported this matter for consideration. Now, I make this suggestion to the Chair, that if you sustain the point of order you defeat the purpose for which the War Department made the investigation, and you defeat the purpose of Congress in setting out the request to the War Department in 1905. You stop the consideration—just the thing we want done.

The CHAIRMAN. The Chair is of the opinion that when Congress creates a commission to make an investigation of a particular subject or authorizes a Department to make such investigation for the consideration of Congress, that act does not commit the Federal Government to the project. The investigation is for information to enable Congress to intelligently determine what the position of the Government shall be in reference to the matter.

The investigation made by the Secretary of War was for the information of Congress. Congress, in the light of the investigation, was supposed to act upon the question of liability and decide whether the Government should assume the payment of the claim. Merely ordering the investigation did not amount to an assumption of the claim by the Government. Congress has the right to assume and pay the claim, but under the rules of the House a general appropriation bill can not carry a provision for its payment until Congress, by suitable action, has legally committed the Government to its payment. The Chair is clearly of the opinion that Congress did not create a legal liability on the part of the Government to pay the claim by the provision in the act of 1905, and therefore the Committee on Appropriations had no right to incorporate in this bill a provision for its payment

Mr. LIVINGSTON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. LIVINGSTON. Did not the action of the House in referring this matter to the War Department in 1905, and the action of the War Department, in its report, returning it to the House, put that matter before Congress on its merits? And will not the sustaining of the point of order rob Congress of testing this matter on its merits?

The CHAIRMAN. It may have put the whole question before the Congress on its merits, but in distributing the business of the House under the rules appropriate committees investigate questions on their merits and report measures for action by the House; but the Committee on Appropriations, in making up general bills, is not supposed to investigate questions upon their merits, but to appropriate for objects authorized by law, the merits of which have been investigated by other committees and by Congress. A few years ago a provision similar to the one under consideration was incorporated in the naval appropriation bill, a provision authorizing the appointment of a commission to select a site for a naval training station on the Great Lakes and to ascertain the cost of the site and report to Congress. That commission was appointed and made a report, selecting a site and reporting the cost of the site to Congress. In the following naval appropriation bill a proposition was embodied providing an appropriation for the establishment of the naval training station, and a point of order was made against the provision and sustained on the ground that the creation of the commission for the purpose of investigating the question did not commit the Government to the project at all, but that it was only for the enlightenment of Congress. The Chair regards that decision directly in point, so far as the principle is concerned. The point of order is sustained. The Clerk will read.

The Clerk read as follows:

Under the chief signal officer: For the purpose of replacing signal stores and equipments destroyed by fire while on storage in warehouse at Arlington Dock, Seattle, Wash., May 7, 1906, to be made available during the fiscal years 1906 and 1907, $15,000.

Mr. LITTAUER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 25, after line 16, insert:

"QUARTERMASTER'S DEPARTMENT.

"Regular supplies: For regular supplies for the Quartermaster's Department on account of the fiscal year 1906, including all objects mentioned under this head in the Army appropriation act for the fiscal year 1906, $500,000."

Mr. LITTAUER. Mr. Chairman, in justice to the committee some explanation for the insertion of so large an item should be given. Its necessity arises for the reason that a submission sent to the Senate did not reach the House. The Secretary of War, through the Secretary of the Treasury, on January 30 of this year, sent a communication to the Senate that there would be a deficiency or that there was required for deficiency under the title of "Regular supplies, Quartermaster's Department," $600,000. Since the bill has been before the House the Secretary of War communicated with us, advising us that $374,000 has already been contracted for. The law gives the right to the War Department to contract for necessary expenditures of this character and $500,000 will be necessary to cover the deficiencies thus arising under the law.

Mr. LIVINGSTON. Now, what is this difference between the $374,000 and $500,000 for?

Mr. TAWNEY. The difference between $375,000 and $500,000 is to meet the payment of bills or obligations now outstanding, but which will come in after the close of the fiscal year. The Quartermaster-General estimates that that will not be sufficient to meet those bills by the Secretary of War.

Mr. LITTAUER. The submission was $600,000.

Mr. LIVINGSTON. Then practically the whole sum is outstanding obligations.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To reimburse William H. Green for loss of time and doctor's fees on account of injury from an accident while employed at the House of Representatives Office Building, $250.

Mr. FITZGERALD. I make the point of order upon that item.

The CHAIRMAN. The gentleman from New York makes the point of order against the paragraph just read.

Mr. LITTAUER. I have nothing to say against the point of order, Mr. Chairman; it is plainly subject to it. The man was injured in Government work.

Mr. FITZGERALD. I understand that no committee has recommended any such appropriations as this, and there are a number of men continually being injured on public work.

Mr. LITTAUER. No committee has recommended this except the Committee on Appropriations. It was submitted to the committee by the superintendent of buildings and grounds in charge of this work.

Mr. FITZGERALD. That is a very poor reason to depart from the rule. I have a great number of constituents who have been seriously injured on Government work, and they can not get relief, and I believe that the same rule ought to apply to all.

Mr. CAMPBELL of Kansas. Will the gentleman from New York indulge me for a question? Is there no way whereby one injured on a public work here may recover except through the generosity of the Committee on Appropriations?

Mr. LITTAUER. It is simply a gratuity of Congress.

Mr. CAMPBELL of Kansas. May he not maintain an action for injury against the contractor or anyone in charge of the construction for negligence?

Mr. LITTAUER. It depends on whether it was done through the negligence of the contractor or by accident of some kind.

Mr. CAMPBELL of Kansas. Well, of course, if the contractor was not negligent he would not be liable, neither would the Government. If the party injured was negligent, he would not be entitled to recover from the contractor or from the Government.

Mr. LITTAUER. I would like, just in this connection, to read what the superintendent of the Capitol said in connection with this accident:

Green, with other workmen, was engaged in handling iron beams. Part of the tackle used in hoisting slipped and a large beam swung around and caught him against the building wall, and Green suffered a compound fracture of the leg.

Similar compensation was paid to workmen in 1902 who had received injuries in connection with the reconstruction of the central portion of this Capitol.

Mr. CAMPBELL of Kansas. That was an accident that was incident to the service?

Mr. LITTAUER. It was incident to this man's service.

The CHAIRMAN. The point of order is sustained.

Mr. GRANGER. Mr. Chairman, I ask unanimous consent to recur to line 18, page 43, for the purpose of offering an amendment.

Mr. LITTAUER. I must object, Mr. Chairman.

The CHAIRMAN. The gentleman from New York objects.

Mr. LITTAUER. I want to get on with the reading of the bill.

Mr. GRANGER. Will you give me a chance to offer it when we get through with the bill?

Mr. LIVINGSTON. Let the amendment be read for information.

The CHAIRMAN. The gentleman asks unanimous consent that the proposed amendment be read for information of the committee.

Mr. LITTAUER. I desire to continue the reading of the bill regularly.

The CHAIRMAN. The gentleman from New York objects.

The Clerk read as follows:

GENERAL LAND OFFICE.

To enable the Commissioner of the General Land Office to reproduce by photolithography or otherwise 4,855 copies, more or less, of the official plats of United States surveys constituting a part of the records of the office of the United States surveyor-general at San Francisco, Cal., which were destroyed by earthquake and fire on April 18, 1906, $14,565, or so much thereof as may be necessary.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 44, line 17, after the word "six," insert "to remain available during the fiscal year 1907."

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized and directed to pay to Edgar Smith from any tribal funds of the Cherokee Nation in the Treasury of the United States the sum of $5,000, in full for his services as attorney for said nation in the Supreme Court of the United States, in a certain cause entitled "In the matter of the enrollment of persons claiming rights in the Cherokee Nation by intermarriage v. United States: Cherokee Nation, intervenor," more particularly described as Nos. 419 to 422, inclusive, on the calendar of said court.

Mr. FITZGERALD. I wish to reserve the point of order upon that item.

The CHAIRMAN. The gentleman from New York reserves the point of order upon the paragraph just read.

Mr. FITZGERALD. I desire to know upon whose recommendation this item was put in the bill?

Mr. LITTAUER. The item was inserted in the bill on the recommendation of the Secretary of the Interior.

Mr. FITZGERALD. Is the amount approved by him?

Mr. LITTAUER. The Secretary says:

The contract was not submitted to the Department until after the services of the attorney had been rendered, some doubt having arisen concerning the legality of the last-named contract, since it was not executed until after the services of said attorney had been rendered; but in view of the fact that the services were fully rendered and performed by the attorney, in accordance with the understanding of the principal chief of said nation and the Department, I have the honor to recommend that the following item be inserted at this point.

Mr. FITZGERALD. I withdraw the point of order.

The Clerk read as follows:

Reform School, Washington, D. C.: The accounting officers of the Treasury are authorized and directed to allow in the accounts of S. W. Curriden, treasurer of the Reform School, District of Columbia, payments heretofore made by him in good faith to instructors in music and military exercises and for officers' uniforms on first appointment, in accordance with the regulations of the board of trustees.

Mr. LITTAUER. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

On page 52, after line 17, insert:

"Judicial: For salaries of four deputy clerks in the Indian Territory for the fiscal year 1907, authorized by the Indian appropriation act approved June 21, 1906, at $1,200, $4,800."

The amendment was agreed to.

Mr. LITTAUER. Mr. Chairman, when I objected to returning to the paragraph under the Navy Department at the request of the gentleman from Rhode Island [Mr. GRANGER] I was not aware that his attention had been diverted at the time that section was passed, and I now ask unanimous consent that we revert to page 43, in order that the gentleman from Rhode Island may offer an amendment.

The CHAIRMAN. The gentleman from New York asks unanimous consent to recur to page 43, for the purpose of submitting an amendment offered by the gentleman from Rhode Island. Is there objection.

There was no objection.

The amendment was read, as follows:

On page 43, after line 18, insert the following paragraph:

"To replace detention buildings at the training station, Newport, R. I., destroyed by fire on January 28, 1906, to be utilized in segregating recruits, including mess hall, mess and galley outfits, laundry, wash rooms, latrines, and other necessaries to make the same habitable and sanitary; in all, $94,321."

Mr. LITTAUER. I reserve the point of order.

Mr. GRANGER. This is to replace very important buildings at the Naval Training Station at Newport which were destroyed there last winter. When the young men come there they are segregated for a period of twenty-one days, in order that if any contagious diseases develop they may be apart from the other men. This building, which was a very important one, was destroyed on the 28th of January, 1906. So that all the young men coming to the station—young men coming from workshops, and not men hardened by service at sea, boys 15 years of age and upward—must be placed in tents, and that is the practice at the present time. Of course during eight months in the year this is no hardship, but during the remaining four months it is not only a hardship, but a source of very great danger. I have here a letter from Admiral Converse, Chief of the Bureau, in which he states that last winter at the Newport Training Station, in addition to the usual diseases to be expected, such as mumps, scarlet fever, and so forth, there developed eighteen cases of cerebro-spinal meningitis, twelve cases of which resulted in death, and he goes on to state that had this building been there at that time the lives of these young men might probably have been saved and the number of other diseases lessened. So the lack of this building has resulted not only in sickness and the loss of life, but in a pecuniary loss to the Government, because these young men had been recruited at considerable expense to the Treasury. It also serves to give the training station a bad name, when they find that young men are subject to such hardships, and makes it more difficult to secure enlistments. This is a building which must be replaced at some time, and it seems to me only just that this House should make this appropriation now in order that these boys may not be placed in jeopardy again next winter. I trust the amendment will prevail.

Mr. LITTAUER. Mr. Chairman, I must renew my point of order. There is no authority of law for this.

Mr. GRANGER. I call the attention of the Chair to the fact that this is a Government reservation, and that this proposition is to replace a building already authorized upon a Government reservation, and therefore it is not subject to a point of order.

Mr. LITTAUER. It is an entirely new building. The old building was destroyed.

The CHAIRMAN. The identical question was decided by the Chairman of the Committee of the Whole House, when the diplomatic and consular appropriation bill was under consideration, on an item for the rebuilding of a public structure in one of the Pacific islands. The Chair then sustained the point of order to the provision. Following that precedent, the Chair sustains the point of order. The Clerk will read.

The Clerk read as follows:

To pay the Adrian Brick and Tile Machine Company, of Adrian, Mich., for street letter boxes manufactured by that company, as subcontractors, and furnished to the Post-Office Department by the contractor, Eugene D. Scheble, of Toledo, Ohio, trading as the Michigan Steel Box Company, under his contract covering the period from July 1, 1901, to June 30, 1905, $18,227.40.

Mr. FITZGERALD. Mr. Chairman, I make a point of order on that paragraph.

Mr. LITTAUER. Mr. Chairman, this item relates to a contract entered into just prior to the time of the development of various conspiracies in the Post-Office Department. Payment was held up by the Postmaster-General until a much fuller investigation could be had into the contract and delivery, and the Postmaster-General now recommends payment for the goods delivered under the contract.

Mr. FITZGERALD. I understand that the assistant attorney-general for the Post-Office Department, in Document 676, recommended that $35,000 be withheld to ascertain whether the Government had any claims against this money until these changes are disposed of.

Mr. LITTAUER. There has been developed no claim against this company, and consequently the Postmaster-General recommends the payment.

Mr. FITZGERALD. But I understand the case against the original contractor has not been disposed of, and that until it is and it is ascertained whether the Government's claim arising out of the fraudulent transaction will amount to this sum Congress ought not to authorize the payment of that money to anybody else.

Mr. LITTAUER. Is the gentleman from New York aware that all the indebtedness of any name and nature to Scheble, who entered into the contract, has been waived?

Mr. FITZGERALD. This is the situation: The Government entered into a contract with the contractor to furnish certain boxes. He made a subcontract, and that contract provided that the subcontractor should not be paid anything until the contractor received his money from the Government. In 1903 the contractor was indicted for fraud, and $31,000 was held up until the Government could ascertain from the trial of these cases whether this claim against the contractor would amount to as much as that.

Mr. LITTAUER. Does the gentleman from New York think the Government had a right to hold up the claim as an offset?

Mr. FITZGERALD. I think it was very good administration.

Mr. LITTAUER. So do I.

Mr. FITZGERALD. If this man was obtaining money that he would not be entitled to, I think it was wise for the Government to stop the payment. The contractor and his affairs are in such shape that neither the Government nor the subcontractor can recover anything from him. Until it is ascertained that the Government will not be defrauded, I am opposed to releasing the money for the subcontractor.

Mr. LITTAUER. The gentleman from New York is aware that the Government owes this sum to the contractor and the contractor owes it to the manufacturer. It is but proper that the Government should pay for the goods received, delivered, and used.

Mr. FITZGERALD. Oh, no.

The CHAIRMAN. Will the gentleman from New York inform the Chair in what manner the contractor released his claim to the sum? Was it by formal release?

Mr. FITZGERALD. This provision authorizes the payment of that which is not now authorized by law, and that makes it legislation. If that was not the fact, there would be no necessity for this provision.

Mr. TOWNSEND. Mr. Chairman, this is a case where the Government entered into a contract with the Michigan Steel Box Company in 1901 for furnishing letter boxes. It had entered into a similar contract four years before with the same party. Now, this Michigan Steel Box Company sublet the contract to the Adrian Brick and Tile Company. It was discovered during the late disturbance of the Post-Office Department that there was some fraud connected with the first contract. That case was gone into thoroughly by the legal department of this Government, and it was recommended to the Postmaster-General that there was no indictable fraud, or not evidence of fraud sufficient to warrant prosecution under it. The total amount of this item is $18,227.40, while the total amount due the original company, or claimed by it, is something over $31,000, and the Government never claimed it could offset more than a small amount, and the difference between the original contract price and the amount of this item would be more than enough for such offset, and this difference is still to be held by the Government.

This case arose as follows: In 1901 the contract for furnishing letter boxes to the Government was let to the said steel box company. This company sublet to the beneficiary of this item at about 60 per cent of the contract price. On account of the trouble with Scheble under the prior contract, the Post-Office Department refused to pay for the boxes which had been accepted by the Government and are now in its use and possession. The last contract is free from fraud, and especially has the Adrian Brick and Tile Company, after a thorough investigation, been exonerated from any fraud.

The Post-Office Department, being thoroughly furnished with all the facts, believes that this item should be paid and has so recommended. It has proposed through its legal department that Scheble should release the Government to the extent of the amount of this item and the brick and tile company were to receipt to Scheble for that amount. This has been done. I submit this waiver and receipt for the information of the chairman.

This is not a claim, but the brick and tile company have an assignment from Scheble and stand in the place of the contractor. This item arises under contract. The Post-Office Department has no money from which this amount can be paid. Congress should allow the item to stand in the bill, for it is just and equitable.

In consideration of the consent signed October 11, 1905, by Eugene D. Scheble, trading as the Michigan Steel Box Company, for the payment to the Adrian Brick and Tile Machine Company, by an appropriation of Congress, of the sum of $18,227.40, the said the Adrian Brick and Tile Machine Company does hereby release and discharge said Eugene D. Scheble from any and all indebtedness and claims of every nature and description.

This agreement and receipt is executed in duplicate for the purpose of filing one of said duplicate originals with the Post-Office Department, the same being at the request of the Assistant Attorney-General for said Department.

Dated and signed January 23, 1906.

THE ADRIAN BRICK AND TILE MACHINE COMPANY,
By E. C. SWORD, *President*.
E. N. SMITH, *Secretary*.

Executed in duplicate in presence of—
F. E. PRIDDY.
P. J. DUNN.

I, Eugene D. Scheble, of Toledo, Ohio, contracted with the Post-Office Department of the United States, under the name of the Michigan Steel

Box Company, to furnish certain street letter boxes for the use of the free-delivery service, from July 1, 1901, to June 30, 1905, inclusive.

I sublet the contract for the manufacturing and furnishing of said boxes to the Adrian Brick and Tile Machine Company, of Adrian, Mich., with the stipulation that the said Adrian Brick and Tile Machine Company should not be paid for the boxes manufactured and furnished until I had received pay for said boxes from the Post-Office Department.

I am still indebted to the Adrian Brick and Tile Machine Company in the sum of $18,258.85 for boxes furnished the Post-Office Department under their contract with me and for which I have not been paid by the Post-Office Department.

In consideration of the release and discharge of my indebtedness to the said Adrian Brick and Tile Machine Company I hereby consent that any appropriation made by Congress for the payment of said sum of $18,258.85 to said Adrian Brick and Tile Machine Company may be deducted from any sum that may be found to be due me under this or any other contract with said Post-Office Department.

Signed and sealed this 11th day of October, A. D. 1905.

EUGENE D. SCHEBLE.

Witnesses:
E. R. SMITH.
A. BENNETT.

He himself, Mr. Robb, who investigated the alleged irregularities in the Post-Office Department, drew both the waiver from the Michigan Steel Box Company to the Government and the receipt from the brick and tile company to the Michigan Steel Box Company; so that this is simply a payment to the Adrian Brick and Tile Company its just dues, and I wish to repeat again that this Government is protected, even if it were to prosecute now under an indictment against Scheble, which the Attorney-General practically admits never will be done. The Government is protected absolutely, and we are simply asking that the Adrian Brick and Tile Company be paid for these boxes, which the Government has had since 1903. The accounts have been gone over by experts of the Department, and the report of the Postmaster-General himself is to the effect that it should be paid.

The CHAIRMAN. The Chair is ready to rule. On the statement of the gentleman from Michigan [Mr. TOWNSEND], the Chair overrules the point of order.

Mr. FITZGERALD. Mr. Chairman, I submit to the Chair that an appropriation to pay for boxes to a person who has a legal contract is one thing, but there is no law which authorizes the payment to a subcontractor except the law contained in this provision. This is a claim. It is not even a claim against the Government. It is a claim against a third party which this provision is authorizing the payment of.

The CHAIRMAN. In the opinion of the Chair the contractor has a valid claim against the Government. The effect of the document read by the gentleman from Michigan is an assignment in equity, if not in law, of that claim to the beneficiary of this provision, and therefore he holds now a valid, legal claim against the Government which may be paid by an appropriation in a general appropriation bill.

Mr. FITZGERALD. But I submit to the Chair that it is not in order in an appropriation bill to appropriate for legal claims against the Government. It is in order only to carry out provisions of existing law, but there is no rule that authorizes the Committee on Appropriations to pay claims that may have some foundation in law.

The CHAIRMAN. Appropriation bills may carry appropriations for the payment of claims against the Government authorized by law, and this is clearly authorized by law. It is under a contract authorized to be made, and the Chair is clear upon the question. The point of order is overruled.

The Clerk read as follows:

For inland mail transportation, star, fiscal year 1904, $399.50.

Mr. TOWNSEND. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After line 2, page 57, insert the following new paragraph:

"To pay George W. Fleming, of Adrian, Mich., for services as letter-box inspector at Adrian, from March 29, 1902, to July 13, 1903, $1,073.33."

Mr. LITTAUER. Mr. Chairman, I make the point of order against that provision. It is clearly unauthorized by law—services rendered without authority of law—a meritorious claim, but not fit to be submitted in connection with a general deficiency bill.

Mr. TOWNSEND. Will the gentleman reserve his point of order?

Mr. LITTAUER. Certainly.

Mr. TOWNSEND. Mr. Chairman, I just briefly wish to state to the committee the object of this amendment. It is conceded by the Committee on Appropriations, it is recommended by the Postmaster-General that this provision is a proper one, at least an equitable one, and ought to be paid. The objection of the chairman of the committee is that this is a claim, and therefore it is not properly or can not properly be put in this bill.

Mr. LITTAUER. It is one of a series of a thousand like claims.

Mr. TOWNSEND. Now, this claim arose in this manner: The Post-Office Department employed Maj. George W. Fleming, of Adrian, Mich., to inspect letter boxes which were furnished to the Government under contract, as the records of the Post-Office show, to the effect that he was to receive 5 cents per box for inspecting them and for looking after the mailing of them. He performed that work, and it was accepted, and part of his bills, I understand, were audited by the Auditor for the Post-Office Department. The others were not, and they were returned with a statement that there was no money out of which they could be paid. It is due the Chair to state, however, that there was probably no authority on the part of the Postmaster-General to employ this man, as the work theretofore had been done by clerks who had been delegated from the Department to do the work. But the Government has had the service and it admits that it was absolutely necessary that it should be performed. It was done faithfully and by an honest and competent man. Now, we are asked to take this bill to the Committee on Claims, and thus let it sleep forever. It does not seem to me right. The chairman of this committee said, to begin with, that these claims which are justly due should be paid, but now, by rule of this House, justice is to be defeated. I submit that this may possibly be subject to the point of order, but I believe it should be the desire of this Congress to pay such bills as this one, which everybody who has ever had anything to do with it admits to be just. No member of the Committee on Appropriations will deny that it is a just and equitable claim. This man performed these services from 1902 to 1903, and he should be paid. I had hoped that the point of order would not be made against it.

The CHAIRMAN. The point of order is sustained.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses of special agents, Department of Commerce and Labor," for the fiscal year 1905, 54 cents.

Mr. LITTAUER. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 57, after line 21, insert:

"ADDITIONAL AIDS TO NAVIGATION IN THE LIGHT-HOUSE ESTABLISHMENT.

"For a light and fog-signal station at Isle au Haut, Maine, $14,000.

"For a fog signal at Baker Island, Salem Harbor, Massachusetts, $10,000.

"Toward a light vessel to be placed near the entrance to Buzzards Bay, Massachusetts, to replace the one now known as the 'Hen and Chickens light-ship,' $50,000.

"For range lights at Bellevue Range, Delaware River, $40,000.

"Toward a light and fog-signal station at Miah Maul shoal, Delaware River, $40,000.

"Toward a light and fog-signal station on the Joe Flogger shoal, Delaware River, $40,000.

"Toward a light and fog-signal station at Ragged Point, Potomac River, $15,000.

"For a light keeper's dwelling at Sheboygan light station, Sheboygan, Wis., $6,000.

"For a light keeper's dwelling at Menominee Harbor, Michigan, $5,000.

"For a dwelling for the keepers of the light-house on Horseshoe reef, entrance to Buffalo Harbor, New York, $6,200.

"For a light keeper's dwelling at Tibbetts Point light station, New York, $4,000.

"Toward a light vessel to be placed off Martins reef, northwest end of Lake Huron, Michigan, $25,000.

"For range lights, Superior pierhead, Lake Superior, Wisconsin, $20,000.

"For a light station and range lights at Honolulu Harbor, Territory of Hawaii, $40,000.

"Toward a light and fog-signal station near Point Cabrillo, California, $25,000.

"For a light keeper's dwelling at Robinson Point, State of Washington, $5,000.

"For a fog signal at Ediz Hook light station, State of Washington, $10,000.

"Toward a new tender for inspection service in the Thirteenth light-house district, $35,000.

"For post lights on the Monongahela River, $5,000."

And the Secretary of Commerce and Labor is hereby authorized to enter into contracts for the construction of the foregoing additional aids to navigation in the Light-House Establishment, not to exceed the limits of cost respectively fixed in the act entitled "An act to authorize additional aids to navigation in the Light-House Establishment," approved June 20, 1906.

Mr. LITTAUER. Mr. Chairman, these amendments carry appropriations amounting to $395,200. They are in order because of the passage and approval of the omnibus light-house bill, which covers many provisions, a part of which were included in the sundry civil bill, placed in the sundry civil bill on the Senate side. These amendments will take care of the balance of the projects authorized now by law, or rather such

part of the provisions as is deemed necessary for the coming fiscal year.

Mr. RYAN. Will the gentleman yield for a question?

Mr. LITTAUER. Certainly.

Mr. RYAN. Does this amendment contain all of the provisions of the omnibus light-house bill omitted in the sundry civil bill?

Mr. LITTAUER. They complete the bill, and make provision for at least the beginning of construction under the authorizations in the omnibus bill for all projects, except those already carried in the sundry civil bill.

Mr. RYAN. I hope it will be accepted; it is all right.

The question was taken; and the amendments were agreed to.

The Clerk read as follows:

Legislative——

Mr. GROSVENOR. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will read.

The Clerk read as follows:

Page 58, after line 21, insert:

"To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the 1st day of June, 1906, including the Capitol police, the official reporters of the Senate and House, and W. A. Smith, CONGRESSIONAL RECORD clerk, for extra services during the first session of the Fifty-ninth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available."

Mr. GROSVENOR. Mr. Chairman, I want that to come in between the word "legislative" and the words "House of Representatives."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

For furniture and materials for repairs of the same, $1,500.

Mr. LITTAUER. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 60, after line 19, insert:

"For hire of horses, feed, repair of wagons and harness for the Doorkeeper's office, $100."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To make the salary of the Chaplain of the House of Representatives $1,200 for the fiscal year 1907, $200.

Mr. SOUTHWICK. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

On page 60, after line 22, insert:

"To pay to the persons employed, respectively, as Deputy Sergeant-at-Arms in charge of pairs, clerk in charge of pairs, and the special chief page, designated as a 'Deputy Sergeant-at-Arms,' the difference between the compensation now paid them by law at the rate of $1,400 per annum and the rate of $1,600 per annum until the end of the present fiscal year or until otherwise provided for by law.

Mr. FITZGERALD. Mr. Chairman, I make the point of order against that. I also did it in committee.

The CHAIRMAN. The point of order is sustained.

Mr. LITTAUER. Mr. Chairman, I desire to offer some amendments.

The CHAIRMAN. The gentleman from New York [Mr. LITTAUER] offers amendments, which the Clerk will report.

The Clerk read as follows:

On page 60, after line 22, insert:

"For annual clerks to the Committee on Immigration and Naturalization and Irrigation of Arid Lands, during the fiscal year 1907, at $2,000 each; in all, $4,000."

"For additional compensation of the superintendent of the House document room during the fiscal year 1907, $500."

Mr. FITZGERALD. Mr. Chairman, I make the point of order against those amendments.

Mr. LITTAUER. The amendments just read are to carry out the purposes of the resolution adopted by this House this morning.

Mr. FITZGERALD. The resolutions got in as privileged, but it was merely to pay out of the contingent fund.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. LOUDENSLAGER having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, and that the Senate had further insisted upon its amendments 5 and 7, disagreed to by the House of Representatives, had asked for a further conference with the House of Representatives, and had appointed Mr. HALE, Mr. PERKINS, and Mr. BERRY as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6463. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson; and

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River; and

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 6355) concerning licensed officers of vessels.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. FULTON, Mr. HEMENWAY, and Mr. MARTIN as the conferees on the part of the Senate.

PROHIBITING THE KILLING OF WILD BIRDS AND WILD ANIMALS, DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I desire at this time to submit a conference report on the bill H. R. 13193, and ask to have it printed under the rule.

The SPEAKER pro tempore (Mr. LOUDENSLAGER). Is there objection?

There was no objection.

GENERAL DEFICIENCY BILL.

The committee resumed its session.

Mr. LITTAUER. Mr. Chairman, I do not believe the point of order made by my colleague from New York against the amendment just offered will bear, for the reason that the resolutions as passed this morning read as follows:

That during the remainder of the present Congress or until otherwise provided by law there shall be paid out of the contingent fund——

The CHAIRMAN. Is the appropriation in the proposed amendment limited to the authorization in the resolution? Is it any broader?

Mr. LITTAUER. It is for the fiscal year 1907, during the present Congress.

The CHAIRMAN. And is limited to the object contained in the present resolution?

Mr. LITTAUER. Limits it to the present resolution.

Mr. FITZGERALD. The resolutions upon which the gentleman bases his argument state that certain sums shall be paid out of the contingent fund until otherwise ordered by law. Now, if this provision is the law, and we authorize the payment out of the contingent fund, it is legislation. There is no law which authorizes these appropriations, and the resolution adopted by the House this morning provides that the amount shall be paid out of the contingent fund until otherwise provided by law. In order to justify appropriations on this bill there must be a law which authorizes them.

The CHAIRMAN. In the opinion of the Chair the resolution adopted by the House providing for the payment of its employees is a law within the sense of the rule, and, therefore, the Chair overrules the point of order. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To pay L. W. Busbey for services as clerk to the Committee on Rules, $1,000.

Mr. BURTON of Ohio. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The gentleman from Ohio offers an amendment, which the Clerk will report:

The Clerk read as follows:

Insert on page 61, after line 14, the following:
"For additional compensation to Harry West, as janitor and messenger to the Committee on Rivers and Harbors, $280."

Mr. LITTAUER. Mr. Chairman, I reserve the point of order on this item simply to make a statement to the effect that while I feel, being in charge of the bill, under obligations to make a point of order against any proposition not authorized by law, yet when it comes to the consideration of the salary of an attaché of the House, and especially a meritorious one like the one in question, I do not want to insist upon the point of order, but simply to call it to the attention of the House.

Mr. BURTON of Ohio. I will say, Mr. Chairman, this is offered in accordance with the unanimous request of the members of the Committee on Rivers and Harbors as a reward for very faithful service. I think that if there is any employee around this building, whether janitor, messenger, or clerk, who earns a salary of a thousand dollars, this man does. He stays here until half past 6 in the evening, and performs service not only as a janitor, but as a clerk, and in other lines; and if it were not for his efficient services another clerk would be required during the session.

Mr. LITTAUER. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The Clerk read as follows:

To pay the judgment rendered by the Court of Claims on May 18, 1905, in consolidated causes No. 23199, The Cherokee Nation *v.* The United States; No. 23214, The Eastern Cherokees *v.* The United States, and No. 23212, the Eastern and Emigrant Cherokees *v.* The United States, aggregating a principal sum of $1,134,248.23, as therein set forth, with interest upon the several items of judgment at 5 per cent from the several dates named therein to date of payment as provided in the decree, $1,134,248.23, together with such additional sum as may be necessary to pay interest, as required by said judgment.

Mr. LITTAUER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Page 66, in line 7, strike out the words "as required by said judgment," and insert in lieu thereof the words "as authorized by law."

The question was taken; and the amendment was agreed to.

Mr. MILLER. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question in relation to this item. On page 66 it says that interest shall be paid on these judgments at the rate of 5 per cent from the several dates named therein to date of payment. Now, what I want to know is what those dates are.

Mr. LITTAUER. The date is from the 12th day of June, 1838, and the total amount of interest will be somewhere, as I said, between $3,750,000 and $4,000,000.

Mr. MILLER. Then I understand the gentleman that the judgment and interest in this case is over $5,000,000?

Mr. LITTAUER. About $5,000,000 is substantially correct.

Mr. MILLER. I want to ask the chairman of the committee what amount has been allowed in this case for attorney fees?

Mr. LITTAUER. The Court of Claims has allowed 15 per cent, and has permitted the various attorneys to enter into a stipulation among themselves, confirmed by the court, as to the percentages to be paid to the various representatives.

Mr. MILLER. Is it not true that there have been allowed in the neighborhood of a million dollars attorney fees?

Mr. LITTAUER. I should say $750,000 was nearer correct.

Mr. MILLER. Well, now, Mr. Chairman, I desire to offer an amendment to this section. At the close of the section add this proviso.

The Clerk read as follows:

Page 66, at the end of line 7, insert the following: "That there shall be no fees paid to attorneys out of this appropriation until the Court of Claims shall have readjusted and determined the amount due each attorney who rendered services under contracts with the Eastern Cherokees or their representatives, and that said court shall have full power to determine the respective interest of each claimant, and the said appropriation shall bear no interest after the passage of this act."

Mr. LITTAUER. Mr. Chairman, I believe that provision would be subject to the point of order that it is new legislation not authorized by law. Our purpose here is simply to report to Congress the decree transmitted to us by the Court of Claims affirmed by the Supreme Court.

Mr. MILLER. Mr. Chairman, I hope the chairman of the committee will withhold his point of order.

Mr. LITTAUER. I will withhold it, in order that the gentleman may make a statement.

Mr. MILLER. I desire to say in reference to this particular item in this bill that in my judgment the legislation that has been heretofore enacted has been for the sole and express purpose of trying to secure very large fees in this particular case. I call the attention of the Chair to the law enacted in 1902, on July 1, providing that this case should be sent, or this class of cases should be sent, to the Court of Claims for judgment, and the language in the bill itself has been so carefully drawn that there can be no question but what it was drawn for the sole and express purpose of bringing together an agreement as to attorneys' fees. I read the language of that particular part of this bill:

The institution, prosecution, or defense, as the case may be, on the part of a tribe or any band of any suit shall be through attorneys employed in the manner prescribed under sections 2123 to 2126, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief, in the employment of such attorneys and the band acting through its head, each recognized by the Secretary of the Interior.

Now, I want to say that, so far as this particular law is concerned, these attorneys not one of them here that claim the adjudication of the court of $750,000 to be paid to them have ever rendered a single cent's worth of service in this particular matter. Never had anything to do with sending the case to the Court of Claims. It was sent to the Court of Claims on a report to Congress from the Secretary of the Interior, and not through any action whatever on the part of these men who are to receive large fees if this bill becomes law, and I can not see how it is possible for us to evade the passage of this bill, because it means that long ago, in 1850, the Senate of the United States provided by resolution that claims of this character should have 5 per cent interest paid on them, and under that law of 1850 the Supreme Court passed upon this case, and decided that they were entitled to 5 per cent interest.

And in place of receiving one million one hundred and thirty-four thousand and some odd dollars, they are now to receive about $5,000,000—$1,134,000 principal and $3,500,000 interest—and here are the attorneys, from every section of the Union, having an agreement with these Cherokee Indians, either the tribes or the bands, who have been doing various kinds of work, lobbying about this House and the other end of this building for the purpose of securing this 15 per cent of fees in this case, and they are getting a judgment here of $750,000; but the two men who will be benefited by this amendment have rendered more service in this case than all of the other attorneys combined. Yet they were unfortunate enough not to be in the Court of Claims under this particular bill at the time these cases were adjudged there, and hence their claims have not been allowed.

Upon the point of order, I wish to say that, in my judgment, this is not new legislation. I drew the amendment carefully, for the purpose of avoiding that very question, and it is for the purpose of having the Court of Claims simply readjust the attorney fees in this case, in order that all persons who had contracts under this law of 1902, under which this bill is being allowed, may have their claims readjusted, and that all persons may be permitted to receive the fees that they were entitled to under that law, and not under any new law that we are attempting to pass at this time. I say this is simply an act of justice to two men who have had more to do, so far as the legitimate work of this legislation is concerned, than any other two men connected with this case.

Mr. LITTAUER. Did I understand the gentleman to say "legitimate work?"

Mr. MILLER. The legitimate work of this case. I call attention to the fact that one of these men is Mr. Lynn, of Kansas, and I have offered this amendment because he is a citizen of my State. The other is a gentleman from the Indian Territory, Mr. Powell, and gentlemen who are acquainted with them know that they are men of sterling character and that they would not be here with a claim that was not just.

Mr. MADDEN. Does the gentleman contend that a judgment of the United States Supreme Court can be set aside by an amendment such as the gentleman offers?

Mr. MILLER. No; we are not asking that the judgment of the Supreme Court be set aside, but we are simply asking that it may be stayed until this question is determined by the Court of Claims.

Mr. MADDEN. Does the gentleman recognize the fact that the staying of the judgment of the court will compel the payment of interest on $5,000,000? And does the gentlemn believe that if his amendment passes he will have served the best interests of this Government when he compels it to pay interest on $5,000,000 in order that one or two friends in whom he may be interested may have their cases adjudicated?

Mr. MILLER. Mr. Chairman, in answer to the gentleman from Illinois, I desire to say that I sought first to protect the Government of the United States, and hence as part of this amendment it is provided that the interest on this amount shall not be paid after the date of the passage of this act.

Mr. MADDEN. Does the gentleman believe that this House

has the power to set aside a judgment of the United States Supreme Court?

Mr. MILLER. No.

Mr. MADDEN. Does the gentleman agree that the United States Supreme Court has said in its judgment that interest shall be paid upon this amount until the judgment is paid?

Mr. TAWNEY. At the rate of 5 per cent.

Mr. MADDEN. At the rate of 5 per cent. Does the gentleman agree to that?

Mr. MILLER. In my judgment this body has the power to legislate upon this class of claims exactly as it pleases, and, notwithstanding the judgment of the Supreme Court at this time, Congress, if it desired, could say that we would pay the principal and not any of the interest. There is no power on earth by which these people could compel the collection of any other amount.

Mr. MADDEN. Does the gentleman contend that this House has the power to review a decision of the Supreme Court of the United States?

Mr. MILLER. No; not to review a decision of the Supreme Court of the United States. And now, Mr. Chairman, we are getting away from the point at issue.

Mr. MADDEN. Does the gentleman maintain that we have the power to set aside a decision of the Supreme Court of the United States?

Mr. MILLER. I am not asking this body to set aside a judgment of the Supreme Court of the United States, but I am simply asking this House to stay the judgment of the Supreme Court of the United States until all of the claims that are legitimate may be fairly adjusted before this appropriation is paid.

Mr. MADDEN. What the gentleman is asking is that the Government be compelled to pay $200,000 per annum interest on this $5,000,000 judgment until the case of his friend may be adjudicated in accordance with his wishes.

Mr. MILLER. Mr. Chairman, I will state that, in my judgment, notwithstanding the decision of the Supreme Court of the United States, these people are not entitled to 5 per cent interest on that money. If I had my way about it, not a single dollar of that interest would be paid by this House, and if I had the power to pass upon this question and settle it for myself, I would say to these attorneys who have never performed any services in the case, "You can not collect $750,000 for services to the Cherokee Indians which you never rendered." Two of the attorneys were former members of the body at the other end of the Capitol.

The CHAIRMAN. The Chair is ready to rule.

Mr. GILBERT of Kentucky. I want to suggest that this House can make an appropriation and pay the judgment upon any terms it sees proper to prescribe.

Mr. MILLER. There is no question but that the gentleman is correct.

The CHAIRMAN. The amendment in the opinion of the Chair, is subject to a point of order. It contains a legislative provision providing that the judgment shall not bear interest from such a time. The Chair sustains the point of order.

Mr. LITTAUER. Now, Mr. Chairman, I offer the following amendment which I send to the desk.

The Clerk read as follows:

On page 66, lines 2, 3, and 4, strike out the words "from the several dates named therein to dates of payment as provided in the decree."

Mr. LITTAUER. That simply perfects the paragraph in view of the amendment previously adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was considered and agreed to.

Mr. MILLER. Now, Mr. Chairman, I desire to offer the same amendment I offered heretofore, except the last part of it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

After line 7, page 66, insert a new paragraph, to read:

"There shall be no fees paid to attorneys out of this appropriation until the Court of Claims shall have readjusted and determined the amount due each attorney who rendered services on contract to the eastern Cherokees or their representatives, and said court shall have full power to determine the respective interests of each claimant."

Mr. LITTAUER. I make a point of order against that, Mr. Chairman.

Mr. LIVINGSTON. I want to state to the gentleman that I do not think his amendment quite reaches the situation. These gentlemen that did the work that he mentioned were not attorneys. They were simply attorneys in fact. Unless he changes that amendment he will not accomplish what he wishes to. They were private citizens, and not attorneys, and for that reason the attorneys got together and fixed up things and left them out in the cold.

The CHAIRMAN. The Chair is of opinion that this amendment is subject to a point of order under the decree of the Supreme Court of the United States. The court has determined the attorneys' fees and certified it to the House, and the effect of this amendment would be to refer the whole case back to the Court of Claims for consideration, which is clearly legislation, and the point of order is sustained.

Mr. JAMES. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 66, lines 1, 2, and 3, strike out the words "with interest upon the several items of judgment at 5 per cent from the several dates named therein to the date of payment, as provided in the decree."

Mr. LITTAUER. Those words have been stricken out of the last amendment adopted.

Mr. JAMES. Not the clause fixing the interest at 5 per cent.

Mr. LITTAUER. We did not strike out the provision fixing the interest at 5 per cent, for the interest on these claims was fixed by the court.

Mr. TAWNEY. Mr. Chairman, I reserve a point of order on the amendment of the gentleman from Kentucky.

The CHAIRMAN. The Chair is inclined to think that the gentleman is too late to reserve the point of order.

Mr. TAWNEY. I understood the gentleman from New York to say that the language the gentleman sought to strike out had already been stricken out by the last amendment adopted by the Committee of the Whole. I did not know that that was not the fact, and so I did not reserve the point of order. If it is not the fact, I want to reserve a point of order on the amendment offered by the gentleman from Kentucky.

The CHAIRMAN. The Chair is informed that a portion of the language embraced in the language of the amendment offered by the gentleman from Kentucky had already been stricken out.

Mr. JAMES. My amendment was to strike out the language so as to not include the interest. Certainly a point of order would not lie against that. It would be in order to strike out "one million" and insert "two millions."

Mr. TAWNEY. Mr. Chairman, I will withdraw the point of order.

Mr. LITTAUER. Mr. Chairman, the original treaty stipulation in connection with which this claim arises called for interest to be paid at 5 per cent per annum. Moreover, in the year 1846, under the eleventh article of the treaty, the Cherokees agreed to submit to the Senate of the United States as umpire the question whether interest should be allowed on the sums found due them. The Senate of the United States as umpire on September 5, 1850, found interest should be allowed in the following resolution:

Resolved, That it is the sense of the Senate that interest at the rate of 5 per cent per annum should be allowed on the sums found due to the Eastern and Western Cherokees, respectively, from the 12th day of June, 1838, until paid.

Mr. JAMES. Mr. Chairman, if these people can afford to pay lawyers $750,000 or a million dollars to prosecute this claim, does not the gentleman from New York think that they could let the matter go without charging the Government any interest?

Mr. LITTAUER. Oh, I suppose they could do anything in that line, but I take it for granted that they would like to get everything that is coming to them. This matter of the adjudication of the attorneys' fees was a matter settled by the courts and is out of our hands.

Mr. JAMES. Does that contract provide for 5 per cent?

Mr. LITTAUER. The contract did and the allowance was made by the court.

Mr. LIVINGSTON. I want to suggest to the gentleman from New York [Mr. LITTAUER] that it is not a settled question, the amount of interest, from the time the matter was filed in the Treasury Department. There is one decision that interest can not go behind, and that was some time in 1905. We have that statement from the Auditor's office in the Treasury Department in the Appropriation Committee room, that it is uncertain when this interest began and how much of it there is due to these Indians. If the latter proposition is true, that interest does not begin to run on this claim until a certain date in 1905. There is a very small amount of interest, comparatively, due to these people.

Mr. LITTAUER. The gentleman will recognize that the provision carried in the bill as amended simply calls for the payment of this judgment in accordance with law and as authorized by law, and the authorization of the law was based on the decree of the Court of Claims, affirmed by the United States Supreme Court.

Mr. LIVINGSTON. Does the gentleman understand, then,

that the judgment of the United States Supreme Court would give them three and a half millions of interest?

Mr. LITTAUER. I believe that to be the fact.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I understand the position of the gentleman from New York [Mr. LITTAUER] is this, that the Supreme Court having acted in this case, it is the duty of Congress now to respect its decree.

Mr. LITTAUER. Unquestionably so.

Mr. SULLIVAN of Massachusetts. I would like to suggest to the gentleman from Kansas [Mr. MILLER], who a moment ago submitted the proposition that the Court of Claims be given power to review the decision of the Supreme Court fixing the attorneys' fees, that under the rule adopted this morning that is a very proper matter of consideration, and I would suggest to the gentleman from Kansas that he now improve the proposition, which would do honor to him and to his State, and ask the Committee on Rules to bring in a rule permitting the Court of Claims, an inferior court, to review the decision of the Supreme Court on the question of these attorneys' fees. [Laughter.]

Mr. SULZER. Mr. Chairman, I would like to ask the gentleman from New York a question.

The CHAIRMAN. Does the gentleman yield?

Mr. LITTAUER. Yes.

Mr. SULZER. How much is the entire amount at the present time, interest and judgment?

Mr. LITTAUER. The decree of the court is that the sum of $1,111,284.70, with interest thereon from June 12, 1838, to date of payment, less such counsel fees, etc., shall be paid to the Secretary of the Interior, to be by him received and held for the uses and purposes detailed.

Mr. SULZER. That is all very clear to the gentleman, but it is not clear to me. I want to know exactly what the entire amount is, if the gentleman knows.

Mr. LITTAUER. The entire amount, as near as I can make it out, is somewhere between $3,700,000 and $4,000,000, probably nearer the former sum.

Mr. SULZER. How much of that will go to these lawyers, and how much will go to the Indians?

Mr. LITTAUER. The Court of Claims has decreed that the attorneys are entitled to 15 per cent, and has subdivided that 15 per cent, the law fixing this percentage. The judgment declared that the attorneys were entitled to 15 per cent, and the Court of Claims passed upon the subdivision among the attorneys.

Mr. SULZER. I think the gentleman is wrong about that.

Mr. JAMES. I would like to ask the gentleman from New York if he can supply the House with a list of the attorneys and the respective amounts that are to be allowed under this decision of the Court of Claims?

Mr. TAWNEY. We have it in the committee room.

Mr. LITTAUER. We have such a list before us.

Mr. TAWNEY. We have the decree of the Court of Claims.

Mr. JAMES. I understand that; but I want to know what it is.

Mr. LITTAUER. I have in my hand here a statement of the awards to attorneys, as follows: To Vaile ———, 3 per cent less $3,600; to Belt, 1⅞ per cent less $2,000; to Scarrett & Cox, 2 per cent less $2,400; to James K. Jones, 1 per cent less $1,200; to M. C. Butler, 1½ per cent less $1,800; to William H. Robeson, 1½ per cent less $1,800; to R. L. Owen, 4½ per cent less $5,200; to Mrs. Belva Lockwood, $18,000.

Mr. JAMES. How is it they gave Mrs. Lockwood a stated amount of $18,000? Why did not they give the amounts in the other cases in a computed sum, so we could arrive at them as readily in the other cases as in hers?

Mr. TAWNEY. The amount awarded to Mrs. Belva Lockwood was the amount agreed upon by all the other attorneys.

Mr. LITTAUER. And deducted from their percentages.

Mr. MILLER. If the chairman of the committee will allow me, the Court of Claims in passing upon this claim awarded to Mrs. Belva Lockwood $3,000 a year for a period of six years.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. TAWNEY. Mr. Chairman, I move to strike out the last word. I desire to ask, for information, what amendment the gentleman from Kentucky has offered?

The CHAIRMAN. Without objection, the Clerk will again report the amendment proposed by the gentleman from Kentucky.

The amendment was again reported.

Mr. TAWNEY. Mr. Chairman, it matters not what this House may do with respect to the payment of interest upon this judgment. The court has decreed that under the contract between the Eastern Cherokee Indians and the Government of the United States they are entitled to interest on this $1,111,000 until that amount is paid, the only question being as to when the amount will be paid; and the interest will thereby cease. Whether, when the judgment is paid over to the Secretary of the Interior, or whether when the amount is paid to the beneficiaries after the rolls have been made up. A few days ago I wired the Secretary of the Treasury and requested that he submit to the Committee on Appropriations a statement of the amount of interest due on this claim. Their actuaries commenced work on Friday, and on Monday they reported to the committee by letter that if they computed the interest one way the aggregate amount would be so much, and if they compute it another way the aggregate amount would be so much, and if you compute it on a basis that after the judgment has been obtained it can draw only 4 per cent interest, then the aggregate amount of interest will be so much. The committee therefore came to the conclusion that it was best, in preparing this provision, to follow the judgment of the Supreme Court, and appropriate for the principal, allowing the Department to determine what amount of interest should be paid.

Mr. SHERLEY. Does not the gentleman think, in following the Supreme Court in this case and declining to follow it in the Philippine case, you are showing undue preference to the Indian against the Filipino?

Mr. TAWNEY. The gentleman from Kentucky may draw his own conclusions, from the fact that we are following in this case the long-established practice of appropriating for the payment of the judgment of the Supreme Court of the United States, or the amount the court has adjudged to be due to these Indians. It has no relation whatever to the ten or fifteen million dollars of claims that have not yet been sued against the Government of the United States. This is a judgment in this particular case, and like the judgment in the case in respect to the Philippine tariff duties to which the gentleman refers, collected in the Philippine Islands, this judgment will be paid as that judgment to which he refers should and undoubtedly will be paid.

Mr. SHERLEY. Mr. Chairman, if the gentleman will permit a suggestion, the claims are filed now, and you are simply trying to legislate them out of court.

Mr. TAWNEY. I beg to differ with the gentleman as to the filing of claims, but that is neither here nor there.

Mr. MAHON. Mr. Chairman, I make the point of order that debate on this has been exhausted.

The CHAIRMAN. The gentleman from Pennsylvania makes the point that debate is exhausted.

Mr. TAWNEY. I beg the gentleman's pardon, I have not consumed my time on the amendment which I offered. Mr. Chairman, I will say in conclusion that the court has decided that the Cherokee Indians are entitled to 5 per cent interest on the amount, namely, $1,111,000.

Until that amount is paid; that this is due them under the contract, which contract has been thus construed by the highest judicial tribunal in the land. We can not change it or modify it. We do not know exactly what the amount of interest will be. We appropriate for the payment of the principal and also appropriate for the payment of the interest, leaving to the Department to determine the legal question of the amount of interest due. I trust that the gentleman from Kentucky [Mr. JAMES] will not insist upon his motion.

Mr. FITZGERALD. Mr. Chairman, I move to strike out the last two words. I wish to speak in opposition to the amendment of the gentleman from Kentucky [Mr. JAMES] to strike out the words "with interest." For a great many years the Cherokees have been endeavoring to obtain a settlement with the United States of their claim growing out of the removal of the Cherokees to the western country under the treaty of 1838. As early as 1852 the question as to whether the Cherokees who had been removed were entitled to interest upon the amount expended in their removal from the Eastern States to the West—the present Indian Territory—was submitted to the Senate as arbitrator. The Senate decided in favor of the Indians, and for fifty years representatives of these Indians have been endeavoring to get this matter ratified by Congress, and finally, after all these years, during my term in the House the entire matter was left to the Court of Claims, and the right given to take the case to the Supreme Court. The Supreme Court has decided that the Indians are entitled to interest upon this money from a certain date until it is paid. And the one way for Congress to get rid of it and to settle this claim, which is a just one, and which should be paid, is to pay it now. If it be not paid now, the interest will continue to run. And I hope, in the interest of justice and fair play, the decree of the court will be carried out.

Mr. JAMES. You are making a plea for the Indians and

talking about what is just to them, but do you think it is just to the Government or to the Indians either to pay these lawyers $750,000?

Mr. FITZGERALD. I do not know just how much the lawyers are to get, but it was necessary for these Indians to employ somebody.

Mr. JAMES. Do you not know that the amount is in the neighborhood of $750,000?

Mr. FITZGERALD. I think it is about $600,000. I served six years upon the Committee on Indian Affairs, and this thing was continuously there. Of my own knowledge it has been pending in the courts six or seven years, and beyond that. The matter was presented as early as 1852. Now, somebody is entitled to be paid for services.

Mr. TAWNEY. If the gentleman from New York [Mr. FITZGERALD] will permit me, I would say that during the Fifty-third Congress this claim was certified by the Secretary of the Interior pursuant to an act passed by Congress authorizing an investigation and recommending payment, but it was not convenient for Congress at that time, because of deficient revenues, to pay it. So, in order to defer and delay its payment, it was referred to the Court of Claims. Had Congress paid it in 1894 or 1893 it would have saved this interest at 5 per cent, which is now a very large sum.

Mr. FITZGERALD. The mere fact that attorneys are to receive compensation as a result of the fruits of these victories is not sufficient, in my judgment, to refuse to pay what the courts have found should be paid.

Mr. JAMES. Does the gentleman say that the courts allow these fees?

Mr. FITZGERALD. I understand that the Court of Claims allowed these fees under a contract. I may be mistaken, but if I recall correctly, under contracts approved by the Secretary of the Interior.

Mr. JAMES. What Secretary of the Interior approved the contracts?

Mr. FITZGERALD. I do not know; but he has the power under a statute to approve contracts between attorneys and Indians, in order that the latter may have their rights presented to the court, and these contracts were approved. The attorneys were later sent to the Court of Claims. That court found how much of the money the different attorneys are entitled to, and I believe it is time we accepted the determination of the court and paid what has been found to be due.

The CHAIRMAN. The time of the gentleman has expired.

Mr. KEIFER. Mr. Chairman, I move to strike out the last two words. I do not wish to prolong this debate, but I wish to call the attention of the gentleman from Kentucky [Mr. JAMES] to the fact that if his motion to strike out a portion of this paragraph were to prevail it would not change the effect of the proposed legislation in any sense whatever, inasmuch as later along in the same sentence it is found that it is proposed to appropriate $1,134,248.23, "together with such additional sums as may be necessary to pay interest as required by said judgment."

Now, to strike out the 5 per cent that is provided for earlier in the paragraph would not affect the question a particle under the law. It is simply proposed in this legislation to pay the judgment, whatever it may be, of principal and interest.

Mr. JAMES. If the gentleman will yield, I would suggest in reply to his contention that can all be remedied when we come to it by striking out the additional words.

Mr. KEIFER. The gentleman suggests that it may be further amended. That is equivalent to saying that the judgment that we are attempting to pay is not to be paid, and is no binding judgment. This Indian case went to the Court of Claims, and then to the Supreme Court, and the Supreme Court laid down the rule by which this judgment was rendered in the Court of Claims, precisely in accordance with a decree of that court, and we can not now change it by any legislation; it has passed beyond our interference; and there is no use of trying to lug in here any parallel between this question and the Philippine paragraph contained in this bill.

Mr. JAMES. Do you contend that we can dispose of an amendment before we reach it?

Mr. KEIFER. I am not contending anything, but you are simply proposing to do an entirely useless and needless thing and to tie up the whole matter when we undertake to dispose of that whole question. We might as well strike all out about the judgment as to undertake to strike out the essential part of it. Now, Mr. Chairman, I think it is very plain, simply to deal with this as we provide in the language used here, that this shall be paid, and under the practice, if not by express provision of law, it is to be paid over to the Secretary of the Interior, and we are to pay interest on the judgment up to the date of such payment. Now, as I understand it, the date of such payment would be the time the money is paid over to the Secretary of the Interior, when he would become the disbursing officer for all these Indians, and from the date of that payment, whenever it is ready for disbursement, the Government will be relieved from any further interest.

Mr. LIVINGSTON. Mr. Chairman, I move that all debate upon this paragraph and amendments be closed in five minutes.

The question was taken; and the Chairman announced that the ayes seemed to have it.

Mr. MILLER. Division!

The committee divided; and there were—ayes 58, noes 27.

So the motion was agreed to.

Mr. REEDER. I move to strike out the last word.

Mr. Chairman, ever since I have known anything of these claims it appears that there are some circumstances connected with them which induces us to be extraordinarily willing to appropriate money to settle them.

Mr. WALDO. A parliamentary inquiry. Was the motion to close debate on this section?

The CHAIRMAN. To close debate on the paragraph, but amendments can be submitted.

Mr. REEDER. Mr. Chairman, I desire to use my time without interruption. It does seem that, for some reason or other, there have been exceptional advantages given to the Indians in this case. I know that we have a great many claims of our own constituents, and we do not expect to get anything but the principal for them. I believe we should adopt this amendment, because all the argument I have heard in support of paying this bill is that it is drawing 5 per cent interest. If we pay the principal, then interest will cease. I believe we ought to adopt this amendment, because we are treating these claimants with more respect, in my judgment, than we do our own constituents who have equally just claims.

Mr. TAWNEY. How can you pay the principal or the interest until the Interior Department has made up the rolls of those who are entitled to the benefit of the judgment?

Mr. REEDER. We can pass this amendment, and that will certainly put an end for the present to paying the interest; then as soon as the roll can be made up the principal can be paid. When the principal is paid interest surely will cease.

Mr. TAWNEY. What are you going to do with the decree of the Supreme Court?

Mr. REEDER. We have a great many claims for small amounts coming to us for various claims from our constituents, and they only ask the principal, and we can not secure that even. I sympathize with the claims of the Indians, but the claims of our constituents should have equal consideration.

Mr. LITTAUER. How is that on all fours with this?

Mr. REEDER. I am simply trying to stop the payment of near four million interest to these people who were interested to the amount of $750,000 or $780,000, which they expect to receive in attorneys' fees, which will amount to only about $200,000 if we cut out the interest, as we do in all other claims. I certainly think that this consideration should have weight with us in determining this question.

Mr. CAMPBELL of Kansas. Mr. Chairman, I offer the amendment which I send to the Clerk's desk, to be inserted at line 7, on page 66.

The Clerk read as follows:

Provided, That out of the moneys by this act appropriated for the payment of the decree of the Court of Claims in favor of the Eastern Cherokees the Secretary of the Interior shall cause to be paid 2½ per cent thereof to H. C. Linn and Samuel Powell in satisfaction of their claim for services rendered and expenses incurred by them on behalf of the said Eastern Cherokees, and deduct same pro rata from attorneys' fees allowed by the court.

Mr. LITTAUER. I make the point of order against this provision. It is not authorized by law, and changes existing law.

The CHAIRMAN. The amendment is not in order now in any event, because there is one pending. When the amendment offered by the gentleman from Kentucky shall have been disposed of, then it may be offered. The question is on the amendment of the gentleman from Kentucky [Mr. JAMES].

The question was taken; and the amendment was rejected.

The CHAIRMAN. The gentleman from Kansas offers the amendment which has just been read.

Mr. LITTAUER. I make the point of order against it.

Mr. CAMPBELL of Kansas. I hope the gentleman from New York will reserve the point of order.

Mr. LITTAUER. I must insist on the point of order.

Mr. CAMPBELL of Kansas. It is only a limitation on the fees already allowed.

Mr. LITTAUER. The question has already been argued here. This is contrary to the provisions of a decree of the Supreme Court, which has specifically passed on this question.

The CHAIRMAN. The Chair is clear that the amendment is out of order. Debate on the merits has been closed by action of the committee. The Chair sustains the point of order.

Mr. WALDO. I move to strike out the entire paragraph.

The CHAIRMAN. Debate is exhausted. All in favor of the motion will say "aye," those opposed "no."

The question being taken, on a division (demanded by Mr. WALDO) there were—ayes 17, noes 74.

Accordingly, the amendment was rejected.

The Clerk read as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For salaries, office of Commissary-General, $20.93.
For pay, and so forth, of the Army, $6,214.66.
For subsistence of the Army, $20.

Mr. KELIHER. Mr. Chairman, I desire to offer an amendment.

The amendment was read, as follows:

Add as a new paragraph, on page 69, after line 9, the following:
"For payment of damages, approved by War Department, to property in Winthrop, Mass., by reason of the firing of high power guns at forts Heath and Banks, Boston Harbor, in 1904 and 1905, $1,500."

Mr. LITTAUER. Mr. Chairman, I reserve the point of order in order that the gentleman may make an explanation of the amendment.

Mr. KELIHER. Mr. Chairman, this amendment covers items that have been passed favorably upon by the War Department, forwarded to the Secretary of the Treasury and by that official submitted to us that money be appropriated to cover the payment. Since their arrival in this body they have been passed like hot bricks from one committee to another, each most politely declining jurisdiction, a la Alphone and Gaston. Now, the Government stands pledged to the payment of these trivial claims, which are just and admitted to be so by those officials authorized and competent to judge.

In the beautiful seashore territory adjacent to the great city of Boston, in localities which the Almighty God seemed especially to have ordained should be reserved for residential purposes, where the people from the crowded and congested city might breathe, unpolluted, His invigorating air, the Government has deemed it necessary to erect its grim gray structures of defense. The most desirable spots in the most inviting sections of the town of Winthrop, strangely enough, pleased the strategical eyes of the Army engineers, and have been seized. Property valuations have lowered as a consequence and the town has suffered great losses in tax revenue as a result of forts and barracks taking the place of expensive residences and hotels.

In the target practice in which the heavy guns are fired, the territory for quite a distance around practically experiences the sensation of a modest earthquake when the skill of the gunner is tested. Windows are broken, ceilings cracked, crockery, glassware, vases, and other household fixtures and ornaments are ruined, chimneys demolished, and general damage done. The War Department receives an inventory of the damages complained of by the property owners, and a board of officers are designated to investigate the claims. This board returns its findings to the Secretary of War, who transmits a report of the amount covering same to the Secretary of the Treasury, who, in turn, submits it in his estimate to Congress. In the meantime those who have suffered the inconvenience and loss patiently await the payment of their claims. It would be much more honorable if the War Department bluntly told these claimants that they need hope for no settlement than to go through the hollow formality of fixing the amount of damages the United States has evidently no intention of paying. In everyday business life the individual who does not pay his just debts is dubbed a "dead beat," and his neighbors avoid him in all transactions, yet the United States Government, the richest at God's footstool, brazenly repudiates obligations it is bound in honor to meet, and yet expects those citizens who are the victims of its carelessness or cupidity to cheer for the national honor, which to them is a misnomer, and fight, if necessary, for a national integrity they do not recognize.

These debts are due; they are O. K.'ed by those vested with authority and qualified to pass judgment, and yet they remain unpaid. The War Department would speedily and gladly pay them if it had the money to do so, and now, while appropriating moneys to cover general deficiencies in the Government, what item in this bill is more deserving of recognition? Wonder is expressed at the growing hostility to the Army and Navy that becomes more manifest each day, and the query, "Why is it so?" is quite commonly heard. The reason can be found in part in the arrogant manner in which the officers of these branches of the service encroach upon the preserves of the civilian, giving little or no heed to the violence they do equity and fair play. I trust that this small item will not be bludgeoned to death by that awful instrument of destruction, the deadly "point of order," which violently terminates the existence of so many worthy, as well as unworthy, measures in this body. [Applause.]

Mr. LITTAUER. Mr. Chairman, I insist on the point of order.

The CHAIRMAN. The point of order is sustained, and the Clerk will read.

The Clerk read as follows:

For protecting public lands, timber, and so forth, $170.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bills of the following titles; in which the concurrence of the House of Representatives was requested:

H. R. 17345. An act creating a United States district court for China and prescribing the jurisdiction; and

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization of aliens throughout the United States.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

SEC. 3. The owner or owners, citizens or aliens, of any ship or vessel, foreign or domestic, and the owners of the cargoes laden thereon, and the owners of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, or in which the cause of action may arise, sitting as a court of admiralty and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however*, That no such suit shall be brought more than six years after the collision shall have occurred.

Mr. MAHON. Mr. Chairman, I make a point of order on that paragraph.

Mr. SULZER. I reserve a point of order against it, Mr. Chairman.

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

That the process or procedure by which suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. MAHON. Mr. Chairman, I make a point of order against that paragraph.

Mr. SULZER and Mr. FITZGERALD also made a point of order against the paragraph.

The CHAIRMAN. The point of order is sustained.

Mr. LITTAUER. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Insert after line 16, page 4, the following:
"That the tariff duties, both import and export, imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed."

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

After line 2, on page 5, add:
"*Provided, however*, That nothing herein contained shall operate to divest any claimant who has filed his claim in the Court of Claims of any right possessed by him at this date."

Mr. LITTAUER. Mr. Chairman, I make a point of order against that amendment, that it is new legislation and does not come within the terms of the rule.

The CHAIRMAN. The Chair is of opinion that the amendment is in order. It is germane to the amendment offered by the gentleman from New York.

Mr. OLMSTED. Mr. Chairman, the proposition before the committee is to prevent the success of claims which have been and will be made for the payment out of the Treasury of the United States of amounts aggregating something like $15,000,000 collected by the Philippine government as import and export

duties in those islands under orders issued by President William McKinley, and amendments thereto, one of which, I think, was by President Roosevelt. These moneys which it is sought to compel the United States to pay out of the Treasury——

Mr. SULLIVAN of Massachusetts. Will the gentleman yield?

Mr. OLMSTED. Yes; for a question.

Mr. SULLIVAN of Massachusetts. Concerning the statement of the gentleman that these claims will aggregate $15,000,000, I would like to ask where the gentleman gets his information? He ought to offer something to control the statement of the Attorney-General that the amount filed is about three and one-half millions.

Mr. OLMSTED. I do not want the gentleman to take up my time. I will insert, as a part of my remarks, a letter addressed by the Secretary of War to an honorable Member of this body, a member of the Committee on Insular Affairs, of which I also am a member, in which the Secretary of War states that the duties collected on imports and exports amount to the sum of $15,000,000; claims already filed and shown in the brief which has been submitted in opposition to this amendment aggregate some three and a half million dollars.

Now, this money, none of it, not a dollar of it, was ever paid into the Treasury of the United States. It was all collected in the Philippines and expended there in maintaining the government and in public improvements and in protecting the property and business of those who now claim it. So the attempt is to take out of the Treasury, to make the United States liable for, this large sum of money, which never was in the Treasury. The allegation is that the President of the United States had no authority to impose these duties, and that the Supreme Court has so decided. The Supreme Court has decided that the President did not in strictness of law have the right to impose such obligations, to be effective after the ratification of the treaty of peace with Spain, April 11, 1899; but Congress in 1902 attempted to ratify and make good the authority under which those duties were collected. It used this language in the act of 1902:

> The action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes, as set forth by said order, was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved.

We thought that ratified and confirmed and made legal these duties. The Supreme Court of the United States, however, in the Barnes case, has held that we did not use language broad enough to confirm and ratify the duties themselves. We thought we had done so, but the court which has the last guess, the court of ultimate conjecture, thinks that we did not think what we thought we thought, nor intend what we thought we intended, and therefore the court has held that we did not ratify those duties. The court put its first decision upon the ground that the order did not extend beyond the ratification of the treaty with Spain. A rehearing was granted, upon which it was shown that there had been a supplemental order and amendment, which was included in the act of 1902, and that the act of 1902 did ratify and confirm the duties.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 7099. An act to amend section 2871 of the Revised Statutes; and

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia.

IMMUNITY OF WITNESSES.

Mr. JENKINS. Mr. Speaker, I present a conference report on the bill (S. 5769) defining the right of immunity of witnesses, etc., together with the statement of the conferees, for printing under the rules.

The SPEAKER. The conference report will be printed under the rule.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, with Senate amendments thereto.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the bill referred to. Is there objection?

There was no objection, and it was so ordered.

The Senate amendments were read.

Mr. DENBY. Mr. Speaker, I move to nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. PERKINS, Mr. DENBY, and Mr. HOWARD.

NATURALIZATION LAW.

Mr. BONYNGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, with Senate amendments thereto.

The SPEAKER. The gentleman from Colorado asks unanimous consent to take from the Speaker's table and have laid before the House the bill referred to. Is there objection?

There was no objection, and it was so ordered.

The Senate amendments were read.

Mr. BONYNGE. Mr. Speaker, I move that the House nonconcur in the Senate amendments and ask for a conference.

The motion was agreed to.

The Chair announced the following conferees on the part of the House: Mr. BONYNGE, Mr. HOWELL of New Jersey, and Mr. BURNETT.

POSTAL COMMISSION.

The SPEAKER. Without objection, the Chair will have announced at this time the postal commission appointed on the part of the House under the post-office appropriation bill.

The Clerk read as follows:

Mr. OVERSTREET, Mr. GARDNER of New Jersey, Mr. MOON of Tennessee.

IMPROVEMENT OF MISSISSIPPI RIVER.

The SPEAKER laid before the House the following request from the Senate:

IN THE SENATE, *June 27, 1906.*

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River.

The SPEAKER. Without objection, the request will be granted.

There was no objection, and it was so ordered.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message in writing from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills of the following titles:

On June 25:

H. R. 9343. An act providing for the resurvey of certain townships of land in the county of Baca, Colo.;

H. R. 19181. An act to grant a certain parcel of land, part of the Fort Robinson Military Reservation, Nebr., to the village of Crawford, Nebr., for park purposes;

H. R. 3459. An act for the relief of John W. Williams;

H. R. 14171. An act making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes; and

H. R. 20119. An act to authorize the village of Oslo, Marshall County, Minn., to construct a bridge across the Red River of the North.

On June 26:

H. R. 4580. An act for the relief of Blank & Parks, of Waxahachie, Tex.;

H. R. 1326. An act granting an increase of pension to Ora P. Howland;

H. R. 13543. An act for the protection and regulation of the fisheries of Alaska;

H. R. 15513. An act to declare and enforce the forfeiture provided by section 4 of the act of Congress approved March 3, 1875, entitled "An act granting to railroads the right of way through the public lands of the United States;" and

H. R. 16953. An act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1907, and for other purposes.

On June 27:

H. R. 18198. An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1907, and for other purposes; and

H. R. 18529. An act to authorize the sale of certain lands to the city of Mena, in the county of Polk, in the State of Arkansas.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States:

To the House of Representatives:

In compliance with the resolution of the House of Representatives, the Senate concurring, on the 25th instant, I return herewith House bill No. 18668, entitled "An act ratifying and confirming soldiers' additional homestead entries heretofore made and allowed upon lands embraced in what was formerly the Columbia Indian Reservation, in the State of Washington."

THEODORE ROOSEVELT.

The SPEAKER. Without objection, for the present the message will lie on the Speaker's table.

There was no objection.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. DAVIDSON. Mr. Speaker, I submit a conference report on the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, together with the statement of the conferees thereon for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

JAMES M. ROBINSON AND SALLIE D. M'COMB.

Mr. OTJEN. Mr. Speaker, I submit a conference report on the bill (H. R. 10610) for the relief of James M. Robinson and Sallie D. McComb, together with the statement of the conferees thereon for printing under the rule.

The SPEAKER. The report and statement will be printed under the rule.

GENERAL DEFICIENCY BILL.

The committee resumed its session.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. LITTAUER. Mr. Chairman, I ask unanimous consent that the gentleman may complete his remarks.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Pennsylvania may conclude his remarks. Is there objection?

Mr. SULLIVAN of Massachusetts rose.

Mr. OLMSTED. I shall be very brief, I shall say to the gentleman.

Mr. SULLIVAN of Massachusetts. I simply want to have an equal amount of time on this side. That is the understanding.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. OLMSTED. Mr. Chairman, as I was just showing when interrupted, the Supreme Court held that in passing the act of 1902 Congress had not, as it supposed it had, ratified these duties. Now it is urged, and we are led to believe by gentlemen opposed to this amendment, that the court held that Congress had not the authority to ratify and make legal the duties collected between July 12, 1898, and March 8, 1902, the period covered by this amendment. I call attention, first, to the fact that if the court had held that, it never would have granted a rehearing for the purpose of determining whether or not Congress had attempted to ratify. It would have been a senseless proceeding to occupy the time of the court, of the Government, and of private counsel to determine whether or not Congress had attempted to do something which the court held it had not the power to do at all. In the opinion of the court I find this language:

Even if Congress could deprive the plaintiffs of their vested rights in process of being asserted (Hamilton *v.* Dillin, 21 Wall., 73), still it is not to be presumed to do so on language which literally has a narrower sense.

That is from the majority opinion, after rehearing, in the cases of Lincoln and others against the United States, and Warner, Barnes & Co. against the United States.

In other words, the court itself in these very cases cited here in support of the proposition that Congress can not do what we are trying to do, quotes approvingly the twenty-first Wallace case, to which I shall refer in a moment, and which is authority in support of the power of Congress to ratify.

Mr. PARSONS. Is there not in the next paragraph cited an opinion which threw doubt on whether Congress had that power?

Mr. OLMSTED. Yes; it cites an opinion, rather, in which the judge who wrote it used some language which might by possibility, though not by fair construction, be held as indicating that he had that opinion.

Mr. DALZELL. But that question was not before the court.

Mr. OLMSTED. The question was not before the court, and what the court did hold in that case of De Lima *v.* Bidwell was that it would not construe an act as having a retroactive effect unless the language plainly required it to do so. Now, in this brief which has been handed around here the opinion of the majority of the court in the Lincoln and Walter Barnes cases is published, but for some reason or other the opinion of the two justices, who, although they had concurred in the original ruling, dissented after the rehearing, is not printed. I call attention to that. It is written by Mr. Justice White, who says:

Construing the act of Congress which has been relied upon to establish the ratification—

That is the act of 1902—

by the light of the public documents referred to—

Meaning the supplements and amendments to the original order of President McKinley and referred to in the act of 1902—

my mind sees no possible escape from the conclusion that that act was intended to and did ratify the collection of the charges complained of.

You see he differed from the majority of the court upon the question whether or not Congress had ratified them, and then he said this:

Having no doubt of the power of Congress to ratify, to my mind it clearly results that I erred in giving my assent to the previous judgment of reversal, and I therefore dissent from the opinion and conclusion of the court now announced.

Now, as I have pointed out, the court, in the majority opinion, referred to the case of Hamilton *v.* Dillin, 21 Wallace. The opinion written by Mr. Justice Bradley in that case was concurred in by the entire court. President Lincoln had issued an order in 1861 permitting trade with some of the Southern States during the civil war to be had under regulations issued by the Secretary of the Treasury. The Secretary of the Treasury had made a regulation that anybody wishing to buy cotton in certain States could do so by paying a license or penalty or tax, or whatever you call it, of 4 cents a pound. It was contended that neither the President nor the Secretary of the Treasury had any right to impose any such tax or license fee. Thereupon the Congress, three years later, in 1864, passed an act ratifying and confirming those charges.

Mr. Justice Bradley, speaking for the Supreme Court, said, on page 96:

We are also of the opinion that the act of July 2, 1864 (13 Stat. L., 375), recognized and confirmed the regulations in question.

Then he quotes from the act and proceeds to say:

It will be observed that the law was prospective, relating to moneys thereafter to be received as well as to those already received. This was clearly an implied recognition and ratification of the regulations so far as any ratification on the part of Congress may have been necessary to their validity.

I call attention to another decision of the Supreme Court of the United States directly upon the point, found in Mattingly *v.* The District of Columbia.

Under the authority of the then District assembly in the District of Columbia improvements had been made and their payment provided for by assessments to the amount of one-third of their cost levied upon the property holders by the front-foot rule. It was held that those assessments were illegal. Congress passed an act several years afterwards ratifying and confirming them, whereupon the Supreme Court, as stated in the syllabus, held that—

Congress in exercising legislation over property and persons within the District of Columbia may, providing no intervening rights are thereby impaired, confirm the proceedings of an officer in the District or of a subordinate muncipality, or other authority therein, which without such confirmation would be void.

Mr. SHERLEY. Will the gentleman read to the House the ruling as stated in this Mattingly case by Judge Cooley and approved by the Supreme Court, on page 690?

Mr. OLMSTED. The gentleman may read that. I do not want to take up so much time. It is all in support of my proposition.

Mr. SHERLEY. The gentleman, of course, does not want to mislead the House. Now, the Mattingly case was a case where the action that was ratified by Congress was not a void action in the first instance. The case at bar is a case where the action of the President was absolutely void. Judge Cooley makes the plain distinction.

Mr. OLMSTED. Judge Cooley did not decide that case. The Supreme Court decided it and ruled the precise point, as shown by the syllabus which I have read, that by confirmation Congress may make that valid which without such confirmation by Congress would be void. Language could not be planer. And, again, as appears also in the syllabus, the court held:

That such confirmation was as binding and as effectual as if authority had been originally conferred by law to direct the improvements and make the assessments.

Mr. PADGETT. Is it not an axiomatic principle of law that a void act is incapable of ratification, and can not be ratified if it is void?

Mr. OLMSTED. The gentleman may, if he desires, put his opinion against that of the Supreme Court which I have just read, which plainly declares that Congress may by this ratification make that valid which without such ratification would have been void.

Mr. PADGETT. I am not speaking of my own opinion. I am speaking of what the text writers in the law books recognize as a fundamental principle of law.

Mr. DALZELL. Does not the gentleman recognize the difference between the act of an individual which is subsequently ratified and an act of sovereignty which is subsequently ratified? There is all the difference in the world.

Mr. PADGETT. I say that an act that is void is incapable of ratification, because it is only a void act when ratified.

Mr. OLMSTED. I can not yield further for discussion on that point.

Mr. GROSVENOR. I would like simply to call to the attention of the gentleman from Pennsylvania [Mr. OLMSTED] the case of Mattingly *v.* The District of Columbia, in the——

Mr. OLMSTED. That is the case from which I have just been reading.

Mr. GROSVENOR. That is exactly in point, and exactly answers the gentleman from Tennessee.

Mr. OLMSTED. Now, Mr. Chairman, in the case of De Lima *v.* Bidwell, which is relied upon in opposition to this amendment, Mr. Justice Brown did say, in substance, that perhaps if the taxes had been paid under protest and the action commenced before the ratification act there might be some doubt. But these duties were not paid under protest, and I have called attention to several decisions expressly upon the point, showing that we have the power by ratification to make these duties valid.

We find when we come to refer to the list of claims that the most of them were not filed until after the decision of the Supreme Court of the United States in the Lincoln and Warner Barnes cases. I will refer to this on the alleged question of contract or agreement.

Mr. PARSONS. I made the computation, and I think the gentleman is in error in that the number of claims are about a million dollars, and were not filed until after the first opinion was rendered by the Supreme Court, but two millions had been filed prior to that.

Mr. OLMSTED. Well, there is a list of them here, and I will put them in my remarks if I get permission a little later.

Mr. BUTLER of Pennsylvania. What are these claims? How much do they amount to?

Mr. OLMSTED. The claims already filed amount to about three and a half millions, and the claims that might be made would amount to $15,000,000.

It has been claimed here—the gentleman from Massachusetts put in evidence a letter from the Assistant Attorney-General which he claimed showed that there was some kind of an agreement between the Department of Justice and those claimants with which it would be inequitable for us to interfere. But looking at that letter, which I hold in my hand, a copy which he offered, I find that it says this:

> After the Supreme Court had reversed the decision of the Court of Claims in the Warner Barnes case, arrangements had about been completed for the appointment of an auditor to report the facts to the court in the other cases, when the motion for a rehearing was made, whereupon, by mutual consent, all further proceedings were suspended pending the result of the motion.

Now, that is all there was about that. There was no agreement that any other case should abide by the decision of these cases. The Court of Claims would not have appointed an auditor in any event pending the motion for rehearing. Both sides simply quit and waited for the decision upon that motion. By so doing the claimants neither gained nor lost any rights nor changed their status in any way. That there was no such agreement as is claimed or, rather, insinuated, is made clear by the letter from the Attorney-General himself in his letter not yet twenty-four hours old:

> OFFICE OF THE ATTORNEY-GENERAL,
> *Washington, D. C., June 26, 1906.*
>
> MY DEAR JUDGE CRUMPACKER: Secretary Taft has brought to my attention the letter which he wrote to you, under date of June 25, concerning the proposed legislation ratifying the collection of duties in the Philippines between the date of the exchange of the ratifications of the treaty and the imposition of a tariff by Congressional authority. I did not argue the case in the Supreme Court when it was originally submitted, but I did move for a rehearing, and applied for leave to argue the case orally, and then made an oral argument. I send you a copy of that argument, which you probably can not at this time read.
>
> I agree with the statement of the case by the Secretary of War. I can not have the slightest doubt that it was the intention of Congress to have ratified the collection of those duties in the original ratifying act, but of course I submit cheerfully to the opinion of the majority of the court to the contrary. These claims are highly inequitable, and it seems to me that it is the duty of Congress to protect the Government against all claims of this class except those which have gone to judgment. In the absence of legislation, I should fear the result of any case brought to recover duties collected during this period on goods coming from all foreign countries, for it would be difficult within the reasoning of the court to contend that the validity of the order imposing the duties did not cease with the war with Spain. Of course, goods coming from Spain during this period are entitled by the treaty to come in upon an equality with goods coming from the United States.
>
> There was no agreement made by this Department, with which I am aware, that the cases in the Supreme Court should be regarded as conclusive of any other cases.
>
> I send this hasty note to you at the request of Secretary Taft.
>
> Sincerely, yours,
>
> W. H. MOODY.
>
> HON. EDGAR D. CRUMPACKER,
> *Committee on Insular Affairs, House of Representatives.*

I have had a conversation with the Attorney-General over the telephone, in which he reiterated that statement and authorized me to say that there was no contract or agreement which should in any way operate to embarrass or affect us in passing this amendment ratifying these duties.

The letter of the Secretary of War referred to and indorsed by the Attorney-General is the one to which I have already referred, and which I am authorized by Secretary Taft, and also by the recipient of the letter, to make public. It contains the following complete statement of the case:

> WAR DEPARTMENT,
> *Washington, June 25, 1906.*
>
> MY DEAR JUDGE CRUMPACKER: I am very anxious to secure the passage of an act at this session of Congress which shall ratify and legalize the collection of duties, export and import, collected in the Philippine Islands by the provisional military government established by President McKinley and continued under President Roosevelt prior to March 8, 1902, when Congress passed its first Philippine tariff act.
>
> The duties collected between April 11, 1899, the date of the ratification of the treaty of cession, and March 8, 1902, must have aggregated at least $15,000,000 gold. This sum was expended in furnishing a government for Manila and the islands and in public improvements. It was paid chiefly by large importers and exporters who sold their goods at profitable prices including the duties paid, and who enjoyed the benefit and protection of the government which the taxes were expended to support. The money paid as duties never came into the Treasury of the United States at all.
>
> After the insular decisions, in which it was held that the Philippine Islands were territory belonging to the United States, in which the President as Commander in Chief has no power to impose duties on merchandise imported from the United States, Congress passed a law approved July 1, 1902, in the second section of which it was supposed by the War Department that Congress had ratified the duties collected in the islands prior to March 8, 1902. Section 2 is as follows:
>
> "SEC. 2. That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved: *Provided*, That nothing contained in this section shall be held to amend or repeal an act entitled 'An act temporarily to provide revenue for the Philippine Islands, and for other purposes,' approved March 8, 1902."
>
> Before the passage of this act of July 1, 1902, suits had been brought by certain importers against the United States in the circuit court of the United States and in the Court of Claims to recover back duties paid in the Philippines after April, 1899, and prior to March 8, 1902. The United States defended on many grounds, the main one being that there was a state of war due to the insurrection between the two dates which justified the imposition of such taxes as a military exaction, and another being that even if the taxes were illegal when imposed and collected, they were made legal by the ratification of them by Congress in section 2 of the act of July 1, 1902, above quoted.
>
> The Court of Claims upheld the first defense of the United States above stated, to wit, that there was, when the taxes were levied and collected, a state of actual war, in which they were justified as a military exaction, and so did not find it necessary to pass on the question of ratification. The two cases were appealed to the Supreme Court by the claimants, and that court decided that there was no such state of war in the Philippines as to justify the holding of the Court of Claims, and further held that section 2 of the act of July 1, 1902, did not in fact ratify and confirm the duties collected between April 11, 1899, and March 8, 1902, because by its terms it only ratified duties collected in pursuance of the Executive order of President McKinley of July 12, 1898, and subsequent amendments; that the order of July 12, 1898, was a war order, intended to be effective only during the war with Spain, and duties collected after the treaty of peace could not be said to be collected in pursuance of that order, and were, therefore, not within the ratification of the section relied upon.
>
> The result of the decision of the Supreme Court was to increase greatly the number of claims filed in the Court of Claims, so that the aggregate amount claimed amounts to three and one-half millions gold.
>
> A petition for rehearing was filed in the Supreme Court by the Attorney-General urging that an error had been made by the court in failing to note that while the original order of July 12, 1898, might have been limited to the period before the treaty of peace, the section included not only duties collected in pursuance of the original order of July 12, 1898, but also those collected in pursuance of amendments to the order, and that one or more of the amendments were made after the treaty of peace. The petition for rehearing was granted for argument solely on the point whether Congress had ratified the collection of the duties collected and now sought to be recovered. On the rehearing, the court, which had been unanimous in the first hearing divided, a majority affirming their previous decision, while Mr. Justice White and Mr. Justice McKenna dissented, expressing the opinion that Congress had ratified the collection of the taxes sought to be refunded and that, as

there was no doubt about the power of Congress to ratify, the judgment should be against the claimants. The duties sought to be recovered in these suits are only those imposed on goods coming into the Philippines from the United States; but if the collection of duties on goods coming from the United States was illegal, it is difficult to see how duties imposed by the same authority on goods coming from foreign countries were not equally unauthorized and illegal and why export duties were not also beyond the power of the Philippine authorities to collect.

In other words, there is very grave danger that under the decision of the Supreme Court and its construction of section 2 of the act of July 1, 1902, claims may be successfully presented and judgment obtained for the whole fifteen millions or more collected and expended in governing the Philippines for two years, so that this burden shall be saddled on the United States, to reimburse the persons who have already reimbursed themselves for the duties they paid in the prices at which they sold the imported or exported merchandise, and who have enjoyed the two years of protection that the Government which these duties supported afforded them. There is, therefore, not the slightest real equity existing in favor of these claimants, and it is right and just that if Congress can by curative legislation in any way defeat these claims, it should do so.

You, who were cognizant of the purpose of the act of July 1, 1902, know that it was the intention of the second section of that act to confirm and legalize the collection of these very duties, but the language selected must have been unfortunate. The court say in its opinion, in effect, that Congress might have used language specifically ratifying these duties, and because it did not do so and used doubtful language, it would construe the section strictly and hold that Congress did not thereby intend to ratify these duties. It seems to me, therefore, that Congress may properly now ratify specifically these duties and come up to the measure set by the court.

It is argued that this proposed act is beyond the power of Congress because it defeats vested rights. If that be true, why did the court consider the question of ratification at all? Why did it give a rehearing on the question whether Congress had in fact ratified the collection of the taxes? Why did it not invite a hearing on the question whether Congress could ratify, and if there were no power to ratify, base its decision on that conclusive ground? The truth is that the Supreme Court in the case of Hamilton *v.* Dillon (21 Wall., 73), has expressly upheld the power of Congress to ratify taxes collected without authority. The claimants have all along contended that the case of De Lima *v.* Bidwell (182 U. S., 1) was an authority for the proposition that retroactive legislation of this character, especially after suit brought, was unconstitutional. There was in that case an obiter dictum by Justice Brown, that after suit brought, it would seem that right to recover duties illegally paid could not be divested by curative or retroactive legislation.

The decision in De Lima *v.* Bidwell, however, was put on a different ground. It is full of significance that if Justice Brown's dictum had been recognized as law by the court it would have furnished a conclusive reason for deciding the cases just decided against the United States without any regard to the intention of Congress to ratify the collection of the duties involved, because, as already stated, the act of July 1, 1902, relied on for ratification, was passed after the claims before the court had been filed in the Court of Claims; and yet the court in these cases, not only in its original decision, but also in its order granting a rehearing, and also in its second decision, made the question whether Congress had intended by section 2 of the act of July 1, 1902, to ratify the collection of these duties, the turning point of the case. De Lima *v.* Bidwell, supra, is cited by the Supreme Court in the decisions in the present cases not for the point relied on by the claimants, which, as I have said, would have been conclusive and foreclosed all necessity for considering the question of ratification, but merely to the point that the court will strictly construe retroactive legislation of this character.

The mere fact of bringing a suit does not change the nature of a right. If vested before suit, it is vested afterwards. If capable of being lawfully divested before suit, it may be lawfully divested after suit brought. A judgment, of course, changes the nature of a right so that it can not be divested, but until judgment, verification may take effect. The proper limit to ratification is this, that the depository of authority may ratify any act done by one assuming authority without warrant, and validate the act as against a third party if meantime, i. e., between the act and the ratification, the third party affected has not changed his situation to his injury so as to make the validation of the act inequitable. How have the claimants here changed their situation to their injury in any way by the mere filing of the suits in the Court of Claims? As already said, this proposed act could not invalidate judgments already entered, and does not do so, but it may affect, and ought to affect, pending causes, and it will affect, and ought to affect, the myriad of claims that will be filed hereafter in order to enable the importers and exporters of the islands, most of them foreigners, to eat their cake and have it, too—to collect the duties from the consumers in the prices charged on the one hand, and to collect the duties again from the United States on the other, and also to enjoy the protection of the Government supported by these duties.

If this proposed act is invalid because it attempts to defeat vested rights, a view which the course of the court in these cases does not sustain, then the claimants will not be affected injuriously by it, for it would not prevent the court from giving judgment for the claimants on any of these claims. On the other hand, if the proposed act is within the power of Congress, there is not the slightest doubt of its duty to protect the Government against such inequitable claims by such curative legislation.

I inclose copies of the two opinions of the Supreme Court and the petition of the Attorney-General for rehearing.

Sincerely, yours,

WM. H. TAFT.

Hon. EDGAR D. CRUMPACKER,
Committee on Insular Affairs, House of Representatives.

Now, one word further. I call the attention of the gentleman from Massachusetts and of my friend from New York, who interrupted. If they will look at the list of these claims they will find that almost all of them were filed after the decision of the Supreme Court, which was filed April 3, 1905. Beginning with April 11, 1905, we find Stahl & Rumcker, a German firm; Leonora T. Aylade Zobel, a Filipino; and then Fabricade Tabacos La Insular and Alfredo Chicote, and then the first American claim after that date is that of the Standard Oil Company, of New York, for $173,221.44, filed April 12, 1905. That is all on page 1, and then a whole list of German and other claimants filling three pages more of hard names, with an occasional American by way of relief.

Mr. PARSONS. That was filed after April 3?

Mr. OLMSTED. That was filed April 11, 1905; which is after April 3.

Mr. BUTLER of Pennsylvania. Are the claims for duties they should have collected?

Mr. OLMSTED. These claims are made mostly by residents of foreign nations upon the Treasury of the United States for money which, as I explained, never went into the United States Treasury, but which they paid for the privilege of doing business in the Philippine Islands; paid without protest; paid supposing, as we all supposed, that the duties were legally due. We now propose to make them legal. The duties thus paid were all expended in the Philippines. It seems to me that any gentleman can cheerfully support this amendment who is more in favor of protecting the Treasury of the United States than he is in favor of protecting the interest of these foreign and a few American claimants, who have already reimbursed themselves by adding these duties to the prices charged for their goods. There is no equity in their claims. There is no question of power. The question is whether Congress shall or shall not stand between the people's Treasury and this stupendous raid upon its contents. [Applause.]

Mr. FITZGERALD. Does the gentleman believe that the personality of the claimant makes any difference as to what shall be done?

Mr. OLMSTED. It would not make a particle of difference with me, but if I were defending these claims I should expect the gentleman from New York to make a difference.

Mr. FITZGERALD. The gentleman emphasized particularly the fact that the Standard Oil Company has a claim of $173,000, while the total amount involved is over $15,000,000.

Mr. OLMSTED. There are a few other Americans that have some claims, but it does not make any difference whether they are Americans or foreigners.

Mr. FITZGERALD. Was there any special reason why the gentleman emphasized that particular fact?

Mr. OLMSTED. I did not emphasize that. I can not read the whole list. I will insert all the names in the RECORD with my remarks, if permission is given, without italics of emphasis on one of them. What we propose is to protect the Treasury of the United States against all these claimants, no matter what their nationality may be.

Mr. FITZGERALD. So that the name makes no difference?

Mr. OLMSTED. Not a particle.

Claims filed up to July 1, 1902.

22761.	Jan. 25, 1902.	Smith, Bell & Co. (British)	$2,000.00
22808.	Feb. 27, 1902.	Guiterrez Hermanos (Spanish)	69,469.98
22809.	Feb. 27, 1902.	Juan B. Gomez (Spanish)	9,870.88
22810.	Feb. 27, 1902.	Juan B. Gomez (Spanish)	1,563.55
22812.	Mar. 3, 1902.	Warner, Barnes & Co. (British)	700.00
22816.	Mar. 5, 1902.	Perez & Co. (Spanish)	700.00
22817.	Mar. 5, 1902.	Perez & Co. (Spanish)	8,000.00
22823.	Mar. 13, 1902.	Ker & Co. (British)	90,000.00
22825.	Mar. 13, 1902.	Ker & Co. (British)	2,150.00
22879.	May 19, 1902.	Jacob H. Ankrom (German)	72,568.43
22904.	June 21,1902.	Pacific Oriental Trading Co. (American)	104,374.53
22905.	June 21, 1902.	Pacific Oriental Trading Co. (American)	33,148.86
22907.	June 25, 1902.	Robinson & Co. (British)	60,000.00
	Total		454,552.23

Claims filed on and since July 1, 1902.

22914.	July 1, 1902.	C. Heinszen & Co. (German)	$125,000.00
23117.	Nov. 28, 1902.	Pacific Oriental Trading Co. (American)	125,761.18
24313.	Oct. 30, 1903.	The American Commercial Co. (American)	3,011.37
24314.	Oct. 30, 1903.	The American Commercial Co. (American)	267,556.21
24315.	Oct. 30, 1903.	The American Commercial Co. (American)	3,591.52
24316.	Oct. 30, 1903.	The American Commercial Co. (American)	550,875.34
27736.	Apr. 11, 1905.	Stahl & Rumcker (German)	6,500.00
27737.	Apr. 11, 1905.	Lenora T. Aylade Zobel (Filipino)	5,500.00
27738.	Apr. 11, 1905.	Fabricade Tabacos La Insular (Filipino)	400.00
27739.	Apr. 11, 1905.	Alfredo Chicote Beltran or Alfredo Chicote (Filipino)	5,500.00
27757.	Apr. 12, 1905.	The Standard Oil Co., of New York (American)	173,221.44
27772.	Apr. 17, 1905.	John M. Switzer (German)	20,000.00
27773.	Apr. 17, 1905.	Calder & Co. (British)	4,000.00
27774.	Apr. 17, 1905.	Lambert & Presty (British)	2,600.00
27775.	Apr. 17, 1905.	Manila Navigation Co. (American)	3,100.00
27776.	Apr. 17, 1905.	Philippine Lumber and Development Co. (American)	1,400.00
27777.	Apr. 17, 1905.	John Parsons (American)	3,000.00
27778.	Apr. 17, 1905.	Teodore de los Reyes (Filipino)	1,900.00
27779.	Apr. 17, 1905.	Successors of R. Bren (Filipino)	375.00
26013.	Aug. 18, 1904.	Kuenzle & Strieff (Swiss)	140,000.00

26014.	Aug. 18, 1904.	Kuenzle & Strieff (Swiss)	$175,000.00
26015.	Aug. 18, 1904.	Holliday, Wise & Co. (British)	117,000.00
27176.	Dec. 22, 1904.	Edward A. Keller Sturche (Swiss)	79,790.89
27177.	Dec. 22, 1904.	Edward A. Keller Sturche (Swiss)	2,226.27
27591.	Apr. 1, 1905.	Compania General de Tabacos de Filipinas (Spanish)	25,936.55
27592.	Apr. 1, 1905.	E. C. McCullough & Co. (British)	72,050.00
27593.	Apr. 1, 1905.	Yuchansti Companie (Filipino)	9,740.00
27594.	Apr. 1, 1905.	American Hardware & Plumbing Co. (American)	14,610.00
27595.	Apr. 1, 1905.	Newhall & Fenner (American)	5,357.00
27596.	Apr. 1, 1905.	Findlay & Co. (British)	19,967.00
27597.	Apr. 1, 1905.	Macondray & Co. (British)	40,395.00
27598.	Apr. 1, 1905.	Sackerman & Co. (German)	36,525.00
27599.	Apr. 1, 1905.	Lutz, Moll & Co. (German)	50,000.00
27600.	Apr. 1, 1905.	Behn, Myer & Co. (German)	100,000.00
27608.	Apr. 1, 1905.	Sprungli & Co. (Swiss)	3,477.86
27712.	Apr. 10, 1905.	Manuel T. Figueras (Filipino)	20,500.00
27713.	Apr. 10, 1905.	Compania Maritima (Filipino)	5,750.00
27727.	Apr. 10, 1905.	Conrad Struckmann et al. (German)	92,361.88
27728.	Apr. 11, 1905.	Heskyn & Co. (British)	4,700.00
27729.	Apr. 11, 1905.	Union Farmacentica Filipinas (Filipino)	2,100.00
27730.	Apr. 11, 1905.	Cesar Garcia, administrator of one Gomez (Filipino)	150,000.00
27731.	Apr. 11, 1905.	Manuel Earnshaw & Co. (British)	3,900.00
27732.	Apr. 11, 1905.	Juan Tuason, liquidator of G. Hollman & Co. (Filipino)	40,000.00
27733.	Apr. 11, 1905.	Meerkamp & Co. (German)	900.00
27734.	Apr. 11, 1905.	Reyes & Smith (Filipino)	25,000.00
27735.	Apr. 11, 1905.	Kunzle & Strieff (Swiss)	3,460.00
27780.	Apr. 17, 1905.	Forbes, Munn & Co. (British)	50,000.00
27781.	Apr. 17, 1905.	Felix Ullmann (German)	5,000.00
27782.	Apr. 17, 1905.	E. J. Smith (Filipino)	25,000.00
27783.	Apr. 17, 1905.	D. H. Gulick (Filipino)	2,500.00
27650.	Apr. 10, 1905.	Levy Brothers (American)	5,000.00
27651.	Apr. 10, 1905.	Henry D. Wolf (American)	5,500.00
27652.	Apr. 10, 1905.	Erlanger & Galinger (German)	20,000.00
27653.	Apr. 10, 1905.	Heacock & Freer (British)	5,000.00
27654.	Apr. 10, 1905.	Carlos Gsell (Swiss)	4,600.00
27655.	Apr. 10, 1905.	L. J. Lambert (American)	3,000.00
27656.	Apr. 10, 1905.	Daniel Denniston (American)	2,000.00
27657.	Apr. 10, 1905.	The B. W. Cadwalader Co. (British)	7,000.00
27658.	Apr. 10, 1905.	John Gibson (British)	3,500.00
27659.	Apr. 10, 1905.	El Verdadero de Manila (Filipino)	10,000.00
27660.	Apr. 10, 1905.	The Singer Manufacturing Co. (American)	8,500.00
27661.	Apr. 10, 1905.	Mariano y Chaco (Filipino)	5,000.00
27662.	Apr. 10, 1905.	M. A. Clarke (American)	15,000.00
27663.	Apr. 10, 1905.	Greilsammer Bros. (German)	1,200.00
27664.	Apr. 10, 1905.	Camille Alkam (Filipino)	7,500.00
27665.	Apr. 10, 1905.	Francisco Reyes (Filipino)	7,000.00
27666.	Apr. 10, 1905.	Froloch & Kuttner (German)	12,000.00
27667.	Apr. 10, 1905.	J. F. Ramires (Filipino)	4,100.00
27668.	Apr. 10, 1905.	Rafael Reyes (Filipino)	15,000.00
27669.	Apr. 10, 1905.	San Miguel Brewery (American)	4,600.00
27670.	Apr. 10, 1905.	J. M. Tuason & Co. (Filipino)	8,000.00
27671.	Apr. 10, 1905.	Alfredo Roensch (Filipino)	8,000.00
27672.	Apr. 10, 1905.	N. T. Hashim & Co. (Filipino)	30,000.00
27673.	Apr. 10, 1905.	Pons & Co. (Filipino)	100.00
27674.	Apr. 10, 1905.	Santos & Jaehrling (Filipino)	2,200.00
27675.	Apr. 10, 1905.	Blanc & Brunschwig (German)	1,400.00
27676.	Apr. 10, 1905.	Paul Hube (German)	2,400.00
27677.	Apr. 10, 1905.	Serre & Co. (Filipino)	600.00
27678.	Apr. 10, 1905.	Viuda de M. Soler (Filipino)	1,900.00
27679.	Apr. 10, 1905.	A. G. Sibrant, Siegert (German)	1,400.00
27680.	Apr. 10, 1905.	Ramon Montes (Filipino)	2,100.00
27681.	Apr. 10, 1905.	Lutz & Co. (German)	1,600.00
27682.	Apr. 10, 1905.	Rita Donaldson Sim Valdez (Filipino)	10,000.00
27683.	Apr. 10, 1905.	La Compañia Electricista (Filipino)	8,200.00
27820.	Apr. 24, 1905.	Angel Ortigm (Filipino)	30,480.00
27830.	Apr. 26, 1905.	Rueda Hermanos (Filipino)	1,417.00
27831.	Apr. 26, 1905.	Hubert y Guamis (Filipino)	1,800.00
27832.	Apr. 26, 1905.	Vinda de E. Bota (Filipino)	600.00
27833.	Apr. 26, 1905.	Cortijo & Co. (Filipino)	650.00
27834.	Apr. 26, 1905.	Perez Hermanos (Filipino)	350.00
27835.	Apr. 26, 1905.	Luciano Cordoba (Filipino)	1,600.00
			2,886,776.51

Mr. SULLIVAN of Massachusetts. Mr. Chairman, I should like to inquire of the Chair what time the gentleman from Pennsylvania [Mr. OLMSTED] occupied?

The CHAIRMAN. Twenty-three minutes.

Mr. SULLIVAN of Massachusetts. I ask unanimous consent that upon this side we may be given the same time.

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent that those opposed to the pending provision may have twenty-three minutes in which to debate it.

Mr. DALZELL. I hope that will be granted, Mr. Chairman.

Mr. OLMSTED. Before the gentleman proceeds, I ask unanimous consent to extend my remarks and to insert these lists of names, and so forth.

The CHAIRMAN. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. LITTAUER. Mr. Chairman, before the gentleman from Massachusetts [Mr. SULLIVAN] takes the floor, I should like to obtain unanimous consent that the debate upon this amendment end at a quarter before 6 o'clock.

The CHAIRMAN. The gentleman from New York asks unanimous consent that all debate on the pending proposition terminate at fifteen minutes before 6. Is there objection?

There was no objection.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. BOUTELL having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. DILLINGHAM, Mr. PENROSE, and Mr. MCLAURIN as the conferees on the part of the Senate.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SPOONER, Mr. KEAN, and Mr. BACON as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb.

SECTION 2871, REVISED STATUTES.

Mr. PAYNE. Mr. Speaker, I present a conference report on the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, to be printed under the rule.

The SPEAKER. The report and statement will be printed under the rule.

FORT CRITTENDEN MILITARY RESERVATION, UTAH.

Mr. LACEY. Mr. Speaker, I present a conference report on the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, to be printed under the rule.

The SPEAKER. The conference report will be printed under the rule.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I present for printing in the RECORD under the rule a conference report on the bill H. R. 19844—the sundry civil appropriation bill.

The SPEAKER. The report and statement will be printed under the rule.

GENERAL DEFICIENCY APPROPRIATION BILL.

The committee resumed its session.

The CHAIRMAN. The gentleman from Massachusetts [Mr. SULLIVAN] is recognized for twenty-three minutes.

Mr. SULLIVAN of Massachusetts. Mr. Chairman, the first proposition in support of this legislation is that there was no agreement between the Attorney-General's Department and these claimants which Congress ought to respect. In answer to the assertion that there was no agreement, I call attention again to the letter of the Hon. L. A. Pradt, of counsel for the United States, to Henry M. Ward, of counsel for the claimants, in which he says:

> After the Supreme Court had reversed the decision of the Court of Claims in the Warner case—
>
> Which was one of the test cases, I may explain—
>
> arrangements had been about completed for the appointment of an auditor to report the facts to the court—
>
> That is, the Supreme Court—
>
> in the other cases when the motion for a rehearing was made, whereupon, by mutual consent, all further proceedings were suspended pending the result of the motion.

"By mutual consent." Whose consent? Not the voluntary act of the claimants, because that would have no mutuality. There must be two parties in any arrangement which is mutual, and the other party unquestionably was the office of the Attorney-General. Now, what would have been the course of proceeding if it had not been for this arrangement which was adopted by "mutual consent?" The facts would have been reported to the Supreme Court, and if the rehearing had not been granted, the decision of Warner & Barnes would have stood; then judgment would have been entered on the cases upon which the facts had been reported, namely, upon these cases then pending in the Court of Claims.

Can there be any other conclusion upon that point? If there is any doubt remaining in the minds of any Member, let me

read the declaration of the Attorney-General, made in a solemn document which he submitted to the Supreme Court. This declaration was made on the 20th and 26th of May of this year. He submitted a statement of the number and amount of the claims pending in the Court of Claims, and common sense will teach us that he could have submitted them for one purpose, and one purpose only. That purpose was to call to the attention of the Supreme Court the amount of money which the United States would be liable for if the decision in the test cases were upheld. It was said in that brief:

We submit to the court the following statement of claims filed which would come under the decision of the court.

What decision? The decision in the two test cases; that and nothing else. What claims filed? The claims pending in the Court of Claims. What else could be meant? In the statement of May 26, in order to correct the total of claims which were filed in the first brief—and the first brief shows there was seven million and odd dollars liability on the United States and the second brief about three and a half million—he uses this language:

It is unnecessary to say that we had no intention or desire to exaggerate the consequences of the decision, and it is manifest that allowing for the error made—

Now, mark this language—

the sum of money at stake is large enough to justify our previous reference to the money importance of the issue.

What money importance? Money importance of the issue involved in the decision of the cases then pending in the Court of Claims, which would be decided in accordance with the principles of Warner & Barnes. Will any gentleman seek to crawl from under that state of facts and tell this House, on his conscience, that there was no agreement between the Attorney-General's office and these claimants?

Now, Mr. Chairman, something has been said of the amount of these claims. The gentlemen say they amount to $15,000,000. When I asked the gentleman from Pennsylvania upon what authority he stated that $15,000,000 would have to be paid, he said upon the authority of the Secretary of War. But the Attorney-General, on the 26th of May of this year—a little over a month ago—stated that only about three and a half million of claims had been filed. Perhaps some more will be filed, but I am convinced that not more than five million of claims can by any possibility be filed.

Mr. OLMSTED. Will the gentleman permit me a question?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. OLMSTED. The Attorney-General in his statement referred only to the claims which had been filed at that time. Is it not a fact that if we do not pass this law anybody else who paid any duty would have a right to make a claim as well as those who have filed claims?

Mr. SULLIVAN of Massachusetts. Yes; but what I wish to point out to the gentleman is that even in that case there is no authority for the statement that $15,000,000 would be paid out, and the Secretary of War has failed to furnish this House with the evidence upon which the assertion is based.

Mr. OLMSTED. He says that fifteen millions of duties and imports were collected.

Mr. SULLIVAN of Massachusetts. But the gentleman fails to remember, and while I do not say that the Secretary of War neglected to inform him, at all events he does not seem to be informed on this point, namely, that no money will have to be paid out that was collected on imports from foreign countries. That has been decided by the Supreme Court. Neither will any money have to be paid out that was collected on duties between the promulgation of the order and the time of the treaty of peace.

Mr. OLMSTED. That is precisely the point on which there is a difference of opinion between the gentleman and the Attorney-General of the United States as well as the Secretary of War.

Mr. SHERLEY. I suggest to the gentleman that the Supreme Court's decision expressly settles that in so many words.

Mr. SULLIVAN of Massachusetts. The gentleman from Kentucky [Mr. SHERLEY] is entirely right. The principles of the Supreme Court's decision authorize the statement which I make, namely, that the United States did have authority to levy duties upon goods coming from foreign countries.

So much for the question of the amount covered by the decision. I do not think that is an important question. If the principle for which we contend here to-day is a just one, it matters not whether one million is to be paid out or one hundred millions.

Mr. JAMES. Mr. Chairman, will the gentleman yield for a question?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. JAMES. I wish the gentleman would inform the House whether or not in his judgment these importers who paid out this tax added that tax or tariff to the price of the article which they sold to the consumer?

Mr. SULLIVAN of Massachusetts. I have no knowledge upon that point, and I think the question is wholly immaterial. I know that it is asserted, upon the other side, that there is no equity in the cause of these importers because they added the amount of the duties to the amount which the consumers would otherwise pay for the articles. In other words, that they had collected the money in the increased prices charged to the consumers. But let me point this out to the gentleman, that they paid this money because they had to, and then, as prudent business men, taking into consideration the possibility of an adverse decision by the Supreme Court, they collected what they could in the market under circumstances of free competition. If they had waited until the Supreme Court had spoken and the Supreme Court had decided against them, they having sold their goods at the low price, would have had no opportunity to recoup.

The only thing that was open to them as business men of common prudence was to fix the price high enough to make them whole in the event of the Supreme Court's decision being against them. And I would like to have some gentleman answer me this question: Assuming for the sake of argument that these men did collect this extra money from consumers, by what right does the United States claim it now? Does the United States Government come into equity with clean hands? If the money collected by these people is regarded as spoils, by what right is the United States entitled to the spoils any more than these claimants?

Mr. JAMES. Will the gentleman yield?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. JAMES. I will say in reply to that, by a right much greater than these monopolies will have to add this tax and make the consumer pay it to them in the sale of the article and then come and ram their hands into the Public Treasury and take it out again.

Mr. SULLIVAN of Massachusetts. The gentleman's argument, if carried out, is this: That if duties are collected unlawfully upon my goods to-morrow at the port of New York, Congress may, by subsequent act, authorize that illegal action and compel me to lose the money which was taken from me without warrant of law. If we follow his logic, then that affects every case in which excessive duties have been collected which have subsequently been declared by a board of appraisers or by the court to have been unlawfully collected and afterwards paid back.

Mr. DE ARMOND. Will the gentleman yield for a question?

Mr. SULLIVAN of Massachusetts. Yes.

Mr. DE ARMOND. Is not the fact about this: That the amount collected was turned into the Philippine treasury and has been paid out and used by the Philippine government, and that the question now is whether these importers, who have already got back, in the increased prices for which they sold, all they paid, shall have in addition these duties, or whether the United States shall be saved harmless from loss, even at the expense of not giving these people double the amount of the duty? [Applause.]

Mr. SULLIVAN of Massachusetts. Oh, I do not wonder that the other side applauds that sentiment, but I do not feel it in my heart to applaud it.

Mr. JAMES. That was also on this side.

Mr. SULLIVAN of Massachusetts. Let me say that the money did not find its way into the Treasury of the United States. It was expended upon the government of the Philippine Islands, but expended under the authority of the United States and under its direction, and the United States was responsible for that expenditure. But that does not relieve the United States of its obligation to pay it back under the decision of the Supreme Court that it was collected unlawfully.

Mr. OLMSTED rose.

Mr. SULLIVAN of Massachusetts. Oh, it seems to me I must be allowed to proceed.

Mr. OLMSTED. Just a single question.

Mr. SULLIVAN of Massachusetts. Not now, if the gentleman will pardon me.

Mr. OLMSTED. I yielded to the gentleman.

Mr. SULLIVAN of Massachusetts. The question in this case is a simple one, and that is, whether the order under which these duties were collected was a valid order, and whether, if it was not a valid order, it can be ratified and legalized by Congress. Now, every decision which has been cited by the gentleman is not to the point at all, because the only point involved in this case is whether Congress has power to ratify an unconstitutional act of the President of the United States. Now, then, an unconstitutional act is a void act, and there never was

power in a citizen or a sovereign to ratify an act which was void in the beginning. The gentleman from Pennsylvania [Mr. DALZELL] in his extremity sought to draw a distinction——

Mr. JAMES rose.

Mr. SULLIVAN of Massachusetts. I must decline to yield. The gentleman from Pennsylvania [Mr. DALZELL] sought to draw a distinction between the power of ratification of a citizen and of a sovereign. I assert there is no distinction between the power of a citizen and of the sovereign to ratify a previous act; that the whole power of ratification goes to the whole length of the previous authority. It is neither more nor less. The citizen can ratify that which might have been authorized before; the sovereign can ratify that which might have been authorized before. The decision which the gentleman mentions—Hamilton *v.* Dillin—was put upon the express ground that the money in that case was paid voluntarily and that the plaintiff therefore had no standing in court. That is entirely different from this case, where the money was paid under duress. Furthermore, in Hamilton *v.* Dillin the court said expressly that the order of President Lincoln imposing the charge of 4 cents a pound on cotton shipped from insurrection territory to a loyal territory was a valid order of the President under his power as Commander in Chief of the Army and Navy, and all that Congress did afterwards was not what it is attempting to do in this case—to ratify an unconstitutional and void act of the President—but to ratify a constitutional and valid act of President Lincoln in that case.

Mr. DALZELL. The gentleman said this money was paid under duress. Is there any basis for that statement?

Mr. SULLIVAN of Massachusetts. It was paid under duress, because——

Mr. DALZELL. Did anybody ever object to the payment? Is there an iota of proof that any man ever paid a dollar under protest? It was paid in the ordinary course of business, just as he paid customs duties before and as he paid customs duties since. It was a voluntary payment.

Mr. SULLIVAN of Massachusetts. I assert that the gentleman is wrong in his conclusion, for whenever the United States Government at any port in the Philippine Islands laid its hand upon property which was entitled to free entry under the existing law and compelled the importer to pay before he could remove that property and put it in the channels of commerce, that was a payment under duress, and not a voluntary payment. [Applause on the Democratic side.] Now, then, there is a power to ratify a voidable act, but there is no power to ratify a void act. To use a homely illustration, a physician may be called in to cure a sick man, but a physician can not bring back to life a dead man. So the Congress may exercise the power of ratification where Congress in the first place could confer power to do the act in question, but Congress can not subsequently ratify that which it had no authority in the first instance to authorize anyone to do, and Congress in this case, although it might have framed a tariff for the collection of those duties, did not attempt to so frame a tariff. It sought to ratify an order of the President under which duties were collected, and the President had no power to frame a tariff, because his only power was the war power, and the Supreme Court has held that a state of war did not exist which justified the exercise of the war power.

I do not believe that this House can be misled by specious and sophistical arguments away from this point, viz, that the Supreme Court has twice decided this question and twice confirmed the title of these claimants to money which the United States unlawfully exacted. The question is whether you shall nullify the decision of the Supreme Court, repudiate the just obligation of the United States to restore to these citizens their property which was taken from them without due process of law and without just compensation. Mr. Chairman, I reserve the balance of my time.

Mr. JAMES. I would like to ask the gentleman a question, if he will yield. Has it not always been Democratic doctrine that the consumer pays the tax, and, if that doctrine be true, how can you assert upon this floor that the importer, who has already collected that tax from the consumer, is entitled again to get it back from the Public Treasury? And is it not true that the consumer, if anyone, is the one entitled to this money back, and not the importer? [Applause.]

Mr. SULLIVAN of Massachusetts. The gentleman has stated what is undoubtedly true and what is Democratic doctrine, that the consumer has paid the tax. We are not denying that if these gentlemen pitched their scale of prices high enough to include the tax that the consumer in this case paid it. But I want to remind the gentleman of this fact, that it has always been Democratic doctrine also to respect the decisions of the courts and to maintain those guaranties for the safety of property which are the bulwarks of our civilization. [Applause.]

And in this case the money which has been collected has been collected without due process of law, and all that is sought here is to defeat the operation of that salutary principle in the fifth amendment to the Constitution of the United States. Now, if the gentleman, in his desire to confer some pretended favor upon these consumers, will defeat the law, let him do so. The action of Congress will not put back into the pocket of any consumer in this case, who has paid an excessive price, one penny which has been exacted from him. But the action of Congress may keep in the pockets of the United States Government the money which the highest court of this land has twice said was taken unlawfully and which under that decision the claimants are entitled to recover.

Mr. JAMES. Have you ever heard of the Democratic party advocating the decision of any court that held that a monopoly which once had placed the price it paid the Government upon the article and had gotten it back from the people, by adding the tariff to price of the article to the consumer, might go, by reason of the action of the court, and get money again which had already been paid into their pockets by the people? If that is Democracy, my friend, Massachusetts Democracy does not square with Kentucky Democracy. [Applause.]

Mr. SULLIVAN of Massachusetts. If Kentucky Democracy will sanction the taking of the property of the citizen without due process of law, I thank God I stand for Massachusetts Democracy and not Kentucky Democracy. [Applause.] Now, then, let me say in further answer to the gentleman's argument, suppose that taxes were unlawfully assessed upon property, and because of that assessment, under an unconstitutional law, the owner of the property advanced the rent to his tenants and collected that rent, and two years later the owner of that property, in bringing a suit, had his right confirmed to recover the taxes which were unlawfully collected.

Having got the taxes back under the mandate of the highest court, would the gentleman from Kentucky then say that it would be the duty of that landlord to hunt around for the tenants who had paid this excess and restore it to them? Is there any virtue in the assertion of a right any longer in the United States? These importers as business men acted as ordinarily prudent business men would. They fixed their prices perhaps high enough to cover the cost and the taxes which had been collected from them. And they had a right to take into consideration the fact that the Supreme Court might decide against them. Now it so happens that the Supreme Court has decided in their favor. Will the gentleman tell me that, having asserted a constitutional right in the courts of his country, after that constitutional right had been vindicated by the highest tribunal of the land, the Congress should then come in and deprive the litigant of the legitimate fruits of his victory?

Mr. JAMES. If the gentleman will permit me, I would like to suggest to him this: That the situation as it is here presented was not presented to the Supreme Court. Suppose this state of case had been presented to the Supreme Court: That the Standard Oil Company had gone to the Supreme Court and said, "We paid a tariff tax in the Philippine Islands, we added the price of that tax to our oil. We went into the humble cabins of those islands and made the users of the oil pay us that tariff tax back by adding it to the price of the oil. Now, we want the Supreme Court to hold that we can go and put our hands into the Public Treasury and get that money back again." Would any court hold that to be good doctrine?

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. SULLIVAN] has expired.

Mr. DALZELL. Mr. Chairman, I have just one anxiety about this matter, and that is that the House shall thoroughly understand the question before us. There is no question before us except that of a threatened tremendous raid on the Federal Treasury; and in my judgment the House will be false in its duty to the taxpayers if it does not put this legislation between these marauders and the public Treasury.

Now, how does this question arise? It is useless to go into a legal discussion. How does this question arise? In this way: During the war with Spain, in 1898, after we became possessed of the Philippine Islands, Mr. McKinley, as President, issued an order the effect of which was to continue business there; to allow to remain in force the customs duties that had been collected up to that time under Spanish law. His action was in the interest of law and order. Subsequently, after the treaty of peace was signed, instead of Congress taking hold of the matter, the President's order was continued. It turned out, as matter of law, that the President had no authority to make that order. But Congress undertook to ratify the order to legalize

the collection of all these customs duties that had been paid into the Philippine treasury.

Mr. TAWNEY. As they had authority to do.

Mr. DALZELL. The Supreme Court of the United States said that the act of Congress was not broad enough to legalize all the customs duties that had been collected. It did not say that Congress could not legalize their collection. On the contrary, the court's decision was, impliedly at least, to the effect that it was in the power of Congress to ratify the President's action, but that Congress had not gone far enough. The proposition now is to ratify, and to do it to-day.

Mr. SULLIVAN of Massachusetts. The gentleman misstates the decision of the Supreme Court.

Mr. DALZELL. The gentleman does not misstate it.

Mr. SULLIVAN of Massachusetts. The question was, Had Congress the power to ratify?

Mr. DALZELL. The Supreme Court of the United States listened to an argument on the question of whether Congress had ratified the assessment and collection of the sums collected as customs duties. Would not the Supreme Court have been a set of imbiciles if they had listened to a discussion on that subject if they intended to hold that Congress did not have the right to ratify? [Applause.]

Why, Mr. Chairman, there is no question of constitutional right or national honor involved in this discussion. No law that we can pass, that Congress can pass, can affect for a single moment the right of any individual citizen, or the right of any citizen of any country on the face of the globe. There is no question of constitutional right. The only question of honor involved is the question of honor in which we are interested—our honor in protecting the Treasury of the United States. [Loud applause.]

What are the equities of these people—these claimants? They have no equities. All they have is iniquity. Why, they paid these customs duties without protest. They paid them in the ordinary course of business. They assumed that they were paying them according to law. They believed they were paying them in accordance with law. They enjoyed the fruits of these customs duties. These customs duties were spent in protecting the lives and the property of the men who paid them. No dollar of them ever went into the Federal Treasury. They went into the treasury of the Philippine Islands; and every man that paid a duty collected that duty off the consumer to whom he sold his goods. [Applause.] He has been repaid now. Oh, the gentleman from Massachusetts smiles. I suppose he assumes that "the gentleman from Pennsylvania" is inconsistent in announcing that doctrine. On the contrary, it is Republican doctrine, that in the case of noncompeting articles the consumer always pays the tax. [Loud applause on the Republican side.] And these were noncompeting articles. My friends, be not deceived. The question, and the only question you are called on to answer in this legislation, is: Will you protect the Treasury against this band of marauders? [Loud applause on the Republican side.]

[Cries of "Vote!"]

Mr. KEIFER. Mr. Chairman, I would not detain this eager committee—eager to vote on this question—but the matter involved is one of grave importance, not only as to the pending claims against the United States, but it is one that ought to be settled, and forever, and so that it may be permanent, as affecting similar claims likely to arise in the future.

Similar claims arose after the Mexican war. Like claims arose in San Francisco, and were decided by our Supreme Court years ago on the principle that we had a right to ratify the acts of the officers who continued to collect import duties after the war, as we had been doing pending the Mexican war. Now, it is not a question here of usurpation of power by the President, as was stated in the opening remarks of the gentleman from Mississippi when he said that after the ratification of the treaty on April 11, 1899, the President of the United States usurped the power to insist upon collecting duties when he no longer had such power. That was not the case. Our officers who were collecting duties in the Philippine Islands commenced doing that under a Presidential order in August, 1898, and this continued under an order of the President up to April 11, 1899, and then still continued until the time came when Congress passed a law and put in operation the machinery necessary to collect duties in the Philippine Islands as provided in a law of Congress applicable to these islands. It is not justified by anything that took place to make the statement that the President of the United States assumed to do these things in violation of law. As was said by both gentlemen from Pennsylvania, it was understood that the duties were being lawfully collected. They were collected under the forms of law, and they were paid by people, importers who volunteered to go there and do business, pay the import duties, and sell their goods. They volunteered to pay, and there was no confiscation of property, as stated by the gentleman from Massachusetts [Mr. SULLIVAN]. They were not obliged to pay their money that went into the treasury of the Philippine Islands. The payments were voluntary; the importers knew when they took in their goods that they would be required to pay duties.

Now, it was said by the gentleman from Massachusetts [Mr. SULLIVAN] that this obligation does not rest on the United States as against foreigners who traded there. As I understood the gentleman from Kentucky [Mr. SHERLEY], he said it was decided in the Barnes case that the foreign importers had no rights against the Government. An examination of that decision will show that there is no distinction as to rights and liabilities among the importers who paid duties; and the Secretary of War is right in saying, as he does in a communication before me, that the claims presented by people trading from the United States and by these foreigners stand on an equal footing, and without this provision becomes a law this country will be liable to pay about $15,000,000 out of its Treasury, although no dollar of it went into it.

Now, I think sufficient has been said upon the legal question involved, and I know the committee is ready to vote, and I will give way. The right to, by law, ratify the collection of these duties is completely settled by numerous Supreme Court decisions, and especially in what is here called the "Barnes case," found in 197 United States, 429. There was no division among the justices of the Supreme Court in that case on the question of the right of Congress to ratify the illegal collection of import duties.

Mr. DE ARMOND. Mr. Chairman, the question before the committee is really, I think, a very simple one. First, is there any authority for this legislation—whether it would be valid or invalid? Without taking time to go into the law questions involved, I think it may fairly be inferred and reasonably understood from the decisions of the Supreme Court in the cases under consideration with reference to this matter that it is within the constitutional power of Congress to make valid acts performed by the Government, through agents of the Government and for the Government, which of themselves without that ratification or Congressional sanction are invalid. If that is not true, the adoption of this provision would work nobody any harm. So the real question is as to the merits.

There were collected of a number of persons import and export duties in the Philippines, the proceeds being devoted to and used by the Philippine government. Of course it goes without saying that every one of those persons who paid a duty added the duty to the price or value of the article which he sold, and so got his tax money back. Then, as an actual matter of fact, not a single one of those persons is out a solitary cent on account of these exactions.

Not a single cent of the money collected went into the Treasury of the United States, and yet if this legislation be defeated there may be taken out of the Treasury of the United States—that is, out of the pockets of the American people—millions of dollars—anywhere from three million to fifteen million dollars. It comes really to be a question of right and wrong, or a balancing of equities, if you may assume that there are equities on both sides, between the claimants, on bare technicalities, and the real, substantial rights of the people of these United States. The actual question before us is, Shall we keep the people's money in the Treasury, or shall we pay it out as an absolute gratuity to those who get it, who have already been reimbursed in the increased prices for their wares for every cent they paid out?

Mr. SULLIVAN of Massachusetts. On that point the former Speaker of this House, John G. Carlisle, has stated, in reference to this argument of inequity, that the charge that they had added the duty to the prices of their goods is unsupported by a shred of testimony.

Mr. DE ARMOND. Very well, Mr. Chairman; it is supported by the great body of common sense and common experience. Then, in addition to the equities, upon the one side of this question is the opinion of the Secretary of War, a profound lawyer, concerned in this matter only on behalf of the Government and the people who are interested in guarding the Public Treasury—only on behalf of the Government and the people who are interested in the Government—and upon the other side is the opinion of a great lawyer, John G. Carlisle, and his associates, who, perhaps, also are great lawyers, in the interest of their clients and themselves. [Applause.]

Mr. PERKINS. Mr. Chairman, will the gentleman from Missouri yield?

Mr. DE ARMOND. Yes.

Mr. PERKINS. I would like to ask the gentleman from

Missouri if it is not necessarily the fact that every one of these claimants when he shipped his goods to the Philippine Islands must have known of the existence of the duty and voluntarily sent his goods to the Philippine Islands instead of selling them elsewhere, knowing that the result of the transaction was that he would have to pay the duty and not be reimbursed?

Mr. DE ARMOND. Of course, Mr. Chairman; and it was but the continuance as to this matter of existing conditions, and there was not a particle of surprise upon anybody, and if there had not been by some sort of authority, well founded or founded in error, if you please, some such imposition of duties and some such collections for the gathering in of revenue, the Government might not have been carried on, and these claimants might as well have had no goods to sell, because there would have been nobody to buy them, and nobody to protect them until they could be sold. [Applause.]

The CHAIRMAN. The question arises on the amendment offered by the gentleman from Massachusetts [Mr. SULLIVAN] to the amendment offered by the gentleman from New York [Mr. LITTAUER]. Without objection, the Clerk will read the amendment offered by the gentleman from New York and then the amendment offered by the gentleman from Massachusetts.

Mr. DALZELL. And I hope the amendment offered by the gentleman from Massachusetts will be voted down.

There was no objection; and the Clerk again read the two amendments.

The CHAIRMAN. The question is first on the amendment to the amendment offered by the gentleman from Massachusetts.

The question was taken; and the amendment to the amendment was lost.

The CHAIRMAN. The question now arises on the amendment offered by the gentleman from New York [Mr. LITTAUER].

The question was taken; and the amendment was agreed to.

Mr. KEIFER. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

SEC. 3. That for the purpose of contributing toward the expenses of the national encampment of the United Spanish War Veterans, to be held in the city of Washington, D. C., in October, 1906, to be paid out on the order of the Secretary of the Treasury to the committee of the national encampment of the United Spanish War Veterans of the District of Columbia, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000.

Mr. FITZGERALD. Mr. Chairman, to that I reserve a point of order.

Mr. KEIFER. Mr. Chairman, I desire to say that this is a small sum compared to what has hitherto been appropriated for the purpose of paying a part or all of the expenses of national Grand Army of the Republic encampments held in the city of Washington. About $90,000 was appropriated in one form or another for the first Grand Army encampment, and at the last one there was an appropriation of about $25,000. The United Spanish War Veterans' national encampment is to be held here this year. It was believed by the committee of the United Spanish War Veterans, as some of its members tell me, that there would ordinarily be no difficulty in raising enough money for their purpose, but when the earthquake came and solicitations were made in the city of Washington for the sufferers in San Francisco, it was found that they were unable to collect any considerable amount for the coming encampment. The total amount of expenses that they have incurred is about $10,000. This proposition of mine is to pay only one-half of the expenses. It is a very small sum, as it is expected that the Spanish war veterans from every State in this Union will assemble here in October. I hope the gentleman from New York will withdraw the point of order, as the sum is a very small one compared with like appropriations in the past.

Mr. FITZGERALD. These national encampments are a great financial benefit to the city where they are held. It is customary for the citizens to raise the money to defray certain expenses. Members seem to hesitate to make a point of order against such a provision as this for fear of political retaliation.

Mr. KEIFER. Oh, there is no politics in it.

Mr. FITZGERALD. I do not believe that the vigorous young men members of the Spanish War Veterans are in favor of applying to Congress for any part of the expenses for that purpose, and I insist on the point of order.

Mr. KEIFER. This motion of mine is made on the authority and at the request of the committee in this city that has this matter in charge, and I hope the gentleman from New York [Mr. FITZGERALD] will withdraw the point of order.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LITTAUER. Mr. Chairman, I move that the committee do now rise and report the bill to the House with a favorable recommendation.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRUMPACKER, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the general deficiency bill and had made sundry amendments thereto and instructed him to report the same back to the House with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken on the amendments in gross.

Mr. WALDO. Mr. Speaker, I want to demand a separate vote on the Cherokee Indian appropriation matter, on page 65, line 15.

The SPEAKER. That provision seems to be a part of the bill.

Mr. WALDO. It is a separate provision of the bill, and I want to take a separate vote on the amendment to the bill.

The SPEAKER. But that seems to be a part of the bill. The committee reported back the bill with several amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. WALDO. But there was a motion made to strike out that amendment.

The SPEAKER. But the motion did not prevail.

Mr. LITTAUER. Mr. Speaker, I move the previous question on the bill and amendments to its final passage.

The SPEAKER. The question is on ordering the previous question on the bill and amendments to its final passage.

The question was taken; and the previous question was ordered.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the vote will be taken in gross. [After a pause.] The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. Without objection, the bill will be considered as engrossed and read a third time, read the third time, and passed.

Mr. FITZGERALD. But, Mr. Speaker, I desire to make a motion to recommit the bill with instructions.

Mr. LITTAUER. Mr. Speaker, I move to recommit the bill, and on that I demand the previous question.

The SPEAKER. The question is first on the engrossment and third reading of the bill. Although the gentleman was a little late, still it was equivalent to an objection; so that as the Chair put it, that without objection the bill would be considered as engrossed and read a third time and passed, the gentleman coming as he did a little late no doubt intended to object, and therefore the Chair will treat it as an objection.

Mr. FITZGERALD. The only thing to which I objected was the last portion of it. There was no objection to the first two provisions, and then I asked to be recognized before the last motion is agreed to.

The SPEAKER. It was submitted in its entirety, and an objection voids the whole request. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question now is on the passage of the bill.

Mr. LITTAUER. Mr. Speaker, I move to recommit, and on that motion I demand the previous question.

Mr. FITZGERALD. Mr. Speaker, I move to recommit with instructions.

The SPEAKER. The gentleman from New York, Mr. LITTAUER, moves to recommit, and the Chair will state to the gentleman from New York, Mr. FITZGERALD, in fairness to him, that while the gentleman did apply for recognition prior to the third reading, and has again applied at this time to move to recommit, yet under the usual parliamentary procedure the friends of the bill are entitled to recognition over those who would attack it.

Mr. FITZGERALD. Mr. Speaker, if the Chair will indulge me, I do not dispute that that is the practice, but since the gentleman from New York [Mr. LITTAUER] did not ask to be recognized until the suggestion was made to him, and I had made my request previous to that suggestion, I submit in fairness I should be recognized at this time.

The SPEAKER. The Chair will state to the gentleman that that was in the shape of a notice to the Chair that the gentleman desired to be recognized; but after that, the Chair still keeping notice and quite well understanding that the gentleman did desire to be recognized, a motion was put and carried for a third reading of an engrossed bill. The bill was read a third time, and then for the first time the motion to recommit was in

order and the gentleman did not obtain any rights until he had been recognized.

Mr. FITZGERALD. But the Speaker turned his head away. [Laughter.]

The SPEAKER. Therefore the Chair, pursuing the usual parliamentary usage, recognized the gentleman's colleague on the committee to move to recommit the bill, upon which motion he demands the previous question. The question is on ordering the previous question on the motion to recommit.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 140, noes 56.

So the previous question was ordered.

The SPEAKER. The question now is on the motion to recommit.

The question was taken; and the motion to recommit was rejected.

The SPEAKER. The question now is on the passage of the bill.

The question was taken; and the bill was passed.

On motion of Mr. LITTAUER, a motion to reconsider the last vote was laid on the table.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 7254. An act granting an increase of pension to Isum Gwin;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 7546. An act granting a pension to Edna Buchanan;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 15945. An act granting a pension to Cynthia A Compton;

H. R. 19670. An act granting a pension to Maria Rogers;

H. R. 15856. An act granting a pension to Gordon A. Thurber;

H. R. 17809. An act granting a pension to William Barrett;

H. R. 18235. An act granting a pension to Ida M. Warner;

H. R. 18324. An act granting a pension to Charles H. Lunger;

H. R. 14798. An act granting a pension to Lucinda Brady;

H. R. 18732. An act granting a pension to James J. Christie;

H. R. 19120. An act granting a pension to Eliza E. Whitley;

H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;

H. R. 18587. An act granting a pension to Catherine Bausman;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 17102. An act granting a pension to Katherine Studdert;

H. R. 13967. An act granting a pension to Sophie M. Staab;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 2212. An act granting a pension to John B. Johnson;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 6893. An act granting a pension to Augusta C. Reichburg;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 8140. An act granting a pension to Lucy A. Thomas;

H. R. 1420. An act granting a pension to John Nay;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;

H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26, north of range No. 1 west of the Indian meridian, in Kay County, Okla.;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;

H. R. 7763. An act granting a pension to James S. King;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 19519. An act to extend the privilege of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 17600. An act to grant authority to change the names of certain sailing vessels;

H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 675. An act granting an increase of pension to Daniel Morrissey;

H. R. 19160. An act granting an increase of pension to Asa G. Brooks;

H. R. 16575. An act granting an increase of pension to Taylor Bates, alias Baits;

H. R. 19662. An act granting an increase of pension to Joseph Kircher;

H. R. 18713. An act to validate certain certificates of naturalization;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 18432. An act granting an increase of pension to David Dirck;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River; and

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.

PERSONAL REQUEST.

By unanimous consent, Mr. HOGG was granted leave of absence indefinitely on account of sickness.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. CURTIS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Cruzen's Christian Chronology, H. R. 11724, Fifty-seventh Congress, no adverse report having been made thereon.

WAKELAND HERESFORD.

The SPEAKER laid before the House the bill (H. R. 4599) to remove the charge of desertion from the military record of Wakeland Heresford, with a Senate amendment.

The Senate amendment was read.

Mr. YOUNG. Mr. Speaker, I move that the amendment be concurred in.

The motion was agreed to.

SETH DAVIS.

The SPEAKER also laid before the House the bill (H. R. 12892) granting an honorable discharge to Seth Davis, with a Senate amendment.

The Senate amendment was read.

Mr. YOUNG. Mr. Speaker, I move that the amendment be concurred in.

The motion was agreed to.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until 8 o'clock.

Mr. WILLIAMS. Mr. Speaker, if it is in order, about which I have some doubt, which I will leave to the Speaker, I move, as a substitute, that the House take a recess until 8 o'clock, and that from 8 o'clock until the hour of 11 the House shall debate the question of the general administrative bill, and that the time be equally divided between the two parties.

Mr. PAYNE. I make the point of order against the amendment, Mr. Speaker. I will state, however, that the object is for debate upon this bill.

The SPEAKER. It occurs to the Chair the amendment is not in order, except by unanimous consent.

Mr. WILLIAMS. Well, Mr. Speaker, if the gentleman from New York were to retire from the Chamber a minute, I think I could get unanimous consent, but I am a little afraid that with him here I could not.

Mr. PAYNE. I am a little afraid the gentleman, Mr. Speaker, is overconfident about unanimous consent.

Mr. WILLIAMS. Then I will ask unanimous consent.

Mr. PAYNE. Then I will object.

Mr. WILLIAMS. I thought so.

The SPEAKER. The question is on agreeing to the motion of the gentleman from New York.

The question was taken; and the Chair announced the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, I call for a division, so that if this motion is voted down we can then get the other one just in the interest of fair play.

The House divided; and there were—ayes 135, noes 62.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. I want to ask whether in the gentleman's motion he has fixed any time at which the House should adjourn?

Mr. PAYNE. There was no time fixed in the motion.

PURE-FOOD BILL.

Mr. MANN. Mr. Speaker, before the Speaker announces the result may I present a conference report for printing on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes?

The SPEAKER. The Chair will state that a conference report can interrupt, under the precedents, a motion to adjourn.

Mr. MANN. It is for printing in the RECORD only.

The SPEAKER. Well, without objection, it will be printed in the RECORD.

There was no objection.

The SPEAKER. The ayes have it; and the House is in recess until 8 o'clock.

AFTER RECESS.

The recess having expired, the House was called to order by Mr. GROSVENOR, Speaker pro tempore.

COLLECTION OF THE REVENUE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 19750) to amend the act to simplify the collection of the revenue.

The SPEAKER pro tempore. The gentleman from New York moves that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 19750.

The motion was agreed to; and accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

The CHAIRMAN. The gentleman from Ohio [Mr. GROSVENOR] is recognized for one hour.

Mr. GROSVENOR. Mr. Chairman, I yield two minutes to the gentleman from Wisconsin [Mr. MINOR].

Mr. MINOR. Mr. Chairman, I regret exceedingly that this first session of the Fifty-ninth Congress is approaching the hour of adjournment without having had an opportunity to fairly discuss, consider, and, as I believe it would have done, pass the bill commonly known and designated as the "merchant-marine shipping bill."

In my judgment no more important or far-reaching question confronts the American people at this time than that of rehabilitating our merchant marine engaged in the foreign or over-sea trade. Each year we witness the passing away of the American ship. Each year witnesses the rapid disappearance of the American flag floating from the masthead of the American ship, built in American yards by American workmen, ladened with American products that seek the markets of foreign lands. Three thousand millions of dollars measures the value of the exports and imports of this magnificent and blessed country of ours. The balance of trade under this Republican Administration has surpassed all limits ever conceived by man. We produce more than any people in the world, and carry less across the sea to foreign lands than any nation in the world that pretends to anything above a fifth-class power, either in peace or war. We pay to foreign shipowners each day of every year not less than $500,000 in gold, or its equivalent, for the transportation of people and products to and from our shores. Out of the more than forty millions of tons of freight brought in and taken out of our ports only about 10 per cent in freightage is paid to American bottoms. Ninety per cent is carried by foreign ships whose owners have no interest in our people or our Government beyond the collection of the freight on the products exported and imported. From a commercial standpoint we are helpless when it comes to the regulation of freight rates, because the 90 per cent will surely control the 10 per cent. From a military point of view we are in a still more deplorable condition. We may, and we are, building up a navy that is the pride of the nation. Our battle ships and armored cruisers are the peers of any that float on the bosom of the oceans and seas of the earth. The officers and men of our Navy have no superiors—and we may be pardoned for believing they have no equals, man for man—but we haven't enough of them to man our fleets, and never can have till we have more American ships for American commerce, for it is there we must look for help in time of war.

Our Navy is now costing us more than one hundred millions of dollars each year, and very soon, if we continue our present naval policy, we will be compelled to take from the Treasury of the United States fifty millions additional; but be it one hundred or two hundred millions each year for naval ships and their maintenance in time of peace, what will be their value in time of war unless we have men to man them? And unless we have a merchant marine where are we to look for seamen to man our Navy in time of need? The man behind the gun sank the Spanish fleets, and the man that sights and fires the guns will win the battles of the future; but you can not take him out of the cornfield and off the plains to-day and expect him to win the nation's battles to-morrow. The Blue Jackets, that should be and are the pride of our people because they in the last analysis win our victories, must have sea training—sea legs, if you please—and these qualifications do not come from running a cultivator in a cornfield or riding a cow pony on the plains of the boundless West, but they do come from sea service on our merchant marine.

Every patriotic American citizen may be proud of our achievement. Our people are progressive, enterprising, and filled with a genius unsurpassed by any people inhabiting the globe. We have outstripped all the nations of the earth by our productive power. We produce more and consume more than any people in the world; but this is only one side of the picture. We look upon this with pride and satisfaction. What of the other side? We see ourselves wholly at the mercy of the grasping nations of the earth, carrying to foreign lands our products at rates fixed by themselves, having no interest in our welfare beyond our ability to pay the freightage they have decreed that our products shall pay. [Great applause.]

Mr. Chairman, my time is limited, therefore I can not discuss this question as I had hoped to on the floor of the House, but I shall ask unanimous consent to extend my remarks in the RECORD, and in doing this I shall treat the question from the standpoint of the agricultural interests of the Middle West.

Mr. Chairman, "What is Nebraska going to get out of this legislation?" good-humoredly asked a western Representative at a recent hearing on the shipping bill of the Merchant Marine Commission before the Committee on the Merchant Marine and Fisheries of the National House.

This is an entirely pertinent and valid question. What is the great West going to get out of this measure if enacted into law? What are the farmers of the country to receive in the way of benefit from an expenditure beginning at one or two millions and rising gradually at ten years to perhaps five or six million dollars a year?

It is a question which must be met by some straightforward, satisfying answer. What advantage will come to the farmers, especially to the farmers of the Mississippi Valley, of the grain and cotton States, from national aid for the upbuilding of the American merchant marine in foreign commerce?

The reply is that 55 per cent in value and far more than that in bulk of our entire export commerce during the fiscal year

1905 consisted of various products of agriculture. This means that the average American farmer, especially the western farmer, has more at stake in the prosperity of our sea-borne commerce than the producers of any other trade in the United States, and to the prosperity of this commerce adequate transportation facilities and fair freight rates are indispensable.

WHAT M'KINLEY AND ROOSEVELT SAID.

"Next in advantage to having the thing to sell," declared President William McKinley in that last memorable speech of September 5, 1901, at Buffalo, "is to have the convenience to carry it to the buyer." And with the farms of the country especially in mind, William McKinley added:

We must encourage our merchant marine. We must have more ships. They must be under the American flag, built and manned and owned by Americans.

President Theodore Roosevelt, taking these thoughts, as it were, from the lips of his great predecessor, declared a few months later, in his first message to Congress, December 3, 1901:

The condition of the American merchant marine is such as to call for immediate remedial action by the Congress. It is discreditable to us as a nation that our merchant marine should be utterly insignificant in comparison to that of other nations which we overtop in other forms of business. We should not longer submit to conditions under which only a trifling portion of our great commerce is carried in our own ships. To remedy this state of things would not merely serve to build up our shipping interests, but it would also result in benefit to all who are interested in the permanent establishment of a wider market for American products and would provide an auxiliary force for the Navy.

WHAT THE SHIPPING BILL DOES.

This shipping bill of the Merchant Marine Commission, prepared by a special commission which President Roosevelt recommended, embodies an honest effort to fulfill this patriotic counsel of two great and wise Executives. It is a bill, not for fast and luxurious passenger ships carrying pleasure tourists to Europe—not one dollar is provided for a new line of this description—but for capacious, moderate-speed mail and cargo liners to South America, Africa, the Orient, and other distant markets, and for the useful, hard-working "delivery-wagon" type of ships, called "tramps," particularly adapted for the export of such things as lumber, grain, flour, cotton, cattle, and provisions.

No bill of just this kind, with all the emphasis laid on cargo-carrying ships, has ever been before the American Congress. It is a radical departure, and a departure deliberately chosen by the Commission which framed the bill. It determined at the outset that no effort should be made to rival European governments in the gorgeous floating palaces of the rich, but that every dollar of the proposed subventions should be directed to providing improved shipping facilities, a more regular service, and more equitable rates for the products of American farms and factories that every year seek an ever-widening outlet in the neutral markets over seas.

Europe is a great shipowning continent. It is also a great manufacturing continent. It requires immense quantities of our food stuffs and crude materials, and, having the ships, it sends them to our ports for this needful merchandise. Therefore there are already better shipping facilities in the European trade than any other, and though it is a perilous and costly expedient for the United States to rely even in this European trade entirely on the marine delivery wagons of European nations, yet the need of more American ships does not begin to be so urgent as it is and long has been in our half-developed commerce with the other continents.

FOLLOWING ALLISON'S COUNSEL.

Therefore the Merchant Marine Commission, in framing the present shipping bill, followed the wise suggestions of the distinguished senior Senator from Iowa. In an address October 3, 1903, at Clinton, Mr. ALLISON, speaking of this very question of our commercial expansion, had said:

Our efforts should be turned to these countries lying near us as well as to South America and Asia. The latter field is likely to be of inestimable value in the near future, stimulated as it has been by the presence of our flag in those distant seas, where three-fifths of the population of the globe is to be supplied in the future with the products of the more civilized nations.

In this struggle we will have the active and close competition of Europe. We have advantage in distance, and will soon have, if we have not now, the advantage of facilities. American ships must float there, and the American flag must be seen there and dwell there, and our Government can well afford to provide especial aid to our merchant marine to extend our trade there, and in south Africa and South America as well.

ALL NEW COMMERCIAL LINES.

Every one of the important new mail lines proposed in this bill runs to the ports of either Asia, South Africa, or South America. This fact is of very great significance to the farmers of the United States. For, as has been said, our steamship service to Europe, though now monopolized almost entirely by foreign flags, is relatively the most satisfactory, or, it would be more precise to say, the least unsatisfactory service in existence. Not one American steamship runs regularly to any port of South America south of Venezuela and the Isthmus of Panama. Not one American steamship runs to Africa. There are a few American steamships, but no such complete and regular service as this bill contemplates, running across the Pacific to Japan, China, and the Philippines.

The foreign steamships which go out in haphazard fashion from New York and other American ports to South America are, as a rule, poor, uneconomical, unreliable craft, of the second or third class, operated by foreign houses which keep their best ships at home and give their chief attention to their main lines from their home ports to South America. Not content with their absolute monopoly of our South American commerce, these foreign concerns running to Brazil, Argentina, and elsewhere maintain a "combine" or trust for their further enrichment from the pockets of American manufacturers, farmers, and merchants.

As President Roosevelt said in December, 1905, in his annual message to Congress:

It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control.

FOREIGN STEAMSHIP MONOPOLISTS.

These foreign steamship combinations which throttle our South American trade and prevent any increase in our sales of flour and provisions to those tropical countries raising no such foodstuffs of their own, have been fully described in the official reports of our ministers and consuls to their Government. The methods of these foreign "combines" are the familiar methods of monopoly everywhere—and American farmers are their especial victims.

Brazil is the greatest country of South America. It has an area north and south of the equator equal to the whole area of the United States. Of course, no wheat can be grown in that tropical climate, and very little of the cereals that require temperate conditions. The same thing is true of live stock of many kinds. Brazil, therefore, is compelled to import huge quantities of flour, lard, bacon, and other agricultural products, and in the years when there were American ships on the ocean it used to import these products chiefly from the United States.

Now, however, that our unprotected shipping has been almost driven from the seas, our farmers have been losing the Brazilian market. In 1895 Brazil imported from this country goods to the value of $15,135,000. But in 1905 Brazil imported from this country goods to the value of only $10,985,000. This decrease in our export trade to Brazil—due directly to the lack of American ships and to the unjust discriminations of foreign shipowners—occurred chiefly in the products of agriculture, and the loss fell almost altogether on the farmers of the Northwest and the Mississippi Valley—on the very men who are assured by European steamship agents that the farmers of this country are not interested in the upbuilding of the American merchant marine.

CUTTING OFF THE BRAZIL FLOUR TRADE.

Thus our farmers sold $2,683,000 worth of wheat flour to Brazil in 1895, and only $1,225,000 worth in 1905. The Brazilian people need as much flour as they ever did. They consume as much and they pay as much money for it. But they are buying most of their flour now from Argentina and Austria-Hungary and other countries than the United States; and the chief reason why they are buying it from these other countries is that these countries have ships of their own to deliver their goods, while American farmers are dependent for their transportation facilities and freight rates upon the tender mercies of European steamship trusts and combinations.

Austria-Hungary subsidizes ships. It subsidizes a line of its own to South America. Having the advantage of this subsidy, the Austrian steamers can carry goods at a low rate, and they give the goods of their own country the preference. The result is that, though flour in Austria-Hungary costs more per barrel than flour in the United States, yet because of the lower freight rates the Austrian flour can be laid down at Rio Janeiro at a price as low or lower than American flour exported in the ships of the European steamship monopoly from New York.

If there were an American steamship line, managed in American interests and aided by our Government, running between this country and Brazil, this discrimination of the foreign shipowning monopoly against American farmers and other producers would not be possible.

HOW ONE AMERICAN LINE WAS KILLED.

Years ago there was an American line to Brazil, established without a subsidy by American merchants who attempted to break foreign monopoly of our ocean carrying. While these

American ships ran our exports to Brazil were about $15,000,000 a year and increasing. But the foreign steamship companies, including those running out from Europe that were heavily subsidized, all combined to make war on the one American line, and, being older, richer, and more powerful, they drove it to the verge of bankruptcy.

Then these American steamship managers appealed to Congress for a mail subsidy, or subvention, that would protect them against the foregin "combine" and enable them to continue to run and to build up the commerce of the American people. Such a subvention was favored by most of the Republican Representatives, and would have been granted had not enough Republicans from the Middle West joined with the free traders of the solid South to defeat the appropriation.

The American line to Brazil could not fight unaided and alone the European steamship combination supported by the treasuries of European Governments. Therefore its new ships—the best ships that had been seen in South American waters—were withdrawn and sold. The service was abandoned: the Stars and Stripes went down in defeat. The foreign steamship "combine" was triumphant. Of course it immediately proceeded to raise its freight rates so high that American merchants soon found that it was often cheaper to send their flour to Europe in one foreign ship and then out to South America in another foreign ship—thus paying two freights to foreign shipowners—than it was to send the flour out direct from New York to Rio Janeiro.

A Rio commission house made a profit by shipping flour from New York to Europe and thence to Rio, although the increased difference of tarvel was over 3,000 miles. (Consul-General Seeger.)

DESTRUCTIVE "ECONOMY."

The United States Congress had refused a mail subvention of $200,000 a year. But it had destroyed the one American steamship line to South America, and had thrown away an export commerce of $4,000,000 a year—for, instead of increasing, our exports to Brazil now fell off from $15,000,000 to $11,000,000. Was there ever a more vivid example of saving at the spigot and wasting at the bung?

This loss of American commerce with Brazil, as has been shown, was chiefly in the products of the agriculture of the Middle West and Northwest. It came directly out of the pockets of the farmer constituents of the western Representatives who had voted with the solid South to refuse to aid the American steamship line in its fierce fight with the subsidized foreign monopoly.

Once in complete possession of our Brazil trade, the European steamship companies proceeded to adopt all the familiar extortionate methods of trusts and combinations the world over. As Consul-General Seeger at Rio Janeiro reported to his Government in Washington:

Since March 15 the freight rates established by the European steamship trust, controlling the transportation between Brazil and the United States, are 40 cents and 5 per cent primage per bag of 160 kilograms (132 pounds) between Rio and New York. Since last August the freights have been raised and lowered and lowered and raised again to suit the purpose of the trust till they have reached their present level. * * * The trust has an agreement with coffee shippers here to pay them a rebate of 5 per cent at the end of every six months from the date of the agreement on all freights collected; provided, however, that this rebate is forfeited in case the shippers give freight to any vessel not belonging to the trust during the period stipulated. Through this arrangement the trust controls the shippers and American vessels go home in ballast.

Having thus, by the merciless use of rebates, excluded American vessels from all chance of securing return cargoes from Brazil to the United States, the European steamship trust prevented American ships from competing with the foreign trust ships for outward cargoes of flour, provisions, machinery, and other things from American ports to Rio Janeiro. The Stars and Stripes have, therefore, practically disappeared from our commerce with the greatest country of South America.

AT THE MERCY OF A FOREIGN "COMBINE."

Says an American merchant, writing in American Trade:

Our commerce with Brazil and the river Plata countries is at the mercy of such a shipping combine. Ostensibly four lines are competing in "serving" the route between New York and Pernambuco southward, viz, the Lamport & Holt Line, Prince Line, Norton Line, all British, and the R. M. Sloman Line, which is German. In reality, however, the management of these services is centralized in Liverpool, the freights are pooled, and the spoils divided pro rata.

At the head of this syndicate stands Lamport & Holt, of Liverpool, a powerful firm owning and managing over a hundred vessels. The ships engaged in the New York-South American service are mostly slow and obsolete, steaming 8 to 10 knots an hour, and yet the rates of freight levied on American cargo are nearly double those charged by the speedy, modern, elegant ships plying between Europe and the east coast of South America. Not a case of kerosene or a bag of coffee can escape paying toll to this freight ring, and there was more truth than comedy in the facetious request sent by a Rio shipper to the syndicate's agents at that port asking for a permit to ship some coffee on an outside vessel over their ocean.

CHOKING AMERICAN TRADE.

With freight rates by the foreign trust ships "nearly double" the rates on the lines running out from Europe, need the farmers of the West wonder that they are losing their valuable Brazilian market—that their sales of American flour fell from 526,000 barrels in 1902 to 337,000 barrels in 1905? Our American flour is very much superior to the Argentine flour. It is preferred by Brazilian consumers. But because a European steamship monopoly has our Brazilian commerce by the throat, the Brazilian Review remarks that—

Argentine flour has entirely monopolized the south, Rio, and Santos, has driven the American article from Bahia and Victoria, and is already competing vigorously in the markets of Pernambuco.

The remedy for all this, declares the American merchant writing in American Trade, is "an independent American line of steamships." Against the rich, unscrupulous, and formidable European combination, such an American line would need national aid by subvention or subsidy at first. "There is no doubt that the early stages of the existence of an American steamship line to Brazil would be stormy, but faster service, better and more economical ships, together with fairer business methods must win in the end, enfranchise American commerce from this foreign despotism, and secure for our own glory and enjoyment the trophy of American trade on American ships."

ON THE WEST COAST ALSO.

But Brazil is not the only South American country where American farmers, manufacturers, and other producers are being robbed of their fair share of trade by the hostility and greed of the foreign shipowners, on whom we depend to do our ocean carrying. Special Agent Lincoln Hutchinson, after long observation throughout South America, reports to the Department of Commerce and Labor:

As in Brazil, so in Chile and the river La Plata, there is universal complaint that the mail service to and from the United States is inadequate. If the trouble were only in the length of time required for the delivery of mails the inconvenience would be sufficiently great, but far more serious is the irregularity, infrequency, and uncertainty of the service.

On the important question of cargo steamship service, Mr. Hutchinson further says:

Freighting facilities from New York to Chile and the river Plata are inferior to those from Europe, both as regards frequency, regularity, and time required for delivery, and as to rates.

As to Ecuador, on the west coast of South America, this emphatic testimony to the injury done to American commerce by the lack of American ships is given by Hon. Archibald J. Simpson, the American minister:

I was informed recently by a prominent merchant here that he would like to deal with New York, but that the freight rates from that city on some of his purchases were fivefold greater when received at Guayaquil than on like freight from Hamburg, which was a practical prohibition on American trade.

Germany has direct steamship lines of her own to both coasts of South America.

NULLIFYING THE MONROE DOCTRINE.

The Monroe doctrine holds that the influence of the United States is, and by right ought to be, paramount in South America; that we shall never permit European aggression on or spoliation of the Latin-American Republics. But while we are proclaiming this doctrine, Europe is adroitly and persistently enforcing a Monroe doctrine of her own. She is proceeding to the commercial annexation of South America. Not only has our export trade to Brazil been actually decreasing, but of the great and flourishing commerce of Argentina, amounting now to between $300,000,000 and $400,000,000 annually, the share of the United States in export trade is only about 14 per cent. Not only is Great Britain far ahead of us, but Germany is ahead. France and Italy are surpassing us in enterprise, and since the close of the war with Russia even Japan, with a direct, subsidized steamship line, has entered the field as a competitor.

THE SOUTH AFRICAN "COMBINE."

And South America is not the only continent where foreign steamship combinations are permitted to suppress American trade in the interest of the farmers and manufacturers of Europe. There was a time when the United States exported large quantities of flour, provisions, lumber, and other agricultural products to South Africa. A few years ago our South African exports reached the handsome figure of $30,000,000. But of late years there has been a significant decline in our exports, while the exports of Canada to South Africa have increased enormously since the establishment of a subsidized British steamship service from Montreal and Halifax to Cape Town and Natal.

One cause of this increase of Canadian and decrease of

American exports to South Africa is thus described in the Daily Consular and Trade Reports of April 14, 1906:

FREIGHT RATES INCREASED—COMPLAINTS OF SHIPPERS ARE OF NO AVAIL.

Consul Hollis, of Laurenço Marquez, writes that it is a well-known fact to all engaged in South African trade that the freight rates between New York and South and East Africa have been steadily raised during the past few months, until they now stand at figures about 75 per cent higher than those of six months ago.

The consul continues:

This increase in rates has been brought about by the independent lines (I might almost say line, for there was really only one independent line) joining the "conference," which fixes the freight rates between England and South Africa and between New York and South Africa as well.

* * * * * * *

"With regard to the rebate system, it appears that under the laws of England, as well as those of the South African colonies, the steamship companies have a perfect right to grant or to withhold rebates as they see fit. Payments of rebates are always deferred for many months, and the unfortunate shipper who may happen to ship by any vessel outside of the 'conference' lines can thus be deprived of all of his deferred rebates and with no chance of being able to recover them even by suit at law."

BRITISH SHIPS FAVORING CANADA.

Of course these British steamship trust magnates have arranged their freight rates and their elaborate rebate systems so as to discriminate against American farmers and lumbermen in our commerce with South Africa. American Consul-General Washington at Cape Town thus reports to Washington:

A trade report received here from New York, dated August 1, 1905, quoted the rates for the next direct steamer from that port to Cape Town as not exceeding $6.70 per ton, to East London and Durban $7.91, and the September sailing (by subsidized steamer) from Montreal at $4.26 for Cape Town and Port Elizabeth and $4.87 to East London and Durban.

What this means is that the freight rates on flour, lumber, provisions, etc., from the American port of New York are fixed by the British steamship combination at from $2 to $3 a ton above the rates on similar products shipped from Canadian ports to South Africa. Doubtless the agents and attorneys of this British steamship combination are spending a great deal of time and money to persuade the farmers of Michigan, Ohio, Indiana, Illinois, Wisconsin, Iowa, Nebraska, the Dakotas, and Minnesota that they have no interest whatever in the upbuilding of American shipping, and that the bill which President Roosevelt is urging is simply a scheme to enrich the shipbuilders of New England, New York, and Pennsylvania.

AN EAST INDIA TRUST ALSO.

But the arrogance and greed of these foreign steamship monopolists do not stop even with South Africa. Another trust is smothering our commerce with the Far East. An American merchant familiar with the facts has written thus to the Merchant Marine Commission:

There is a combination under the name of the "conference lines," which runs from New York to Manila, Hongkong, Yokohama, and Kobe, all English and foreign-owned steamers. The New York representatives of the conference lines are Barber & Co.; Funch, Edye & Co.; the American-Asiatic Steamship Company, and Howard, Houlder & Rowat. These lines work together; their sailings do not conflict, and they absolutely control rates. If you telephone to Funch, Edye & Co. for a rate to Manila, and they do not have the first steamer sailing, they will refer you to one of the conference lines steamers. If a large block of tonnage is to be shipped, and they fear competition from others, they have to cable to the head of the conference lines, in England, for a special rate. You can readily see that we need assistance to American steamers to break up this combination.

And the statement of this American merchant is thus confirmed in the Daily Consular and Trade Reports of March 14, 1906, by American Consul-General Wilber at Singapore:

In regard to the matter of advance in freight rates, there is in existence a shipping conference, composed of lines running out of New York to far eastern ports. This conference is a combination, or pool, and is composed in part of the Barber Line, East Asiatic, and some of the Standard Oil steamships, all of which are under the English flag. In this pool also is the Hamburg-American Line. A rebate of 10 per cent is paid to all shippers at the end of each year, providing said Shippers have patronized no vessels outside of the conference. If they have done so, they lose this rebate. Consequently the combination controls the freight both ways between Atlantic coast ports and the Far East.

This is a move on the part of the European conference to aid English and German dealers in East Indian products to regain control of the business, which they have been gradually losing. What is needed throughout this section of the world is an American line of steamers under the American flag, running from New York through the Suez Canal to the far eastern ports regularly every two weeks, and entirely independent of any conference or combination.

MOST AUDACIOUS OF MONOPOLIES.

A contest for the regulation of railroad rates and the prevention of rebates and other forms of discrimination has just been carried to a successful issue in the Congress of the United States. In this fight the West has been the leader, and the influence of the farmers has been powerful.

But far more audacious monopoly, more oppressive rebates, more outrageous discriminations than were ever dreamed of on land are being practiced right along by unprincipled foreign steamship combinations against the ocean commerce of the American people. Those foreign steamship monopolists, who have waxed fat and insolent on the tribute long wrung from the export trade of American farmers, manufacturers, and merchants, now actually have the effrontery to tell our western farmers that this foreign monopoly is a good thing for them—that it is a good thing to have the delivery of our products overseas absolutely controlled by our political rivals and commercial competitors!

THE WARNING OF OUR PRESIDENTS.

The soundest and best American statesmanship has for years been combating this delusion. Said President Benjamin Harrison, of Indiana:

Our great competitors have established and maintained their lines by government subsidies until they have now practically excluded us from participation. In my opinion, no choice is left to us but to pursue, moderately at least, the same lines.

Said President William McKinley, of Ohio:

If the United States would give the same encouragement to her merchant marine and her steamship lines as is given by other nations to their ships, this commerce on the seas under the American flag would increase and multiply. When the United States will spend from her Treasury from $5,000,000 to $6,000,000 a year for that purpose, as do France and Great Britain to maintain their steamship lines, our ships will plow every sea in successful competition with the ships of the world.

Says President Theodore Roosevelt, of New York:

Ships work for their own countries just as railroads work for their terminal points. Shipping lines, if established to the principal countries with which we have dealings, would be of political as well as commercial benefit. From every standpoint it is unwise for the United States to continue to rely upon the ships of competing nations for the distribution of our goods. It should be made advantageous to carry American goods in American-built ships.

AMERICAN SHIPS UNDER AMERICAN LAW.

"Ah," but it may be urged by the opposition, "if we had American-built ships, could they not also, as well as the foreigners, form combination 'in restraint of trade?'" They could, undoubtedly, or they could try it. But they would certainly be less disposed to try, because they would be American companies naturally and primarily interested in the expansion of American trade, while these foreign steamship companies, whose shares are owned by the manufacturers, farmers, and merchants of the Old World, are interested primarily in the expansion of the trade and industry of Europe.

Moreover, American steamship companies, organized here, domiciled here, officered by American citizens, can be held directly answerable to American law, which apparently finds it impossible to reach and destroy all these foreign steamship trusts, "conferences," and combinations.

The foreign steamship companies that monopolize our trade with South America, South Africa, and the Orient are not domiciled in the United States. They have, at the most, a few agencies here. Their managers are alien born, of alien allegiance. Their policies are shaped, their orders are received, from Liverpool, London, Bremen, Havre, or Hamburg. They snap their fingers at the United States. They scorn American law. They deride our flag and our Government.

The American people ought never to forget the names of the two great German steamship companies which, in the crisis of our war with Spain, deliberately took fast steamers out of their New York service—ships built for and supported by American trade—and transferred them to the Spanish Admiralty to raid the commerce and sink the coastwise ships of the United States.

What these cynical and selfish foreign steamship monopolists have done once they will do again and again if we give them an opportunity.

TRADE FOLLOWS THE FLAG.

There are reasons far more potent than considerations of sentiment why the use of American ships is advantageous to American commerce. And yet mere sentiment—the sight of the flag—is potent in itself, as all travelers and observers, merchants, and officials have repeatedly testified. In South America, in Africa, in the Orient the appearance of a noble, great steamship bearing the Stars and Stripes instantly has the effect, in some real though indefinable way, of increasing interest in and demand for American merchandise.

There are other ways, however, very specific, very practical, in which American ships help directly to upbuild American commerce. A British or a German vessel carrying an American cargo from New York or New Orleans to Rio Janiero or Buenos Ayres is interested merely in arriving safely at its destination; that is all.

The British or German officers and crew care nothing for American trade. Their whole desire naturally is for the spread of British or of German commerce. So, also, with the agents of the ship or the consignees of the cargo ashore. They are the agents and representatives of British or German manufacturers

or merchants, and not only have no interest in increasing the sales of American goods in South America, but have a vital interest in discouraging the sale of all goods that compete with their own and in keeping American trade as small as possible.

HOW COMMERCE GROWS.

When there were American ships in our trade with South America, Africa, and the Orient, there were American agents, American mercantile houses in those distant countries to push the sales of American goods. But when the ships disappeared these American houses also vanished, for it is the unvarying experience of all commercial nations that their first foothold is gained in foreign markets through the agents sent out to look after their shipping business. These agencies develop into regular mercantile establishments handling the goods and advancing the interests of their own manufacturers and farmers and merchants at home. Presently, as their trade increases, they require banking facilities, and a banking institution also devoted to pushing the trade of the home country is started. Thus there is in the foreign port all the equipment necessary to transact a prosperous and expanding commerce.

But you can not have these agencies, you can not have these mercantile establishments, you can not have these banks to promote American export trade to foreign lands unless first you have American shipping. Wherever we have tried to establish banks and agencies, without ships behind them, we have invariably failed. And wherever we have lost our steamship lines we have lost our commercial facilities also.

CAN NOT DEPEND ON FOREIGNERS.

The files of the State Department, of the Department of Commerce and Labor, are crowded with the declarations of American ministers and consuls that it is as shortsighted and as foolish to depend upon foreign houses to promote the sales of American goods as it would be for a merchant in any American city to close his store and discharge his clerks and then to try to sell his goods over the counters of his competitors.

Minister Hicks, writing from Santiago, Chile, of the urgent need of an American steamship service, says:

It seems unfortunate that almost the entire trade of this region should be in the hands of Europeans, and that American products should be largely crowded out by those of Italy, Germany, France, and Great Britain. Chile is a rich and prosperous country, and its consumption of goods manufactured abroad is enormous, yet the trade is almost entirely in the hands of Europeans.

Consul Anderson, at Amoy, bears like testimony, saying that—

A very large portion of American trade in China at the present time is in the hands of foreigners, notably citizens of Great Britain. The natural disposition of such men is to deal in British goods. Most of them commenced business in the East by dealing in British goods exclusively. Their interests, prejudices, and business connections, as a rule, lead them to prefer British goods wherever possible.

Special Agent Burrill, writing from South China in the Daily Consular and Trade Reports of March 18, 1906, says:

With the possible exceptions of flour, kerosene oil, sewing machines, cigarettes and tobacco, and canned goods, there are no American goods imported into Hongkong (the great entry port of the Orient) which are represented by Americans. This condition is a serious handicap in the effort to establish and maintain trade in other commodities exported from the United States.

Consul-General Wilber, at Singapore, one of the chief ports of the East Indies, declares:

We sadly lack, and are in need of, American representatives on the ground to push the sale of our goods. Foreign buyers do not want to sell American goods, and will not unless compelled to. And in some instances they have secured American agencies, that they may control and suppress the sale of the goods.

Mr. J. H. Scholes, an American resident in India, writes to the Secretary of Commerce and Labor:

There is not much use in giving American agencies in India and Burma to English firms, as they make little or no effort to sell the goods against those of their own country. Most of the firms in these countries are Scotch, and they are still less inclined to push American wares. Of course, the German firms would not touch them at all.

GIVE US SHIPS FIRST.

Give us American ships and we shall speedily have American agents, American representatives, eager and able to push American goods in the markets of South America, Africa, and the Orient. American sailors, the sons and brothers of American farmers, will have some interest in the freight they are carrying and some determination to help to advance the commerce and the influence of "God's country." To rely on foreign merchants, foreign ships, and foreign seamen to find markets for the products of American farms and factories is weakness and stupidity unworthy of the American character, an affront to American common sense, and a flat surrender of both letter and spirit of the Declaration of Independence.

Suppose another war came upon us, as quickly and inevitably as the Spanish war of 1898. Would these foreign shipowners who have grown rich out of their monopoly of our ocean carrying send their ships to our aid? Would their foreign seamen fight our battles? That was an illuminating lesson which we had in 1898, when we saw the foreign officers and men of the few European ships we did secure scuttling out of these craft like so many rats, unwilling to serve a flag they did not like in a war in which they had no interest.

Fortunately for the country, that war only lasted a hundred days. If we had met with a single defeat, we could not have manned another squadron, even if we could get the ships, for it exhausted all the trained officers and sailors of the United States to man the four battle ships and the skeleton cruiser fleet of 1898. Now, with more battle ships built and ready, our Navy is short of its legal complement more than 5,000 men, because we have lost most of our merchant marine and with it have lost our natural seafaring population. There are just three nations in the world to-day which are in the pitiable condition of lacking a real sea militia—a naval reserve. One of these is the United States; the others are Russia and China. Do the farmers of America like to think that their nation is in such benighted and archaic company?

FOR PEACE AND WAR.

Never were there truer words than those of President Theodore Roosevelt, in his message to Congress December 5, 1905, urging the consideration of the shipping bill of the Merchant Marine Commission:

To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets and in case of need to reenforce our battle line.

These are very great considerations—considerations vital to the prosperity of our commerce and the security of the nation—why the United States should have a merchant marine which are overlooked by those persons who carelessly say, "If foreigners can do our ocean carrying for us more cheaply than we can do it ourselves, why not let them?"

In the first place, the shipping bill now before Congress provides sufficient national aid in the form of subventions to enable American ships to carry our goods as cheaply as the foreigners in spite of their low wages—indeed, to carry our goods more cheaply in most trades. And in the second place, the argument that, if foreigners can do our shipping business more cheaply than we can they ought to be allowed to do so, is an argument which if accepted as valid ought fairly to be applied not alone to shipowners and to seamen, but to manufacturers, farmers, and everybody else. This was very clearly presented by a distinguished Senator, Hon. J. H. GALLINGER, of New Hampshire, chairman of the Merchant Marine Commission, in a speech of January 8, 1906, on the shipping bill of the Commission, which soon after passed the Senate. Right on this point Senator GALLINGER said:

FREE TRADE RUN MAD.

One of the most frequent and plausible objections urged to a policy of national encouragement to the merchant marine is found in this question, "If foreigners will do this work for us more cheaply than we can do it ourselves, why not let them?" Critically examined, however, it is nothing but the fundamental free-trade argument in the most extreme form in which it is possible to state it. Many years ago this very same plausible argument was familiar in another field—"If England, France, and other countries can make our cotton and woolen fabrics, our tools, and our iron more cheaply than we can, why not let them do so—why not let Europe be the workshop and America the farm?" Of course Europe enthusiastically favored this idea; and Washington, Hamilton, Madison, and other far-seeing statesmen who framed in 1789 our first tariff law "for the encouragement and protection of manufactures" had considerable difficulty in convincing their countrymen of the fallacy of this adroit plea, which foreign interests now exploit in turn against the encouragement of American shipping.

If the argument were admitted as a sound one, that if foreigners will do or make anything for us more cheaply than our own people, they ought to be permitted to do so, then the entire protective system of the United States is rooted in a delusion and ought to be abandoned, root and branch. To admit that this argument is sound is to admit the whole free-trade contention, pure and simple.

APPLY THIS TO THE FARMERS.

This adroit argument of those who are opposed to national aid for American shipping depends for its force very largely on the class of men before whom it is used, or the latitude or longitude in which it is promulgated. To say, "If foreigners can do our ocean carrying more cheaply that we can, why not let them do it?" sounds very persuasive to the farmer of either Massachusetts or Minnesota, who is not himself particularly interested in shipbuilding or ship owning. But put this same argument in another form to the Massachusetts farmer: "If the Canadians can supply eggs and butter and hay and potatoes more cheaply than you can, why not tear down the tariff wall and let them do so?" or to the Minnesota farmer: "If Manitoba can raise wheat for the American market more cheaply than you can, why not repeal the protective duty of 25 cents per bushel and let Manitoba raise our wheat while you sell out and go to work for somebody else?"—the public man who propounded this question in either Massachusetts or Minnesota would find himself a quick candidate for retirement. * * * The American shipowner or seaman is compelled to build and equip his ship in a protected country, to pay protected wages, and to buy protected materials—for, though steel and other things for ships for the deep sea as distinguished from the coast trade are on the free list, nobody dares to avail himself of the privilege so long as there is no encouragement or protection in the deep-sea business. The wages on the ship after she is

built are fixed, generally, by the protected wages prevailing in America. Moreover, many foreign ships in our own commerce receive subsidies or bounties, and nearly all are protected and encouraged, if not in this, in some other more subtle but effective way by their own governments.

In the face of all this, to accept the free-trade argument for the shipowner and seaman alone, and to say to them, "Here, if the foreigners can do your trade of ocean carrying more cheaply than you can, we'll let them do so—you can sell out and go to work for somebody else" is an injustice so harsh that the farmers, East, South, and West, need only to understand it to reject it at once and forever. If, in addition to the natural advantage of the cheap and fertile lands of Manitoba, the Canadian government gave a bounty of 25 cents a bushel on all the wheat there produced, it is easy to foresee what would soon become of the wheat raisers of the Dakotas and Minnesota. Yet, if the argument is a sound one that whatever foreigners can, by subsidy or otherwise, do more cheaply than we can, they ought to be allowed to do it, who will gainsay the shipowner or seaman who declares: "Here I am, unprotected in my ocean trade. Why should the farmer be protected? If Canada can raise cheaper wheat for New York and New England, pull down the tariff and let her do so. What right have you to deny protection to me, and at the same time forbid me to go with my ship for my wheat to British Columbia if I can get it cheaper there, or to Nova Scotia for my potatoes, or to Argentina for my beef, or wool, or hides?"

And what answer is there, truly? Is protection justifiable that protects some only, and not all?

THE HOME MARKET OF THE SHIPYARDS.

Finally, the passage of the shipping bill will benefit the farmers not only in the ways already outlined—not only by providing improved transportation facilities for our agricultural products and increasing their sales in foreign markets—not only by developing a strong naval reserve of auxiliary ships and American seamen to reinforce the regular Navy in time of war—but also in creating a new and great manufacturing industry in America and thereby a new home market for the farmers' meat and dairy products, breadstuffs, and provisions.

Ocean shipbuilding is a manufacturing industry now of small proportions in the United States. There are all told now only three steamers under construction in the entire country for the overseas trade—three ships, of a total tonnage of about 20,000. British shipyards are now building for ocean trade about 1,400,000 tons of shipping, or 70 tons for every ton in hand in American shipyards. Probably three or four hundred thousand tons of this British construction represent ships intended for the carrying trade of the United States—for British vessels now convey about 60 per cent of our entire sea-borne commerce. If instead of a paltry 20,000 tons, three or four hundred thousand tons of ocean shipping were now being constructed in America, thousands of skilled American shipyard mechanics, now idle or working at any kind of unskilled labor for the lowest wages, would be steadily employed in their rightful trades at high wages, and would therefore be able to buy more food and better food for themselves and their families, and to buy and wear better clothing.

A SHIP ALMOST ALL LABOR.

Nor would this be all. Only a part of the work of building a ship is performed in the shipyard on the coast. That work is begun when the ore to make the steel for her plates and beams is dug out of the ground on Lake Superior or the trees for her timbers are felled in the forests of Michigan or Oregon or Mississippi. In every one of the many processes of manufacture from the mine and the forest to the shipyard gate increased employment is given to American workmen of one trade or another, who depend for their food and clothing on the product of American farms. And all the various appliances that enter into the equipment of an ocean ship and are manufactured outside the shipyard—the anchors, chain cables, forgings, wire rope and hempen cordage, windlasses, steam pumps, winches, valves of many kinds, auxiliary engines, engine-room supplies—give work for more American labor, often far in the interior, for many of these things are manufactured in the inland States near the Great Lakes, a thousand miles from the ocean.

All this provides a new and increased home market for American farmers. The workman in the British shipyard receives about one-half of the American wage rate. He can not and does not buy as much food and clothing, and all of the clothing and most of the food a British shipyard workman consumes now come from other countries than America—his bread chiefly from India and Russia and the little meat he manages to purchase from Australia or the Argentina.

ONE AMERICAN WORTH SIX FOREIGNERS.

But every American shipyard workman, you may be very sure, eats none but American bread and meat, and a great deal of it, and wears only American clothing of American cotton and wool. It is the accepted estimate, and a reasonable one, based on these facts, that one workman in an American shipyard is worth as much as a consumer of American farm products as six workmen in a British shipyard. Therefore, considering only the shipyard workmen, the building of three or four hundred thousand tons of ships in America means six times as great a market for the products of American farmers as the building of an equal tonnage in Great Britain. Including the many men employed outside the shipyards in the preparation of American materials and equipment for these American ships, it is safe to say that it is ten times as advantageous to American farmers to have our ocean shipbuilding done in the United States as it is to have it done in Europe.

NOT "SUBSIDIZING THE STEEL TRUST."

And right here it is well to characterize as it deserves the assertion of foreign shipowners, and of others in this country opposed to national aid to the merchant marine, that subventions to American shipping would simply be "subsidizing the steel trust."

This assertion is not true. Every material of every kind required for the construction, equipment, or repair of American vessels for overseas trade is on the tariff free list, and can be imported free of duty if shipbuilders so desire. Under this law all the materials for the construction of a large steel ship have been imported without a cent of duty, and the builders who did this testify that there is no difficulty in the process so far as the tariff law and its administration is concerned.

But the great shipbuilders of the country have testified recently before the House Committee on Merchant Marine and Fisheries that steel materials now cost practically no more in this country than if imported free of duty. And these shipbuilders have said, moreover, that the higher cost of American ships was really due, not at all to the materials, which are a minor factor anyway, but to the fact that American shipyard wages are almost twice as high as British wages—and the shipyard labor represents about two-thirds of the price of the finished ships.

These American shipbuilders have also testified that if they were enabled, by national aid to American steamship lines, to construct many ships, to keep their yards constantly at work, and to secure all the economies of full production, they could eventually build ships at as low a cost as any in the world. And they point for proof of their statement to what has already been done by American steel bridge and locomotive builders, who construct many more bridges and locomotives than Great Britain does, and by standardizing their product and employing their plants to full capacity, have been able to pay high American wages and yet to produce bridges and locomotives of the lowest cost.

"Give us the same protection and encouragement you give other industries," say the shipbuilders and owners to Congress and the people, "and we can promise you the same results." Is this not worth trying, at any rate, in the cautious and moderate way proposed in the bill of the Merchant Marine Commission?

THE SHIPPING BILL IN A NUTSHELL.

This measure is thus summarized in a nutshell: Senate bill 529, framed by the President's Merchant Marine Commission and passed February 14, 1906, by the Senate, provides for—

1. A volunteer naval reserve of 10,000 officers and men of the merchant marine and fisheries, trained in gunnery, etc., subject to the call of the President in war, and receiving retainer bounties, as 33,500 British naval-reserve men do.

2. Subventions at the rate of $5 a gross ton a year to all cargo vessels in the foreign trade of the United States, and to craft of the deep-sea fisheries, and $6.50 a ton to vessels engaged in our Philippine commerce—the Philippine coastwise law being postponed till 1909. But these cargo vessels in order to receive subventions must be held at the disposal of the Government in war, must convey the mails free of charge, be seaworthy and efficient, carry a certain proportion of Americans and naval-reserve men in their crews, and make all ordinary repairs in the United States. Ships lose their subventions if they leave our trade for that of foreign countries, or if, like the Standard Oil craft, they are engaged exclusively as common carriers.

3. Subventions to new mail lines from the Atlantic coast to Brazil, Argentina, and South Africa; from the South Atlantic coast to Cuba; from the Gulf coast to Cuba, Brazil, Mexico, Central America, and the Isthmus of Panama; from the Pacific coast via Hawaii to Japan, China, and the Philippines, and to Mexico, Central America, and the Isthmus of Panama, and from the North Pacific coast direct to Japan, China, and the Philippines, with increased compensation to one existing contract line from the Pacific coast via Hawaii and Samoa to Australasia.

All ships receiving subventions must be already American by register or American built, thus excluding the foreign-built fleet of the Atlantic steamship combination. Not one dollar is given to fast passenger and mail lines to Europe. Ships constructed for foreign commerce to receive these subventions can, under the

Dingley tariff, be built, equipped, and repaired of materials imported free of duty.

The maximum annual cost of the proposed mail subventions will be about $3,000,000; of the other subventions and retainers to the naval reserve, from $1,550,000 in 1907 to $5,750,000 in 1916. If tonnage taxes are increased, as originally proposed, the legislation will cost nothing the first year, but turn $616,000 into the Treasury, and the annual average net cost for ten years, with the building of new ships, will be $4,625,000.

Great Britain next year will pay $6,000,000 or $7,000,000 in shipping subsidies; France, $8,000,000; Italy, $3,000,000, and Japan, about $4,000,000.

Two years ago the Republican national platform, on which Theodore Roosevelt was elected President, declared:

> While every other industry has prospered under the fostering aid of Republican legislation, American shipping engaged in foreign trade, in competition with the low cost of construction, low wages, and heavy subsidies of foreign governments, has not for many years received from the Government of the United States adequate encouragement of any kind. We therefore favor legislation which will encourage and build up the American merchant marine, and we cordially approve the legislation of the last Congress, which created the Merchant Marine Commission to investigate and report upon this subject.

A very great majority of the farmers of the United States read this platform, approved it, and voted for the President and other candidates of the party which thereby solemnly pledged its word to make protection completely triumphant by extending it to American ocean shipping, the one industry exposed to foreign competition not already protected by the Government. American farmers are not less patriotic than other men. They are not less solicitous for the welfare of the entire country. They are not to be frightened from any course they believe to be a just and wise one merely because it may cost something, so long as the object in view is worth the while. The building up of the American merchant marine will benefit every legitimate industry in the Republic, and those mistaken foes of our shipping legislation in this country and its selfish and scheming foes abroad who hope to delude American farmers into opposing a policy which means so much to the prosperity and security of the nation do not know the men whom they endeavor to deceive. [Loud applause.]

Mr. GROSVENOR. Mr. Chairman, I yield two minutes to the gentleman from Massachusetts [Mr. TIRRELL].

Mr. TIRRELL. Mr. Chairman, on Monday, the 26th instant, the Hon. HENRY T. RAINEY again addressed the House, renewing his attack upon the Waltham Watch Company and the other leading watch companies of the country. He made another abortive attempt to prove the existence of a watch trust and that this watch trust was the creature of a protective tariff. He attempted to show that through this alleged trust and tariff the American people were swindled by the importation of American watches at cheaper prices than those obtained in the domestic market. He attempted by such aspersions to at least discredit these companies, reduce their product, and incidentally boom the business of the disaffected dealers, whom he appeared to represent.

The honorable gentleman has had a long time to prepare for this his supreme effort. His lucubrations have extended over weeks since his first address. Rumors of telegrams flying to Europe, letters to jewelers, and extracts from the address to be in western papers have been rife throughout the Capitol. A crushing blow was impending that would shatter the tariff wall around American industries and give the people reduced prices on watches.

Expectancy reached its height when the gentleman rose on Monday night. Surely such Herculean labors must bear fruit. Now the superstructure for which the foundation was laid would be constructed. Facts instead of theories would be adduced; evidence instead of imaginings presented; proof instead of tirade given. It will be observed, however, that many things of great importance in his first presentation were utterly ignored in his second. He made no outcry now against child labor in the watch factories. The Census Bureau disapproved that. He uttered no lamentations over the wages of the employee; the wage of 2½ to 3 per cent more here than is paid abroad was a conclusive answer. He drops the allegation that the tariff had fostered the watch industry. An increase of 500 per cent in the capital invested from 1870 to 1890 in the watch industry of this country settled that. Why, in Waltham plans are now under way to enlarge that great plant, so that 6,000 operatives instead of 3,500 can find employment.

He glided over our foreign trade, having apparently received new light upon that subject. He was unable to fortify his argument upon the reimportation of American watches at reduced prices, as the Secretary of the Treasury refused him the privilege of determining the question, the Government holding that the watches were not of American manufacture, but foreign goods.

Thus the honorable gentleman was reduced to a few elemental propositions. His colleague, Mr. BOUTELL, in his brilliant speech last evening, demolished most of them, and it would be supererogation to take them up again. I shall allude only to those which time did not permit the gentleman from Illinois [Mr. BOUTELL] to fully consider.

The chief of these was the existence of a watch trust in the United States. A fair definition of such a trust, I think, would be the combination of several companies or a monopoly by one company by which competition is stifled, or the control of a business centered in the combination or company itself. I listened intently to the gentleman, who at the outset announced that he would show by incontrovertible evidence that such a trust existed. I saw him, as it were, like a hawk, circling in the air, with his eye upon his prey, invisible, however, in the distant blue; anon, he would apparently rise to his unseen victim, alas, only to descend and rise again, leaving us in ignorance, but shivering with apprehension. Finally, the following colloquy ensued:

> Mr. TIRRELL rose.
> Mr. RAINEY. I can not yield now.
> Mr. TIRRELL. I would like to ask the gentleman a question.
> Mr. RAINEY. Oh, certainly.
> Mr. TIRRELL. Now, the gentleman has repeated many times that there was a watch trust with which the Waltham Watch Company was connected.
> Mr. RAINEY. Yes: I have.
> Mr. TIRRELL. Will the gentleman state where it is, when it was formed, and all of the particulars?
> Mr. RAINEY. I will. I am going to do that. I am going to give him more particulars that he wants, and more particulars than the president of the Waltham Watch Company wants. I have started in this fight for business. I have got the evidence against that gentleman and the rest of them, and I propose to keep up this fight until these watch-trust presidents, every one of them, land in the penitentiary, or until at least I give a court and jury a chance to send them there.

After this pronunciamento we expected the proof to be forthcoming. Surely no Member of this body would dare to make a charge like that without foundation. He would not trifle with the House to have his veracity doubted. He was bound in honor as a public servant in a position of great responsibility to prove the charge. Without proof it was billingsgate—discreditable and contemptible. Yet in the balance of the speech, except occasional flings at what he calls "this infamous trust," there is no evidence presented. The gentleman rested his case upon documents and letters extended in the RECORD. He said: "I have some data and letters I have collected upon the subject of the American watch trust." I have carefully examined these documents. The gentleman sent letters to 200 of the retail watch dealers of the United States. He received replies from 105. There are at least, according to these letters, 22,000 retail dealers in this country; less than one-half of 1 per cent responded. The gentleman appears to have published every letter that afforded him encouragement. The first letter he quotes is a refusal to answer pro or con. I quote from other letters published:

> The proof you are hunting for will be hard to find.
> I understand from information given me that there is a trust.
> It is generally understood there is a combination.
> There is no positive knowledge of the existence of a trust.
> I can not say, from my own knowledge, that a watch trust or combination exists.
> I can not give the information asked for.
> I know nothing of the facts from my own personal knowledge.
> I have been led to regard the companies as a trust or combination.
> We have no positive proof.
> I understand there is a combination called the "Big 4."
> I can not say there is a watch trust.
> In my honest opinion there does exist a watch trust.
> I feel there is a combination in the watch business.
> I am convinced there is a trust.
> I know nothing but hearsay as to a combination.
> We are confidently persuaded that there is a trust.
> According to reports there is a trust.
> I understand there is an agreement.
> There seems to be strong indications of a combination.
> We do believe there does exist a trust.
> We have understood there was a "Big 4" combine.
> I have believed in the existence of a trust.
> There is a watch trust talked of.
> There is a trust. We get our information from the jobbers. Any jobber can give you full information.
> We have no evidence of a trust, but are quite positive that this is the case.
> I have no tangible proof. I could not take an oath as to this matter. Everything points to a combine.
> I do not know of any so-called "trust."
> Certain phases savor largely of trust methods.

A very few of the letters make a positive assertion that there is a watch trust, but present absolutely no proof, it being merely the assertion of the writer, who usually discloses a grievance. Even the few that thus assert there is a trust differ as to the combination including different companies and the reason which leads to their personal opinion about the matter. Such is the

character of the evidence in these letters by which the gentleman from Illinois seeks to substantiate his charge. In addition, he files documents of great length prepared by W. J. Johnston, president of the W. J. Johnston Company, of Pittsburg, to which I will call attention later on.

Now, the gentleman from Illinois, as a lawyer, should be conversant with the principles that underlie the introduction of evidence. Does he assert that any one of the letters on which he bases his argument that "this infamous trust," of which the Waltham company is a component part, would be admissible in proof of the fact? Pick out if you can one that is not hearsay or personal opinion. The fact that a small retailer in Montana or Oklahoma says there is a trust is valueless, because you or I or anyone can assert with equal vehemence the same, as the gentleman from Illinois in thunderous tones did, picturing watch-trust presidents on their way to the penitentiary. So the whole superstructure falls to the ground. There is the pitiable spectacle presented of the gentleman from Illinois spreading before the country, to bring discredit upon a prosperous industry, allegations of dishonest dealing and illegal traffic without a scintilla of legal evidence to maintain the same.

In addition to the letters to which I have referred, I call attention to the elaborate communication of W. J. Johnston, of Pittsburg, Pa., which appears in the appendix to Mr. RAINEY'S remarks. It may be he bases his charges of a watch trust in part upon what is therein contained. Therefore it is important to unfold the history of this gentleman in his relations to the Waltham Watch Company, that the motive which actuates him may be disclosed and his credibility as a witness determined. He asserts that years ago there was a combination among the leading watch companies of the country. There was indeed an association organized early in the eighties, but disbanded years before the Sherman antitrust law went into effect. One Dueber, a leading spirit in this onslaught, was an officer in that association. He was dropped for alleged dishonorable conduct, and has since by various suits endeavored to establish an illegality in the business methods of the Waltham company. His suits have been dismissed without a hearing on his own allegations as not constituting a cause of action. This is what Johnston refers to when he speaks of a combination of the four leading companies. He mentions certain companies as being blacklisted, but does not give the cause. Doubtless it is similar to his own blacklist, to which I shall advert directly. He mentions his resignation to the Elgin company and his refusal to carry on business with the Waltham company, maintaining it was due to improper conduct on its part. He asserts that the Keystone company repudiated their agreements, which was the cause of the severance of his business dealings with them. That the direct motive of this gentleman may be ascertained and his reliability as a witness gauged, I submit the following. Judge from it whether credence can be placed in his charges. Briefly stated, this is the history:

The Keystone company refused to deal with him because of the untruthful and unjustifiable manner with which their salesmen were treated and the profane and opprobrious epithets applied to the officers of that company. His discontinuance with the Elgin company appears to be voluntary. When his relations had ceased with both these companies he called upon the agents of the Waltham company and informed them of the facts, and said he supposed that would end his dealings with the Waltham company. He was informed that would make no difference. Thereupon he stated he had agreed to act as the wholesale agent of the Dueber-Hampden watches, and asked if that altered the case. The reply was that the Dueber-Hampden had been so involved in litigation with the Waltham company that their relations with that company were strained, and it could hardly be expected that the Waltham company would do business with him provided he should push the sale of their rival's goods and depress their own. Still no change was made. Orders were filled as usual until a short time after, when the following advertisement of the W. J. Johnston Company appeared in the issue of the Jewelers' Circular, July 5, 1905, occupying in bold headlines a page of that journal. Omitting the immaterial matter, it was as follows:

The W. J. Johnston Company, wholesale agents Dueber Watch Case Manufacturing Company and Hampden Watch Company, makers of the Dueber-Hampden watches.

In the construction of these watches there has been attained the highest degree of science, skill, and art as applied to the making of watch movements and watch cases, resulting in that which all must concede to be the leading American watch.

On the opposite page of this journal appears another advertisement of the company:

High-grade watch movements, made by the Illinois Watch Company, Springfield, Ill., and the Hamilton Watch Company, Lancaster, Pa. Are in more general use and are the most highly esteemed for railroad watches.

They are uniformly satisfactory and their excellence is manifested by the confidence they have gained of the critical watch seller and the men who depend upon accuracy of time in their daily life.

Such advertising is entirely legitimate, but it could hardly be expected that the Waltham company, believing their watches to be the best in the market, would continue an agency which ignored their products and extolled a rival's as the best in the world.

Now, at this very time when this occurred this man Johnston was under great personal obligations to the Waltham company. To purchase a homestead he had borrowed a large sum of money of one of the officers of the Waltham company, which was not liquidated for some months after this date, and he had had also the terms and amount of his credit with the Waltham company largely extended.

Personal transactions like these ought as a rule to be eliminated from public discussion. In this instance we refer to it to show the ingratitude and meanness of this man.

Inasmuch, therefore, as no evidence is found of any trust or restraining of trade in contravention of the laws of the land, I am led to believe that the gentleman from Illinois has argued the matter from certain established business methods which the Waltham, the Elgin, and other companies have adopted. Whenever a reason in his correspondence is given that a trust exists it is substantially one of these: Uniformity of prices and charges; the manufacture of exactly similar lines of goods; the selection of certain jobbers for their lists and in some instances the handling of their goods exclusively by selected dealers. If either one or all of these constitutes a trust, then the whole business of the country that amounts to anything is a trust, and the gentleman must put all the presidents of all the companies in the chain gang.

On analysis, however, it will be found, as was the case in his misconception of foreign trade, that a conservative business caution only is observed in the rules and regulations of trade. The principles underlying them, as a rule, are applicable to all lines of business. Merchants do select their customers, do make uniform prices for the same grade and quality, do blacklist some of their customers. Sales are largely made on credit. These sales are determined by the buyer's rating; these ratings are not by any unchangeable standard. First, there is the moral risk, the buyer's reputation, character, honesty, and square dealing. Second, his business ability, as his success in his line has shown. Third, his financial strength, either his own or the guaranty of others. Fourth, promptness in meeting his obligations. Any one of these may determine his credit. The lack of any one of these, especially the first, puts him upon the blacklist. No display of financial strength alone suffices. Every large merchant has a blacklist. Every scrap of information obtainable affecting the basis of credit of his customers is preserved. The list is constantly changing. If the blacklisted watch dealer could pass a disinterested judgment on his own case, he would know the reason therefor. No merchant will discontinue a customer without cause; usually he will go to the limit of prudence before turning the customer down. It is much easier to lose a customer than to secure a new one. The merchant sells to those only who according to his data it would be reasonably safe to do.

Now as to the uniformity of price in grade and quality. The great shoe companies of Massachusetts are an illustration. W. L. Douglas, the largest manufacturer in the United States, sells his products at a uniform price of $3.50 for a pair of shoes. The Regal Company, the Emerson, the Crawford, the Walk Over sell at the same price. Substantially their shoes are of the same grade and quality. A variation in price would sacrifice the trade in either provided for the same grade and quality their price was higher. They must sell at the same price, for a discriminating buyer selects the same article at the lowest price. The Elgin and Waltham companies produce certain watch movements of equal grade and quality, and of course secure the same price therefor. The Hamilton Watch Company a few years ago reduced their price. The other companies making the same grade and quality at once reduced theirs. They had to or lose their business. The gentleman calls the Hamilton an independent company. But independent or regular, all obey an economic business principle.

It is a question, then, of preference in movements and not cost, so for the same reason we buy a Douglas, a Regal, a Crawford, or an Emerson shoe. If, now, it is argued there is a trust because, for example, the number of jobbers is limited, the charge is applicable, following the same illustration, to the great shoe factories of the country. Their sales are confined to their own stores, or to selected dealers. The concentration of business and the facility in handling goods determines their policy. The larger the business the more concentration

is inevitable. The multiplication of jobbers would frequently cut off all profit, making the trade of each too small to handle the goods.

But why, Mr. Chairman, spend further time in stating business truths? The only justification is the utter incapacity of some of our Democratic friends to understand methods of business which it would seem they ought to learn by intuition, because these methods, absolutely honest and necessary, appear to them to be a trust bogey stalking abroad throughout the land.

Years ago I was a representative in the legislature of Massachusetts. At that time Waltham was represented by a Democrat, and had been for several years. Business was depressed. The Waltham Watch Company had had a checkered career. It was a struggle to place its goods, with only partial success. It, apparently, could not meet foreign competition; the country was flooded with Swiss-made watches, manufactured by low-priced labor. The population of the city was small, with no indication of an increase. With the imposition of tariff duties a miraculous change occurred. The company increased its capacity by leaps and bounds. The city doubled and trebled in population. Its employees likewise prospered, and New England homes sprang up on every hand. Its citizenship became among the most intelligent and progressive in the Commonwealth. Each for all and all for each was the motto of their business world. Fair and just treatment, adequate wages, and justice in business dealings made a contented people. Such is the history of this country under the protection afforded by a Republican policy. Twenty-six thousand operatives in our cotton mills in Massachusetts have just had an increase in their wages of 14 per cent and 10,000 in the woolen mills of Lawrence an increase of 10 per cent. These object lessons no sophistry or theory or misrepresentation can successfully combat. They will keep the country with Republican tenets controlling in the years to come, even as Waltham, appreciating the situation, has for years rolled up at each national election an overwhelming majority for the Republican party.

Mr. GROSVENOR. Mr. Chairman, I do not expect to make a new speech. I do not expect to improve upon the able discussion that has been had in this House during this session of Congress. If I may by any possibility suggest some new phases of a very old topic, I should be amply repaid for any effort that I may make. The tariff question in this country is an old one, and it is a political question, and all efforts to take it out of the domain of politics have failed, and always will fail.

George Washington made the first speech that ever was made in the United States, that we have any account of, in favor of a protective tariff. He made it by signing the second bill ever passed by a United States Congress, and which was a protective bill, and so distinctly described in the title. He was followed by his successors in the Presidential office down to and including Madison and subsequently by Mr. Monroe and Jackson. In those days the so-called "Democratic party," or, rather, the party out of which the present Democracy sprung, were all protective-tariff men, and their great leaders were protectionists, and continued so until, by the change of industrial conditions in this country, Mr. Calhoun and others went over to the free-trade idea, and the Democratic party has been permeated by that infection from that day to this. All efforts to extricate the tariff question from party politics have failed. We tried the experiment in 1883 of a tariff commission, and we found at last we were at the same old controversy and political discussion on the questions involved. And so to-day we may say that the Republican party, as such, is a protective-tariff party, and the Democratic party is a free-trade party in spots, a revisionist party in spots, and a party without any idea upon the question in many other spots, and those spots are capable of transformation from one color to another with the rapidity of change that is suggested by the coloring of a certain specimen of the animal kingdom.

I will not attempt on this occasion to go over the arguments in favor of a protective tariff.

I want to start with this proposition. The real question that is coming before the American people this year is not to be a repudiation of the general doctrine of the Republican party and a substitution of the general doctrine of the Democratic party, but it is to be a sort of attack on the outworks of protection in the form of an argument or suggestion in favor of revision of the tariff. My argument, if it is worth anything, will be an argument in opposition to all interference with the tariff at the present time. I am not ashamed of the application of the term "stand-patter" to me. I am exactly that sort of an individual on the subject of the tariff. I shall change only when it can be shown to me that harm to the country comes from the present law, and that a change will benefit the country. Then, in that case, I will agree to such changes as the friends of protection may agree upon.

Now, that does not involve—and I beg the attention of any gentleman who is here to-night to the proposition I make—the fact that a Member of Congress, or a member of the Republican party, stands for no interference at this time with the present condition of the tariff, by no sort of means is a suggestion that we defend every item in the schedules of the present existing Dingley tariff.

The Dingley tariff was made in 1897. It will soon be 10 years of age. There have been mighty changes going on in the industrial system of our country, mighty revolutions in some manufacturing industries of the country, and so it is fair to say that every man hesitates to announce that if he were again engaged in the making of the Dingley tariff schedules that he would put into every one of them exactly the same words and figures that are now in said law. That is not the question involved in this year's discussion. There are many items in the schedules which wise men would differ about, and all men would perhaps say should be changed. But if we enter upon the general proposition of a general revision of the tariff, we are up against a proposition which might bring disaster and ruin to the activities of the times and the whole business interests of the country, so far as our industrial and commercial interests go. To enter upon such a course now would halt the business of the country and paralyze the present prosperity.

While I am on that subject I want to answer the argument made the other night by the gentleman from North Carolina, who seemed to be delighted, absolutely delighted, with the thought that had come to him, that the Republican party claimed that the disaster which came to us in 1893 and some time along before the passage of the Wilson tariff law. There is no stronger argument drawn from the history of American politics upon the question of the tariff than grew out of that very fact that the gentleman seemed so delighted to have an opportunity to refer to. The fact about it was this: The coming into office of Mr. Cleveland, with a Democratic House and a Democratic Senate, which took place in November, 1892, forecast to the people of this country that we were to have a revision of the tariff. It forecast to this country that there was to be a revision downward, toward the position of the Democratic party of a tariff for revenue only. Mr. Cleveland had been elected on a platform that had been forced into the report of the committee of his convention that nominated him from a minority of the committee on resolutions; and the cardinal idea of that platform was that "all forms"—they used that term for the first time—"all forms of protection is a robbery of the many for the benefit of the few." So when it was found that Mr. Cleveland, again at the head of a great and militant party of this country, was backed by a Congress elected upon a platform of that character, the whole country took fright, and the disaster that came upon us in later years was simply the full coming of a period, an epoch, that had been foretold by the election of Cleveland himself.

It did not need the action of the Congress; it did not need the declaration of the body here; it was enough to know that a party had come into power backed with a declaration in favor of substantial free trade, and the whole country became convinced that ruin pursued us. Let me put this proposition to any intelligent man here: Suppose you are a manufacturer of something that is sold in the market, sold in the various States in the Union. I care not whether it be textile fabrics, whether it be manufactures of steel or manufactures of wood or manufactures of anything; suppose you are manufacturing now on a large scale, and conditions are as at present, with the Republican party in power in this House, in power in the Senate, and in power at the White House, and there comes out from that source or sources a public declaration that in the coming session of the Fifty-ninth Congress we will revise the statutes in the direction of a lower tariff. Suppose that could take place, and you believed it to be true, what would you do from now until then? Would you make anything? If you wanted raw material, would you buy it? If you wanted to buy the commodity that you wanted to sell, you being a retailer, would you go to the wholesaler and make with him a contract for future delivery, or would you stand still, as this country stood still from the very moment the clock struck and Cleveland was elected?

There is nothing strange about this. It was the natural and inevitable result of a declaration by the Democratic party that they would destroy the protective tariff. It spread like wildfire throughout the country. It drove to cover every business man

and paralyzed every growing industry. It was the inevitable result, and the only importance that attaches to the proposition now is the fact that a declaration to-day of a purpose and intent on the part of the dominant party of the country to enter upon a systematic revision of the tariff would result in exactly the same overthrow of business and the same unfortunate stampede to cover of every industrial institution of the country. Why not? The very lifeblood of our business organization is hinged upon this system of free trade or tariff, and the necessary, natural, and inevitable consequence of a declaration of purpose on the part of a power sufficient to execute the threat to interfere is quite sufficient to overthrow prosperity and destroy business. So much for that. Therefore and necessarily it is wholly unimportant whether the Wilson bill had been passed or not, whether it had been introduced or not. It is enough to say, and every intelligent and every honest man knows it to be true, that instantly upon the declaration of the election of Cleveland and a Democratic Congress the trouble began, and the trouble never ended until confidence was restored by the election of William McKinley to be President.

It was not 12 o'clock on the day following his election that the steel operators, and among others the Oliver Chilled Plow Manufacturing Company leading in the movement, cut the price of wages of labor in Pittsburg; and from that time forward the destructive influences of the election—not the action, my friend from North Carolina, but the election of an organized body of tariff destroyers, a representative body of men following the leadership of Grover Cleveland—destroyed the industries of this country; and you gentleman did it just as successfully before you had passed the Wilson bill as you did it by the passage of the Wilson bill. [Applause on the Republican side.]

Now, Mr. Chairman, my opposition to interference with the tariff is that we are living to-day in the greatest prosperity this country has ever seen, and I think I am willing to repeat the language of our protective-tariff President by saying that not only is it the most prosperous that this country has ever seen, but, examined from the standpoint of employment of labor, the reward of industry, the market for our productions at home and abroad, and all that goes to make up wealth and greatness in the country, we are living in the most prosperous time that any country ever saw in all history.

There is published in this city of Washington a daily newspaper. It makes its appearance three hundred and sixty-five days every year. Nominally it is an independent paper, without partisan bias. It is a paper conducted with unusual ability. It is a newspaper of far-reaching activity and enterprise. There is no Democratic newspaper on this continent that is as thoroughly Democratic in all its beliefs and opinions and utterances as the Washington Post of to-day; but it is an independent newspaper, and every once in a while it tells the straightforward, undisguised truth about party politics and party purposes. I do not say that it ever tells anything that is not straightforward, but sometimes it argues in such a way that I suspect the politics of the writer of the arguments. But I hold in my hand its editorial of yesterday morning, which I propose to incorporate in my remarks. It is an able and truthful statement of the prosperity of this country, covering every possible branch of the industrial situation, and covering every possible avenue that goes to make a people rich and great and strong and prosperous; and it is the declaration of that great newspaper which is published here in the city of Washington, overlooking the entire world, observing with the keen eyes of a thorough newspaper man. For its proprietor is one of the greatest newspaper men in the United States; a man who knows how to make a fortune out of a newspaper in Ohio, and who knows how to conduct a newspaper in Washington to the very greatest possible ultimate success of a newspaper. And here is his statement:

INDUSTRY AND COMMERCE.

Business conditions and prospects, in the closing days of the fiscal year, are remarkably good, and records are being smashed in several directions. The import and export commerce of the United States for the year just closing is far ahead of any previous year. The imports will reach about $1,225,000,000, and the exports $1,786,000,000, a total of $3,000,000,000. The effect of the meat scandal upon exports of food stuffs has not yet made itself felt, the exports of food stuffs in May having been larger than during last year. The increase of exports of manufactures is about $50,000,000 this year. This, while gratifying, also emphasizes the fact that the principal increase in exports was in agricultural products. Of the increased imports, nearly 20 per cent, or $23,000,000, consisted of luxuries.

The iron and steel industries are running at top notch. Orders for steel rails for 1907 delivery received during the past week aggregate 300,000 tons, and contracts were made for about 50,000 for delivery during 1906. The steel companies have accordingly placed large orders for pig iron, although the highest price of the year was reached last week. The output of pig iron for 1906 is expected to reach 25,000,000 tons. On account of unfavorable weather, the output in May was less than the demand.

The largest dry goods business ever transacted was reported last week, and this in the face of a higher level of prices. The demand for tin plate is so heavy that the largest manufacturers have decided to run through the summer instead of taking the usual holiday. Shoe manufacturers are doing the biggest business in their history. Reports from other special lines of industry are to the effect that business is better than ever.

In spite of efforts in Wall street to circulate reports of poor corn and oats prospects, the outlook for crops of all kinds is good. The wheat crop is expected to reach 713,000,000 bushels, nearly as great as the enormous crop of 1901. Somewhat unfavorable reports of the prospects of the yield of oats and corn have been discounted since by better weather conditions, and the outlook now is for a good yield of both staples. Cotton is making steady progress toward a good crop, in spite of excessive rain in Georgia.

The money market is easy, partly on account of the deferred call for funds with which to move crops in the South and West, and partly on account of light speculation. Railroad shares advanced to a point within $4 of the highest mark on record. Announcement was made of heavy dividend and interest payments in July, many new corporations entering the list of dividend payers. The dividend and interest payments scheduled for next month aggregate $152,594,266, an increase of $6,985,424 over July, 1905. Of these sums, the railroads will pay $36,837,000 in dividends and $66,546,000 in interest, and industrial corporations will pay $28,041,000 in dividends and $9,163,000 in interest. Banks and trust companies will pay $2,500,000 in dividends.

I quote from a recent magazine article by Mr. James Creelman in Pearson's Magazine for July:

NOT THE STATISTICS OF DESPAIR.

Glance at these figures and see whether any gospel of despair can be built upon them:

Since 1870 the population of the country has a little more than doubled. In the same period the total wealth of the nation has increased from $30,068,518,000 to nearly $100,000,000,000, and the public debt has been reduced from $2,331,169,956 to $989,866,772. The national debt of the United States is $11.91 per capita, as against $92.59 per capita in Great Britain and $15 per capita in France. The total money in circulation in this country has grown from $675,000,000 in 1870 to more than $2,600,000,000 to-day. It represents a per capita money circulation of $31.73, as against a per capita of $18.65 in Great Britain, $19.73 in Germany, $17.85 in Canada, $18.46 in Holland, $9.75 in Italy, and $3.36 in Japan.

In the thirty years stretching between 1870 and 1900 the number of manufacturing establishments in the United States more than doubled, and the value of their products increased from $4,232,325,442 to $13,010,036,514, a growth in thirty years of more than 300 per cent.

In that thirty years the average number of industrial wage-earners increased from 2,053,996 to 5,314,539; in other words, more than two and a half times as many men engaged in manufacturing pursuits—and the total of industrial wages paid out increased from $775,584,343 to $2,327,295,545, an aggregate growth of about 300 per cent in industrial wages.

Eighty years ago three-quarters of the population of the United States were engaged in agriculture. To-day only about a third of the population is occupied in farming. Yet so enormously has the productive power of the individual farmer increased that it is only a few months since the Secretary of Agriculture was able to write to President Roosevelt this stirring statement:

"If the farmers' economic position in the United States is to be condensed to a short paragraph, it may be said that their farms produced this year wealth valued at $6,415,000,000; that farm products are yearly exported with a port value of $875,000,000; that farmers have reversed an adverse international balance of trade, and have been building up one favorable to this country by sending to foreign nations a surplus which in sixteen years has aggregated $12,000,000,000, leaving an apparent net balance of trade during that time amounting to $5,092,000,000 after an adverse balance against manufactures and other products not agricultural, amounting to $543,000,000, has been offset.

"The manufacturing industries that depend upon farm products for raw materials employed 2,154,000 persons in 1900 and used a capital of $4,132,000,000.

"Within a decade farmers have become prominent as bankers and as money lenders throughout large areas; and during the past five years prosperous conditions and the better-directed efforts of the farmers themselves have increased the value of their farms 33.5 per cent, or an amount approximately equal to $6,131,000,000."

Here are frank and truthful statements, and it is enough for my purpose this evening to say that this editorial leaves nothing to wish for in the United States to-day. We have a larger export trade than ever before, larger than ever known or dreamed of before. And let me put some questions to gentlemen who doubtless will follow me on the Democratic side of this House. What is your criticism of conditions at home? What do you say about the employment of labor? To-day I was told that a Democratic Member on this floor stated without hesitation in a private conversation that a hundred thousand men were to-day wanted in half a dozen of the Southern States, and that there was suffering there for the want of that number of men to do the work—no suffering for labor. To-day it is said 25,000 men are called for to harvest the golden wheat crop of that magnificent agricultural State of Kansas, and they are sending in every direction and paying fabulous prices for help in their harvest.

The Democrat says that is true, that is all right, that there is a great demand for labor, high prices being paid for labor, but he points to the enormously high prices that he says the laboring man has to pay to live. Well, I do not believe there is a laboring man in this country, who can speak any language, who would not prefer his wages of to-day, coupled with his expenditure for living of to-day, as compared with the condition from 1892 to 1897. That is the real test, and let somebody tell me what is wrong now with our industrial system at home. Why should we enter upon a revision of the tariff for the pur-

pose of bettering our domestic condition? Do you want higher wages for the laboring man? Do you want greater employment? Do you want a better market? What is it you do want? Tell the people of the country, or cease your clamor upon this question.

Mr. SMYSER. They want the offices. [Applause and laughter on the Republican side.]

Mr. GROSVENOR. My friend says they want the offices. Well, that is a disease not peculiarly confined to the Democratic party. [Laughter.]

Now, is it our foreign trade that you want to improve? We are selling more commodities abroad now than we ever sold in all our history. I shall put into my remarks some figures. I am not going to stop now to go into figures to any very considerable extent, but with the permission of the committee I shall decorate my speech with some figures, to show that the balance of trade in our favor is running mountain high, and I shall have something now to say directly about that subject of the balance of trade, because it is the most important factor in our nation's prosperity.

But you say, "Why, you are selling abroad cheaper than you sell at home." I hold in my hand a telegram sent by the Associated Press from London, and published in the Washington Post of this morning, and I want to state to you my proposition in regard to when a tariff is too high and when a tariff is too low and when a tariff is just right. A tariff is too high when it prevents any possibility of competition to keep the American production in a fair position with relation to the wages and to the cost of the product. Whenever there comes into this country a considerable quantity of a commodity of ordinary use in the community from a foreign country, a production that we produce here, that we have raw material to make and have labor to make it, and have a market to sell it in, the tariff is too low.

That is my suggestion, and I take that position in the interest of American markets, of American labor, and American capital. [Applause on the Republican side.] Last year there was imported into this country somewhere in the neighborhood of $30,000,000 worth of steel and iron productions. Some of that was, perhaps, articles that we do not manufacture. Whether it is or not I do not know, but it is enough for me to know that there came into our markets and was sold in this country a product of European labor that was worth in the neighborhood of $20,000,000 of American money, and when I say that I say that upon the question of this product of human endeavor our tariff is not too high. That is my test, and I believe it is a good one.

I hold in my hand a dispatch from the Associated Press from London, dated yesterday. It says:

AMERICA BUYING ENGLISH STEEL.

LONDON, *June 26, 1906.*

English works report the existence of a large inquiry for steel for America. Fully 10,000 tons were sold last week for quick dispatch to America at a price equal to $24.50 f. o. b. Orders totaling about 50,000 tons are also on the market.

Mr. WATSON. Is that steel rails?

Mr. GROSVENOR. It says steel. I do not care, for the purposes of this argument, what it is, but it is steel and the manufactures of steel. When that fact exists I say that the tariff on that commodity is not too high.

But, Mr. Chairman, I must hasten along. My objection to entering on this subject in a political campaign, such as we are to have, is that there would be no consensus of judgment or opinion as to what ought to be done with the tariff if we entered on the work of revision. We have in this House now, and we have in the editorial representatives about this Capitol, a good many men—able men, bright, clear-headed men, representative men of the industries of their States—who favor revision of the tariff. It has got to be a kind of a song that is sung. We hear it echoing from the plains of Iowa, where self-seeking politicians are seeking to rise into power upon a mere ill-defined proposition that no man apparently yet understands. If you would address a letter to every Representative here, Democrat or Republican, and every newspaper writer that writes editorials in this city, and to every editorial writer in the United States, and ask them for the list of articles of the tariff that, in their judgment, ought to be changed, ought to be lowered or raised, and you could get an answer from every one of them stating their honest convictions, the music that surrounded the Tower of Babel would be a plain song of harmony flowing along the gentle lines of equality as compared with the babel and confusion that would come up. [Applause on the Republican side.]

Mr. CLARK of Missouri. I would like to ask the gentleman one question.

Mr. GROSVENOR. Certainly.

Mr. CLARK of Missouri. Is it not a fact that the majority of all the Republicans in Iowa have declared for Governor Cummins for governor for reelection for a third term as a tariff-revision candidate? [Applause on the Democratic side.]

Mr. GROSVENOR. I do not know that he is to be nominated as a revisionist.

Mr. WATSON. It has been reported in the newspapers of late that he has said nothing this year in regard to the tariff.

Mr. LACEY. He has never mentioned the tariff in his campaign.

Mr. CLARK of Missouri. Well, I will tell you what he said last fall. He said that all the robberies committed by all the life insurance companies in all time did not equal one-fifth of the robberies inflicted by the Dingley bill in one year. [Applause on the Democratic side.]

Mr. GROSVENOR. Any man who would say that is unworthy of the confidence of any one American citizen, let alone the majority of people of a great State. [Applause on the Republican side.] Such a man as that is a malicious fabricator and a disgrace to every decent aspiration of American citizenship.

Mr. CLARK of Missouri. He has been elected governor of Iowa twice by the Republicans, hasn't he?

Mr. GROSVENOR. Yes.

Mr. CLARK of Missouri. And he is going to be elected again, and it shows that Iowa is in favor of tariff revision.

Mr. GROSVENOR. I do not concede the suggestion. When the Republicans of Iowa meet in convention and adopt a platform we can tell more about that. But what they do or do not do will not shake the Republican party off from its moorings. The party is as soundly a protection party to-day as it was under the splendid leadership of Harrison, McKinley, Dingley, and Hanna, who lead in the great battles we have fought and won and the fruits of which victories the people of this country are now reaping in such generous measure.

Let me tell the gentleman, lest he should be too happy—I always like to see him just happy, but not too happy—that Governor Cummins has eschewed the tariff question during the last six weeks in his campaign, and I defy the gentleman to put his hand upon an utterance of his during the last six weeks that by any means sustains the proposition he has made here to-night.

Mr. CLARK of Missouri. One more question. Does the gentleman believe that Governor Cummins has changed his mind since he made that speech before the Polk County Club last fall?

Mr. GROSVENOR. Oh, I don't know anything about the Polk County Club.

Mr. CLARK of Missouri. That is the county that Des Moines is in.

Mr. GROSVENOR. And I don't know anything about any speech by Governor Cummins, to which my friend refers. "One swallow does not make a summer." Let me finish what I tried to say to the gentleman before. When the Iowa convention, which is to be held on the 1st of August, shall adopt an expression in favor of a revision of the tariff, without qualification, it will be time enough for the gentleman from Missouri to get happy, and not until then. [Applause and laughter on the Republican side.] It is not very many days since there was a Democratic convention held in the State of Tennessee, a most boisterous and heroic convention. There was a gala time down there, and everybody was happy, and the Democratic goose was elevated very high above that capitol. The convention remained in session four days, and the Democrats of Tennessee had the time of their lives. They passed a whole lot of resolutions, and they talked about everything in God's world, from the beginning of time down to the present time, except the tariff question, and they never said a word about revision, low tariff, or anything else. [Applause and laughter on the Republican side.]

Mr. CLARK of Missouri. Does the gentleman not think now that he took rather a long running jump, when he jumped from Iowa and lit in Nashville? [Applause and laughter on the Democratic side.]

Mr. GROSVENOR. Well, I did not run from Iowa. It was the gentleman who ran up to Iowa, and I was trying to run him down among his friends down South. That is what I was after. [Laughter.] I wanted to run the gentleman down to the place where Democracy is in full bloom, to a State where there are more Democratic protectionists than there are Republican revisionists in the State of Iowa. [Applause on the Republican side.] But let me tell the gentleman something else. Don't go as a missionary into any of these northern revisionist States this year. The gentleman has work enough to do nearer home. Go to Alabama, a State that is prospering and growing as a result of the fruits of the protective tariff. Go to Tennessee, go to all the Southern States, and be careful to omit to preach the doc-

trine of revision of the tariff in the hills and valleys and rich plains of Missouri. If he does, he will get left again as he did a year ago. Now, let me go on. I am using up too much of my time, and I intended to be very solemn and serious to-night.

I want to make a single proposition. I shall fill out the joints of this broken discussion with some figures to which I have referred. The Democratic party is a party of opportunities. It never has hesitated since 1860, when it ought to have gone out of business and stayed out, to adopt any new idea that comes fluttering along. The party had got pretty well established up to 1904 in favor of the doctrine of a low tariff and free and unlimited coinage of silver. If I say anything in my address to-night that is going to be valuable to the student of American politics in this regard it will be along the line I desire to speak upon now for a few minutes. The platform of the Democratic party of 1896 as well as the platform of the party of 1900 was a logical platform—pernicious, but logical. It was possible to carry out that platform if the Democratic party had succeeded in getting into power. It could have had a low tariff and free and unlimited coinage of silver. It could have had money enough to manage to get along upon that proposition, but unfortunately two defeats of the party drove it suddenly over on to new ground. They went out to St. Louis and considered the subject. They ought to have been more courageous. They ought to have stood by their guns and died there, rather than to have made an inglorious retreat to another platform, which I will show was impossible of execution had the party been successful. That was the longest jump that any gentleman has made who is now within the sound of my voice [applause and laughter on the Republican side]—made by the gentleman from Missouri [Mr. CLARK] who jumped from a logical proposition of a low tariff and free and unlimited coinage of silver to the absurd and impossible proposition of a low tariff and a gold standard, and I will try to show you why. What is the fundamental and underlying proposition in our commercial predominance to-day? It is simply because we sell to other people more of the productions of the industrial system of the United States than we buy from them. Without that balance of trade this Government would not be a prosperous one. We point with a great deal of pride to the fact that during the Administration of Mr. McKinley and Mr. Roosevelt there has been a greater balance of trade in the aggregate in favor of the United States than in all the previous history of the United States put together. I am going to try to show you now that the platform of Mr. Parker, the Western Union Telegraph platform upon which he ran for President, born at midnight in the city of New York and telegraphed to St. Louis and forced down the throats of my friend from St. Louis and other astonished Democrats, who woke up suddenly and bowed to the dictation of Wall street—I am going to try to show you that it was as much impossible for them to have carried into execution that platform as it would have been for them to have flown in a kite from St. Louis to New York on that occasion.

We have in this country about $2,700,000,000 of gold coin. Underlying everything that is of any value in this country is gold, as I will show you. Other provision may be made and is made for interchange about commodities, silver, bank notes, Treasury notes, other species of money, all of which under Republican administration is of equal value, but underlying every dollar of it and that which makes every dollar of it of equal value is the gold of this country, and as I have said, there is some $2,700,000,000 of all these varieties of money, and between $800,000,000 and $900,000,000 of that money is gold, probably a greater proportion now. I will treat it as $800,000,000 for my purpose. That $800,000,000 is underlying our credit. It holds up to the standard of equality of value every dollar of our money. If that gold should be drawn out of this country, the credit of the country would collapse instantly unless it should be possible to replace that coin. Suppose we should wake up to-morrow and should suddenly learn there had been put into the Treasury of the United States and disseminated in equal proportions as now exists of the money of the country $800,000,000 of paper money, promises of the Government, if you please, and that during the night the $800,000,000 of gold had suddenly disappeared and gone abroad into other hands and no prospect of any gold being returned to supply the place of the coin which had disappeared. There would be a collapse of the business of this country that would be absolutely stupendous and forever irremediable. Where do we get this $800,000,000 of gold? Where does it come from? How do we happen to have it? We have it simply because under the Administrations which have preceded this one and during this Administration thus far we have had the gold standard and the protective tariff, and those two propositions coming together have put the balance of trade in favor of the United States and drawn to this country $800,000,000 of gold and remains and will remain while Republican administration remains. [Applause on the Republican side.]

Every dollar subtracted from that $800,000,000 lessens the substantial character of our credit system. It makes the difference of the balance of trade. I have no time to indicate year by year how the balance of trade, which had been running against us and which ran against us during part of the Cleveland Administration, has grown up and constantly reestablished itself, until to-day it is the great power that is drawing from all the world the gold of the world and bringing it into the United States. Now, what do the Democrats say about that? They say there is nothing strange about that; it is very easy to account for it. All of a sudden we began to mine a terrific quantity of gold, and the argument is made, and it was made by the gentleman from North Carolina, that the claim of the Democrats of 1896, of Mr. Bryan most eloquently and ably from the standpoint of absolutely bad politics, that we wanted more money, and now they say because we have got more money, and they point to the enormous incursion of gold into our circulating medium, they cry out and say "that is exactly what we wanted. We have got it, and prosperity is here." Let me give you a few figures. In the first place, Mr. Chairman, I shall put into my remarks the annual production of gold in the United States since 1890 and 1891, and I state now that you will find that the discrepancy, that the tremendous ratio of increase that the Democrats are talking about, is a dream of theirs. There was a large increase, but not anything like the increase as compared with the discovery of California as compared with the population of the country.

I will show you that immediately following, I state it now, that immediately following the discovery of gold in California, and immediately following the delving out of the earth of $800,000,000 of gold which we had between 1848 and 1860, we had the hardest times we ever had in this country in 1857. And I am going to show you something else about that gold. I may as well go to it now. Between 1848 and 1860 how much gold do you think was discovered, not in foreign countries, but dug out of the earth in the United States? How much? Eight hundred million dollars, an amount equal to just about the gold we have in this country to-day. In 1848 we had $150,000,000. We dug out of the earth $800,000,000; that made $950,000,000 of gold that ought to have been in the United States in 1860. We had a low tariff; we had the Walker tariff down to 1857, and then a low tariff. I want you to get that into your minds. It was a period of low tariff. Where did the gold go to? Where was that gold—the $950,000,000 of gold—that we ought to have had in 1860? I do not know; but I do know that in 1860 we only had $200,000,000 in gold in the United States. Answer that question, my Democratic friends. Where had it gone to, and why? Two hundred millions out of nine hundred and fifty millions. Seven hundred and fifty million dollars had fled. Why? Because on every recurring year there had come from the Treasury of the United States the fateful statement that the balance of trade had been against us, and gold had fled. Why was the balance of trade against us? Because, under a low tariff, we were buying our goods from abroad and sending the gold abroad to pay the difference between our accounts current against the foreign trade and their accounts current against us. [Applause on the Republican side.]

Now, do not talk about selling goods abroad cheaper than you do at home. My Democratic friends, get out of the ruts of dead propositions. Get away from playing with trifles and tackle some of the facts of history, and see how you are going to get along with it.

Why did we borrow $262,000,000 under the Cleveland Administration? I care nothing about the question of who was responsible in 1893, 1894, and 1895 for our troubles. They were hard times, for the purpose of this argument. It is enough for me to know that in 1894 we had reached the culmination of the declared policy of the Democratic party to lower the tariff. We had held the threat over the country, and paralyzed the business and protective industries of the country; and then there had come a period when the balance of trade ran heavily against us, and we had to borrow $262,000,000 in gold. This in time of peace and to pay our running expenses. Where had that gold been, and why did it go there? Answer that, my Democratic friends. We had been producing this vast quantity of gold all these years. I will put into my speech the figures of 1880, when we only had $200,000,000 left, and show you how much we ought to have had and how little we did have when we were compelled to borrow $262,000,000 and sell our bonds, redeemable in gold, in the markets of Europe to run the expenses of this Government. It was not recklessness on the part of the Government. It was not bad administration, except this fundamental error on the

part of the Cleveland Administration. It was not fraudulent; there were not corrupt men in office. They were men administering a Government upon a false proposition, and that was that you could run a low-tariff proposition and a gold standard. It never can be done.

Now, I have only ten or fifteen minutes left——

Mr. CLARK of Missouri. Mr. Chairman, I do not like to take the gentleman's time, but I want to ask him one question. Is not England a free-trade country?

Mr. GROSVENOR. Yes.

Mr. CLARK of Missouri. Has it not a gold standard?

Mr. GROSVENOR. Yes.

Mr. CLARK of Missouri. How do you make it out, then, that the two things can not go together?

Mr. GROSVENOR. I will take great pleasure in answering the gentleman from Missouri. I have done it often heretofore and I am a little surprised that he should want to have it repeated.

Mr. CLARK of Missouri. I would like very much to hear some sensible explanation.

Mr. GROSVENOR. England is more nearly a free-trade country than any of the great manufacturing countries of Europe, but she falls very far short of being a free-trade country, nevertheless. England can not feed her people upon the productions from her own food-supplying sources. She must buy and import vast quantities of food stuffs, so that any general system of protective tariff would disturb the peace of England by enhancing the cost to the consumer of food. It is true that England maintains the gold standard, but she does it for the precise reason and by the same means that we do it in this country. That is to say, her tremendous domination of the markets of the world hitherto maintained by her manufacturing system has enabled her to lay tribute, as it were, upon all the countries of Europe and largely of the whole world. In doing so she maintains the balance of trade largely in her favor as against the whole world in the aggregate, and by the same process that, under Republican administration, we have maintained the gold standard in the United States so England maintains the gold standard in her country. But the gentleman from Missouri must bear in mind that while until very recently the British people maintained this gold standard without complaint, a cry of dissatisfaction has gone up all over England; and while it is true, as the gentleman says, that the Balfour government received an overwhelming defeat recently, it is equally true that there was a peculiar and remarkable and startling uprising of the rank and file of the English people in favor of protective tariff. The farmers of England overwhelmingly supported the proposition, but the people of the great cities, fearing lest a general tariff system would increase the cost of living, voted down the proposition and elected the opposition government, but it is not believed that they can long survive the steady incursion of American products and American tradesmen into the markets of Great Britain. We export enormous quantities of food. She imports vast quantities of food. I was told by a gentleman who claimed to know, and, I think, did know, that if there was drawn around the islands of the United Kingdom a cordon of ships which would exclude all breadstuffs and food stuffs from going into England, Scotland, and Ireland for ninety days, there would be suffering and starvation. Therefore England could not put a protective tariff upon food stuffs. She could not build up her farming industry by a tariff on food stuffs, and that is the reason why the farmers of England are crying out as they are. Our farmers under our system of protection are growing richer year by year. The farmers of England are growing poorer year by year. Our duties on the productions of other countries give us the home markets, and our exports are growing daily. Before such object lessons as these, theories go for nothing. The teachings of the schools fail of securing the approval of sensible men in the light of the teachings of experience.

Mr. CLARK of Missouri. Did not Balfour and Chamberlain get the worst thrashing that any two statesmen ever got in the world this year on that very proposition?

Mr. GROSVENOR. They did not get as bad a thrashing as my friend did two years ago.

Mr. CLARK of Missouri. Well, there is a majority of 353 against them in the House of Commons.

Mr. GROSVENOR. And we have got 116 in this little body of ours.

Mr. CLARK of Missouri. But 116 is not equal to 353, is it?

Mr. GROSVENOR. The gentleman must bear in mind that the House of Commons has 700 members—nearly 800 members.

Mr. CLARK of Missouri. Now, another question. I understand you maintain this position: That the country that can not raise food stuffs enough to feed its people can not maintain a high protective tariff?

Mr. GROSVENOR. I say so.

Mr. CLARK of Missouri. What about Germany, then?

Mr. GROSVENOR. Germany does not have a high protective tariff, and she buys much of her food abroad. [Laughter and applause on the Democratic side.]

Mr. CLARK of Missouri. Why, Germany imported $153,000,000 worth of things to eat from the United States last year.

Mr. GROSVENOR. Very well. But Germany could have fed all her people without importing one dollar's worth from the United States, and I challenge the gentleman's figures.

Mr. CLARK of Missouri. Then why did they import it?

Mr. GROSVENOR. Because they could get it better and cheaper here than anywhere else. Germany has not in any proper sense a protective tariff at all, except upon the products of her artisans on certain special articles of her industries.

Now, Mr. Chairman, I have but a few moments left me. A good deal of my time has been taken up in that which has amounted to a deflection from the line I had chosen to speak upon.

I challenge Democrats on this floor not to go abroad for suggestions that they can not prove and hurl them across this House without anything to back them up.

We are not legislating for Germany or for England. Take our own country and tell me why it is that whenever the Democratic party is in power the balance of trade runs against us and the gold flees from us. If you want to account for this, let me ask you another question. You say that the gold that was discovered in the Klondike and in South Africa came and flooded this country. Answer me another question. Do not get up and answer it now; answer it when you have thought, because it is a troublesome one.

How much of the gold, now amounting to over $1,000,000,000, or whatever it is, how much of it do you believe, my Democratic friends, would you have had if you had had the administration of this country during the past ten years? How much of the gold of California stayed here? I have shown you how much. I have shown you $750,000,000 of it fled. What was that thing that drove that gold out of the United States, that would not have driven the gold that has accumulated during the past ten years out of this country? You would have made the silver dollar the standard of this country. How can you say that there would have been a dollar of money in circulation of this money that was worth two of your silver dollars? How much more would there be in circulation in this country than the amount to-day circulating in Mexico? Some little gold is going into Mexico because of the change of system of Mexico very recently made. Would not the gold of this country have fled as the gold of China has fled, until within the last few months there was not a gold dollar, nor a gold pound, nor a gold sovereign, or anything else gold circulating in the Chinese Empire? Why not? Because there was a standard of money that was far below the standard gold dollar in value. The answer to it all is met in the fact the balance of trade is not in our favor in this country when you have a low tariff.

I have only a few minutes, perhaps, to speak. Let us see how it has operated.

Between 1848 and 1860, inclusive, the production of gold in the United States amounted to $651,000,000, and of this $651,000,000, $650,000,000 was from California. As to the amount of gold in the United States in 1848, to which was added $651,000,000, there are no satisfactory or reliable statistics, but it is enough for my purpose to say that in 1873, when reliable statistics appear, we had about $135,000,000, all told, of gold in the United States. All the rest had been driven away by the process which I have already stated. It appears that on the 1st of July, 1860, there was $235,000,000 of all kinds of specie money. This included the money in the Treasury and the money in circulation, but no one can tell what the proportion of gold was. So it is probably a fair statement to say that, as I have already stated, on the 1st of July, 1860, the supply of money, which ought to have been $950,000,000, had fallen to $200,000,000. The Treasury statement for June 1, 1906, shows that the gold in the United States, including in this term gold coin in circulation and coin and bullion in the Treasury, amounted to $1,466,921,374, and the general stock of money in the United States of all kinds as $3,057,901,107. Now, let us take the gold production of the world from 1888 to 1904, and let us see how much there is to bolster up the waning fortunes of Democratic politicians upon this topic:

1888	$110,196,900
1889	123,489,200
1890	118,848,700
1891	130,650,000

1892	$146,651,500
1893	157,494,800
1894	181,175,600
1895	198,763,600
1896	202,251,600
1897	236,073,300
1898	286,879,700
1899	306,724,100
1900	254,576,300
1901	260,992,900
1902	296,737,600
1903	325,961,500
1904	346,892,200

Thus it will be seen that the increase was not in such a rapid ratio would justify the claim that the production of gold revolutionized the business conditions of the United States. All the gold of California could not prevent or halt the awful conditions of 1857. The rapidity of their oncoming was lessened, but the storm swept over us and left wrecks of business never to be repaired and swept away private fortunes never to be replaced.

To again advert to this matter of balance of trade, how is it maintained, how is this vast sum of gold retained in the Treasury? That is a most important factor and one well worthy of our most careful consideration. Divide the population of this country into three great classes—first, the farmer; second, the manufacturer, and third, the laborer. For the purposes of my argument this division is sufficient, and covers substantially the whole population. Who eats the production of the American farmer? You may say the farmer himself and his family and laborers. That is true; but who eats the surplus; who buys it? Men who do not produce the article. Who are they? All the people who are not working on the farm, and in the exact ratio of their purchasing activity is the prosperity of the farmer. The farmer can live—that is, he will not starve—if nobody comes near to buy his surplus; but he must have a market for his surplus or he can not improve his farm, he can not educate his children, and he can not keep up with the march of development of his own country. So he must look to the nonproducer to be the buyer, and that nonproducer is the laborer, the capitalist, and the manufacturer. In order that these nonproducing people can have money to buy the product of the farmer, they must have employment, and they get it by the employment of labor in manufacturing industries.

Where does the manufacturer get his money to pay the laborer who works for him? All I have said about the farmer applies to the manufacturer. He must have money and he must get it from the men who do not manufacture like articles with himself, and it follows if the money of the American consumer of manufactured articles is sent to Europe and invested in the products of European labor, there will be by that amount so much less money in the United States to be expended for manufactured articles and farm products. So the money that is sent abroad lessens the amount of money expended in this country, and by that same process the wage-earners are cut down to that extent. And every dollar of foreign trade balances being adjusted and paid in gold, it follows necessarily that the gold of the country is drained to the foreign market, while the production of labor gluts our own market here and hard times ensue. There is no difficulty to work this problem out. It is as easy and as safe and as certain as any problem in mathematics can be. Every time you reduce the grand aggregate of money paid out in this country for labor and products and send it abroad you lessen the amount of gold in the United States—gold, which is the underlying basis of our trade operations, is lessened in quantity and sent abroad to pay the balance of trade against us, and in that way you will soon work out the problem that I have stated as fundamental, that you can not have a low tariff, a tariff for revenue only, and maintain the gold standard in this country. That might as well be abandoned one time as another. It has operated exactly in proof of my assumption from the foundation of the Government, and it will go on as long as inevitable figures operate as a demonstration. [Applause.]

I add a most valuable article which was published in 1904 in the Philadelphia North American:

[North American, October 5, 1904.]

THE GOLD AND THE TARIFF.

At the present moment we have in circulation in this country of money of all kinds about $2,600,000,000. The paper and silver currency rests upon and obtains its value and effectiveness from the store of gold that we possess. The gold in the National Treasury and in circulation in September, 1904, was $841,000,000. Thus there was about $1 of gold for every $3 of general currency. But the gold has another burden to carry and to impart value to—bank credit. The precise figures representing this bank credit are not available, but beyond question they amount upward far into thousands of millions of dollars. To retain in the country the stock of gold is therefore manifestly a matter of the first importance. No well-informed man needs to be told that if the metal should go abroad in large quantities the American people would encounter financial distress and industrial prostration.

If past experience has any lesson for this nation, it is that the one thing that will send gold away in great sums is large reductions of the duties upon imports—in other words, the kind of tariff reformation to which the Democratic party is solemnly pledged.

What is the experience referred to?

In 1846 and in 1852 this same Democratic party, in control of national legislation, put into operation tariffs which went as far as the party dared to go in the direction of outright free trade. The first of these tariffs was enacted almost simultaneously with the discovery of gold in California—the gold that was needed more than any one thing to promote and expand the industrial forces of a nation that had never possessed anything like a sufficient quantity of real money.

If the protective system as the nation knows it now had been at that time in existence, there could be no doubt that all, or nearly all, the gold unearthed in California would have remained here to benefit our own people. But with our ports wide open to European manufactures the country was flooded with European goods which we might have made at home, and practically the entire mass of California gold was hurried across the Atlantic to pay for them.

In the meantime, the American people, instead of employing gold for currency, as they might have done, were compelled to use rag money of such filthiness and variableness of value as men of the present generation can hardly understand. In the meantime, also, the revenues of the Federal Government, deprived of customs duties in sufficient measure, fell so far below the necessary expenditures that the Treasury was obliged to borrow money for which (so low had the national credit fallen) it was compelled to pay 12 per cent.

The inevitable result of all this blundering and folly was that in 1857, with the Democrats still in power, the nation was involved in one of the worst panics recorded in its history—a panic in which private business and public credit were shaken to their foundations.

In a different degree, but in precisely the same manner, the same thing happened during Grover Cleveland's second Administration. In 1892, the year before he came into office, our total exports were $1,016,000,000. In 1895, two years afterwards, with the Wilson tariff in operation, the exports fell to $793,000,000. Thus we sold less material to foreigners, and for what we bought we must pay more gold instead of paying in produce.

Gold began again to flow to Europe in a great stream. In 1895, for the first time in many years, the expenses of the Government again exceeded the income; the public debt was increased from $585,000,000 in 1892 to $847,000,000 in 1896, and before Mr. Cleveland had been in office two years there was a panic and prostration of industry precisely like that which brought misery and ruin to the nation in 1857.

The number is small of persons who can remember the disasters of 1857. Millions of living men know from observation what happened in 1893. The younger men, who have come into adult years since 1893, will do well to study the complete history of that time of destruction and distress, and the causes of the trouble.

It is hard to believe that intelligent Americans who know the facts will consent to make a third experiment along the line of the Democratic theories and in the direction of another exodus of gold, another panic, and another period of business disaster.

The Dingley tariff went into operation in 1897, and in the six years following its adoption we sold to foreign countries of our products $3,614,000,000 worth more than we bought from them. This enormous (and still increasing) balance of trade in our favor, and this alone, keeps the gold here, and adds continually to the dimensions of our stock. There will never be another gold drain from our shores to Europe while we have a good protective tariff; but no man can safely assert, in the light of the facts presented above, that such a tariff as Judge Parker and his friends are pledged to will not leave us without enough gold for the safety of our financial situation.

Mr. WATSON. Mr. Chairman, I desire to speak of the beef-trust proceedings. In general interest these proceedings are of the most importance. They were concerned with obtaining for the people an article of prime necessity at a reasonable price. The proceedings were begun by bill in equity, the object being to have the defendants, Swift & Co., Armour & Co., and a number of corporations, firms, and individuals, restrained by order of the court from continuing their illegal combination.

The following characterization of the means used by the defendants in carrying out and making effective their alleged unlawful practices is found in the Attorney-General's argument in the Supreme Court:

Controlling 60 per cent of the fresh-meat industry in this country, they sit down in their packing houses and counting rooms, and, with the aid of the telegraph and telephone, through the instrumentality of countless agents and attorneys spread throughout the country, clothing their transactions and scattering their misconduct by ciphers and secret codes, lower and raise prices at will, and when lowered or raised fix and maintain absolutely the price of every pound of one of the great necessities of life as it comes to our households.

In the bill it was alleged, in effect, that the defendants by means of an illegal combination were perpetrating fraud on all the people by exercising their power to unduly raise the price of dressed beef; that they were oppressing and grievously injuring the farmer by forcing him to sell his live stock at prices unprofitable to him; by issuing instructions to their agents not to compete in bidding after prices had been unduly bid up at various points and the owners of live stock had been induced to make large shipments to those points, and that independent packers were being forced to the wall by the lowering of prices where competition was keen, the losses there being recouped by arbitrarily raising prices where the field had been conquered.

These statements have never been denied in court by the packers. They refused to file a sworn answer to the bill after the lower court had overruled points of law raised by demurrer and appeal to the Supreme Court on those questions and after an injunction had issued against them in that court. They were represented by able counsel and the Government by the Attorney-General.

Twenty-three days after the argument was concluded the court unanimously sustained the Government's contentions, and the defendants were directed to cease their unlawful practices.

Thereafter it came to the Attorney-General's attention that the mandate of the court was not being obeyed. An investigation was ordered, the evidence collected. It was placed before the Federal grand jury, and after a patient and a fair examination an indictment was presented at Chicago charging Armour & Co., Swift, and a number of individuals and corporations engaged in the packing business with violations of the antitrust law.

Meantime the Bureau of Corporations had been making an investigation, by direction of the House of Representatives, contained in the so-called "Martin resolution," into "the unusually large margins between the price of beef cattle and the selling price of fresh beef." The Commissioner of Corporations made the investigation and a report, which was published. In so doing he was furnished information by packers and was given access to their books, except that no information was given to him as to the existence of rebates, the affairs of the National Packing Company, or the results of the selling and shipping business. He summoned no witnesses by subpœna or otherwise, and at the argument it was admitted that he made no promises of immunity.

The packers, although they plead not guilty, were strangely averse (as they had been in the proceeding by a bill in equity) to any hearing upon the merits. They filed pleas attacking the constitution of the grand jury, the jurisdiction of the court, and demurrers to the indictments, which were severally overruled. Then they filed what have been called "immunity pleas." In other words, they claimed that they had received a pardon by virtue of the provision of law which gave to them all the immunities conferred by the act of 1893, amending the interstate-commerce act, which amendment applied to all witnesses summoned in pursuance of the law under which the proceedings were undertaken.

They contended that although they had not been subjected to testimonial compulsion—that is, brought before the Commissioner by subpœna and placed under oath—and had not furnished any incriminating evidence, and although the Department of Justice had not used any of the evidence collected by the Commissioner of Corporations, yet they acted under compulsion in law, because the Commissioner had been directed to investigate them and had authority, under the foregoing law, to compel them to testify and produce documentary evidence.

The "immunity pleas" were sustained as to the individual packers, and they were discharged. The pleas were overruled as to the defendant corporations on the authority of very recent decisions by the Supreme Court in the Paper Trust and Tobacco Trust cases hereafter noticed.

The Government also brought suits against several packing companies of Kansas City, the Burlington Railroad Company, and two individual defendants for making and accepting rebates. The outcome of the litigation was the imposition of a fine of $15,000 each against the packing and railroad companies and $6,000 and $4,000, together with imprisonment for four and three months, respectively.

THE PAPER TRUST CASE.

This was a bill in equity against the General Paper Company and some two score independent paper manufacturing companies, located in the States of Wisconsin, Minnesota, and Michigan, where they manufactured substantially the sole supply of news print and fiber paper for the district west of Chicago and east of the Rocky Mountains. The defendants raised, in the lower court, some very important questions relative to the rights of witnesses under the constitutional provision that "no person * * * shall be compelled * * * to be a witness against himself."

The point and force of the decision of these questions will be stated in the reference to the Tobacco Trust case, next succeeding, for these cases were argued together and the latter contains all the important points decided in this.

The Supreme Court overruled the defendants' contentions. This decision practically disposed of the paper trust's defense, for there was none on the merits, and it submitted without further proceedings. The trust is now dissolved; the benefits of free competition are being received, and it is reported, on reliable authority, that news print and fiber paper are now being supplied to the consumer at the substantial reduction of 30 per cent.

THE TOBACCO TRUST CASES.

These grew out of an investigation by a Federal grand jury, sitting for the southern district of New York, of the American Tobacco Company and the MacAndrews & Forbes Company. Witnesses were summoned to testify to their knowledge of any facts tending to show that these companies were violating the antitrust laws. Subpœnas duces tecum were served upon officers of each company, directing them to produce papers and other documentary evidence belonging to the corporations, and those officers refused. They were adjudged in contempt of court, and they appealed to the Supreme Court. The questions taken to the Supreme Court and decided in favor of the Government were:

First. That a corporation which could not testify, or as a witness produce papers, is not within the terms of the immunity act of 1903, which is in almost the exact language of the immunity act under which the packers claimed immunity.

Second. That a corporation engaged in interstate commerce is not entitled to withhold its books and papers from the scrutiny of the properly authorized officers of the Federal Government, and that the fifth amendment of the Constitution does not grant to such a corporation the right which an individual would have to withhold the same evidence upon the ground that it might tend to incriminate him.

The investigation was again taken up and resulted, on June 18, 1906, in the finding of an indictment against the MacAndrews & Forbes Company and Karl Jungbluth, its president, and against the J. S. Young Company and Howard E. Young, its president, charging them with violating section 1 of the Sherman antitrust law by engaging in a combination in restraint of the trade in licorice paste, that being an indispensable ingredient in the manufacture of plug tobacco and some kinds of smoking tobacco, cigars, and snuff. This trade was restrained in the usual way—that is to say, competition was destroyed, arbitrary prices were fixed, the volume of business was apportioned, and terms of sale and discounts were made uniform. A feature of the combination was that the MacAndrews & Forbes Company, in the division of customers, was allotted the trade with the tobacco manufacturers who were members of the so-called "tobacco trust," while the J. S. Young Company was given the independent trade, the latter company having by its advertisements made special claims for recognition by the independent trade before the date of the combination in question.

This indictment also charged the same defendants with engaging in a conspiracy in restraint of the same trade, and attempting to monopolize that trade (sec. 2 of the act), in and by the acts specified in connection with the charge of engaging in a combination. This case will be brought to trial at the earliest possible moment.

THE DRUG TRUST.

May 9, 1906, suit for an injunction was filed against the drug trust. The principal parties defendant are the Proprietary Association of America, the National Wholesale Druggists' Association, and the National Association of Retail Druggists.

The bill charged, in substance, that these associations, their officers, delegates, and members are all engaged in the business of manufacturing, buying, and selling patent medicines, drugs, and proprietary articles throughout the United States; that they have entered into a conspiracy to arbitrarily fix and regulate the prices at which such articles shall be sold to the consumer, and that they have established rules and regulations to enforce such an unlawful agreement by restricting the purchase and sale of such commodities to those members of the several associations who shall live up to and observe the rules and regulations thus arbitrarily prescribed by the respective associations.

The ultimate object of the alleged conspiracy is to fix the prices which shall be observed by the retail druggists in selling to the consumer the various commodities manufactured by the several members of the Proprietary Association. The plan by which such object is effected is, in brief, as follows:

No retail druggist can obtain goods from a wholesale druggist or the manufacturer of a proprietary medicine unless such retail druggist becomes a member of the National Association of Retail Druggists, and in order to become such member he must agree to observe the established price at which such proprietary medicines shall be sold to the consumer. If he cuts prices, he is blacklisted and is unable to obtain from any manufacturer or any wholesale druggist, who is a member of the association, any of their medicines.

In a case brought by a Philadelphia druggist under the Federal antitrust act the plaintiff obtained a substantial victory. For several months prior to the trial of this case the Department of Justice had been engaged in the investigation of the conspiracy, and the Attorney-General, having reached the conclusion that the combination is one prohibited by the terms of the Sherman antitrust act, has directed the district attorney for the district of Indiana to file this bill. An injunction is prayed prohibiting these associations from acting in concert for the purpose of maintaining prices and the individuals, firms, and corporations who are members of the respective associations

from acting together for the purpose of maintaining uniform prices to the consumers throughout the United States.

THE ELEVATOR TRUST.

March 7, 1906, suit was brought against some thirty companies manufacturing passenger elevators for buildings, the bill alleging an illegal combination which had obtained a practical monopoly in the manufacture and sale of elevators.

The Government's case was complete; the defendants have admitted their guilt and have dissolved their combination.

COAL INVESTIGATION.

The Attorney-General has recently appointed special counsel to make a full and complete investigation into the alleged combination of railroads and coal operators in the anthracite and bituminous coal regions, and the investigation is now proceeding. It promises to be one of the most important steps taken by the Government to break up combinations that are hurtful to the consumers of the country. Already astounding revelations have been made, and even before a report has been made reforms are in progress. When final report is submitted to the Attorney-General, if there is shown to be any ground for criminal prosecution, the Government will take active steps.

NOME RETAIL GROCERS' ASSOCIATION.

The Government's prosecution of the trusts has extended even to far-away Alaska. Complaint was made that there was a combination known as the "Nome Retail Grocers' Association," which had fixed prices and suppressed competition. The Government took action, won a decree in its favor against the combination, and the Attorney-General is advised that the effect has been very salutary.

HAWAIIAN BEEF TRUST AND LUMBER TRUST.

The Government went to the relief of the citizens of Hawaii, who complained against a meat and a lumber trust, and entered several suits. The mere beginning of the suits resulted in the lowering of prices, although the cases have not been decided.

TERMINAL RAILROAD ASSOCIATION OF ST. LOUIS.

In Missouri suit has been brought against the Terminal Railroad Association of St. Louis, the St. Louis Merchants' Bridge Terminal Railroad Company, the Wiggins Ferry Company, and others, in which it is sought to free interstate traffic from an alleged combination to operate the Eads Bridge and the Merchants' Bridge as a common agency of interstate commerce and to suppress competition between these bridges and the ferries. It is alleged that the defendants are monopolizing the interstate transportation across the Mississippi River and into St. Louis. The Government is prosecuting these cases vigorously.

JACKSONVILLE WHOLESALE GROCERS' ASSOCIATION.

In Florida the Government is seeking an injunction against the Jacksonville Wholesale Grocers' Association. Complaint was made by consumers, and the Department has taken up the case with vigor.

THE FERTILIZER TRUST.

A Federal grand jury sitting in Tennessee has returned an indictment against the fertilizer trust, comprising thirty-one corporations and twenty-four individuals. The fifty-five defendants controlled the field in nine Southern States for the sale of fertilizers indispensable to all engaged in raising cotton. Their combination was so effective that the price of different grades was raised on an average of $2.50 a ton. These cases have taxed the resources of the Department to the utmost. The great combinations conduct their business secretly, with the aid of skilled legal advice, and their operations cover an extensive field.

THE SUGAR REBATE CASES.

In New York recently indictments were returned against the American Sugar Refining Company, New York Central and Hudson River Railroad Company, and several individuals. The charge was made that rebates amounting to hundreds of thousands of dollars have been often given to the sugar company to aid it in its fight with the farmers who are conducting the struggling industry of producing sugar from beets. When the sugar trust wanted to overcome the competition of the farmer, wanted to lay such stress upon him that he would give up the contest in despair and dispose of his property to the monopoly, it went to the railroads and borrowed a club with which it clubbed the farmer to death. The grand jury did not complete its investigation, but when it adjourned published a recommendation to its successor that it take up the work.

COAL CARRIERS' CASES.

Proceedings were instituted in 1903 in behalf of the Interstate Commerce Commission against the Chesapeake and Ohio Railroad Company and the New York, New Haven and Hartford Railroad Company. The Chesapeake and Ohio was engaged in the carriage of coal between West Virginia and Newport News, Va., for delivery to the New York, New Haven and Hartford in Connecticut, and the traffic was being moved at less than the published rates, and in such a way as to produce a discrimination in favor of the New Haven road and against others. The Chesapeake and Ohio made a verbal agreement with the New Haven road to sell to the latter 60,000 tons of coal, to be carried to tide water and thence by water to Connecticut, for delivery to the buyer, at $2.75 per ton. The price of the coal at the mines where the Chesapeake and Ohio bought it and the cost of transportation from Newport News to Connecticut aggregated $2.47 per ton, thus leaving to the Chesapeake and Ohio only about 28 cents per ton for carrying the coal from the mines to tide water, while the published tariff for like carriage for private shippers was $1.45 per ton.

The court held that the contracts amounted to undue discrimination and enjoined the Chesapeake and Ohio from continuing the contract. Afterwards the Interstate Commerce Commission requested that the injunction be expanded to command the Chesapeake and Ohio perpetually to observe, in the future, all published rates. From the decision of the trial court an appeal was taken to the United States Supreme Court, and February 19, 1906, the latter court held that the injunction should be enlarged by perpetually enjoining the Chesapeake and Ohio from taking less than the rates fixed in its published tariff of freight rates for the carriage of coal.

This is a very important decision. Under it a railroad can not, by choosing to be a dealer, favor one customer over another. The intent of the law is to secure equal rates to all in a like situation, and to destroy favoritism.

UNJUST CLASSIFICATION.

Proceedings were instituted in Ohio in July, 1904, in behalf of the Interstate Commerce Commission against the Cincinnati, Hamilton and Dayton Railway Company, the Pittsburg, Cincinnati, Chicago and St. Louis, the Pennsylvania Railroad, the Cleveland, Cincinnati, Chicago and St. Louis, the Lake Shore and Michigan Southern, the New York Central and Hudson River, and the Baltimore and Ohio.

The court, on November 25, 1905, enjoined the defendants from violating the order of the Interstate Commerce Commission with respect to unjust classification of the commodity involved.

DISCRIMINATORY AND UNJUST RATES.

June 17, 1905, a bill in equity was filed in Louisville against the Illinois Central and several other railroads for discrimination and unreasonable rates. This case is still pending.

July 15, 1905, a bill in equity was filed in the northern district of Mississippi against the Mobile and Ohio Railway for the purpose of preventing discrimination in freight rates. This case is still pending.

ACCEPTING REBATES.

An indictment was returned in October, 1905, in the western district of Kentucky against Szorn & Co. for accepting rebates in violation of the Elkins law. The defendants pleaded guilty and were fined $3,075.

October 13, 1905, two indictments were returned in the western district of Kentucky against Charles Wells and Hollis H. Price, charged with conspiring to make false weights and reports of weights of articles of interstate commerce. Price was fined $1,025. The case against Wells was continued.

EVADING PUBLISHED RATES.

November 13, 1905, a petition was filed in the eastern district of Wisconsin against the Milwaukee Refrigerator Transit Company, the Pere Marquette Railway Company, the Missouri, Kansas and Texas Railway Company, the Erie Railway, the Chicago, Rock Island and Pacific Railway Company, the St. Louis and San Francisco Railway Company, the Wisconsin Central, the Chicago and Alton, and the Pabst Brewing Company.

It is alleged that the Pabst Brewing Company is a large shipper of beer and the Milwaukee Refrigerator Transit Company is a transportation company owning and operating private cars, to which was given the control of the shipments of the brewing company by contract; that some of the principal stockholders of the brewing company were the controlling owners of the transportation company, and that while the full published rate was paid to the railroads they returned to the transportation company, by way of commission, 12 per cent of the gross freight rates.

The Government claims that this transaction was in effect a device whereby the property was transported for less than the published rates. A demurrer was overruled and, therefore, the Government's legal action sustained. Since then a decree in favor of the Government has been entered, after full argument.

INDICTMENTS FOR RATE CUTTING.

July 1, 1905, indictments were returned in the northern district of Illinois against three officials of the packing house of the Schwarzchild & Sulzberger Company (believed now to be an independent concern, not in the beef trust), charging a conspiracy to obtain freight traffic at less than the published rates.

To these indictments the defendants severally pleaded guilty, and were sentenced to pay fines aggregating $25,000, with which sentence they have complied.

REBATES AND REFUNDING PASSENGER FARES.

December 13, 1905, an indictment was returned in the northern district of Illinois against the Chicago and Alton Railway Company, John N. Fairthorn, and Fred. A. Wann, for giving rebates on dressed meats and packing-house products shipped from Kansas City, Kans., to Chicago and eastern points by the Schwarzchild & Sulzberger Company and for refunding passenger fares paid by the officials of that company for traveling over the Alton road. Special pleas in bar to the indictment were filed, to which the Government interposed demurrers, which were sustained. This case is now pending.

INDICTMENTS FOR REBATING.

December 15, 1905, indictments were returned in the eastern district of Missouri against a number of railroad companies and individuals, charging them with violations of the Elkins law in the demanding and receipt of rebates. Some companies in the beef trust were made defendants in these cases. Several indictments were found and convictions ensued in the cases of several individuals. The United States will ask the court to impose a sentence of imprisonment against the individuals and fines against the corporations.

December 29, 1905, an indictment was returned in the northern district of Illinois against the Chicago, Burlington and Quincy Railway Company, D. Miller, and Claude G. Burnham for giving rebates in violation of the Elkins law.

To this indictment the defendants entered pleas of guilty, and fines aggregating $60,000 were imposed by the court.

Three other important cases in this same category have been brought, one against the Suffolk and Carolina Railway Company, another against the New York Central and Hudson River Railroad Company, and another against the Delaware and Hudson Company for giving rebates, and are now pending.

SUSTAINING THE COLORED MAN'S RIGHTS AND PROTECTING THE COLORED MAN'S LIBERTIES.

Under the present Republican Administration the Government, through the Department of Justice, has taken action in the Federal courts, winning out at last in the United States Supreme Court, which will go further toward protecting the rights and liberties of the colored people in the Southern States than anything that has happened since the civil war.

Complaint was made to the Federal authorities that throughout the South a practice existed under what is known as the "peonage statutes," by which men were held to labor for a debt. In almost all the cases the victims were colored men. Practically they were held in slavery, for means were found to keep them from getting free of debt, and as long as they remained in debt, they were virtually in bondage to their creditors. Investigation of the complaints revealed some most atrocious and heartrending cases of cruelty and practical slavery that almost rivaled the days before the war.

The Government took quick action. The first case which was tried was argued in March, 1905, although prior thereto several hundreds of indictments had been returned. Action on these indictments was suspended awaiting the determination of the case of Clyatt *v.* The United States, brought under the thirteenth amendment to the Constitution.

The state of peonage, in which many persons were held, consisted in holding a man by compulsion to labor for a master to whom the peon owed a debt. Creditors compelled debtors—usually colored men—to work out their debts. The custom was very prevalent, and had its origin in the United States when the Territory of New Mexico was acquired.

The Government contended that compulsory service of this kind was, in fact, a form of involuntary servitude and therefore forbidden by the thirteenth amendment to the Constitution, which was passed, under the auspices of the Republican party, to give the negro his rights. It was also insisted that the amendment gave Congress the power to enact laws which should punish individuals who, not acting under State authority, attempted, with particular reference to this case, to hold or return persons into a state of peonage. The Supreme Court held that the Government's contentions, which were personally argued by the Attorney-General, were well founded; and, though the particular offenders in this special case escaped because the court held that the record did not contain sufficient evidence to justify their conviction, the effect has been most salutary.

An authoritative exposition of the law was obtained, and no person within the jurisdiction of the United States can be hereafter compelled by individuals to work out a debt as a peon. Following this decision the other indictments were pressed, and the result is that this form of involuntary servitude is being stamped out.

After this decision the Attorney-General personally argued another case involving the interpretation of the same amendment. In this it was found that a number of men had conspired to prevent some colored men, who were at work at a lumber mill, from performing their contract. The colored men were driven away from their work by armed force and intimidation, and these acts of violence were committed against them because of their race. The Government contended that to deprive a man of any measure of his right to work solely for the reason of race prejudice is an interference with the right of freedom guaranteed by the Constitution.

The court decided that the Government could not punish, but undoubtedly the States may punish such intimidation. Two justices of the Supreme Court, Mr. Justice Harlan and Mr. Justice Day, were of the opinion that the Government ought to punish.

GOVERNMENT HELPS RAILROAD MEN.

One of the most important cases which the Government of the United States, under the Republican administration, has fought successfully in the courts was the case of Johnson, an employee of the Southern Pacific Railroad Company, against that company for damages under the safety-appliance law. Johnson fought his case through the lower courts and was getting the worst of it, when his money gave out. An appeal was made to the Government, and the Department of Justice took up the case and carried it to successful issue in favor of Johnson before the Supreme Court of the United States.

The decision set a hard and fast rule in certain cases of personal injury, from which there can be no appeal, and which should operate in the future to enable every railroad man who receives injuries under the peculiar circumstances which prevailed in this case to make an appeal successfully for damages.

This was an action for personal injuries sustained by the plaintiff Johnson while engaged in coupling an engine to a dining car. The railway company is an interstate carrier and was alleged to be liable for damages under the safety-appliance law passed by Congress, which provides, in substance, that interstate carriers must equip their cars with automatic couplers which shall couple by impact. The engine and car were each fitted with automatic couplers, but, being of different makes, they failed to couple, and when the plaintiff went between the engine and the car to couple them he received his injuries.

Johnson was unsuccessful in the circuit court, and also in the circuit court of appeals, whereupon he filed a petition for a writ of certiorari in the Supreme Court, which was granted.

Owing to the great importance of the case to railway employees, the Government took an almost unprecedented step and obtained leave to intervene to argue the question relating to the proper construction of the remedial legislation of Congress.

The Government contended that an engine is a car within the meaning of the law, and that the law is not satisfied unless the automatic couplers couple by impact. An amendment to the law has passed since this case arose, making it clear that engines must have automatic couplers. This act, the Government contended, was merely declaratory of the intent of the first act. There was a further question in the case as to what constituted an interstate car, which the Government argued. The defendant contended that the dining car, because it was not en route, but was upon a siding, although ready for use and about to be used, was not an interstate car. The Government, on the other hand, contended that a car regularly employed on interstate journeys does not lose its character because it is temporarily delayed.

The Government's contention received the unanimous approval of the court, and Johnson won his case.

Not content with this, the Government went further, and the Attorney-General issued a letter of instruction to all United States attorneys, in which he said:

> It does not appear that any question can now arise as to the proper interpretation of the law, since this decision apparently settles every disputed point.

And the United States attorneys were informed that "the Government is determined upon the strict enforcement of these statutes," and they were instructed to pay particular attention to all cases of their violation brought to their attention by the Interstate Commerce Commission or its inspectors or by other persons.

Later, in the case of The United States *v.* The Southern Railway Company, the law was still more clearly interpreted and further strengthened. A strong point of this decision was that the exercise of reasonable care or due diligence on the part of the railway company is no defense to an action brought to recover the penalty for violation of the safety-appliance laws of 1893 and 1896.

In both of these decisions it was strongly emphasized that the purpose of the law was to protect the lives and limbs of men, and that it will be so construed by the courts as to accomplish that purpose. What the law plainly requires is the equipment of cars with couplers which will automatically couple with each other, so as to render it unnecessary for men to go between the cars either to couple or uncouple.

These decisions have enabled the Government to obtain an effective enforcement of the law in practically all cases, and have brought about a vast improvement in conditions throughout the country. Since the decision against the Southern Railway Company no case has been contested in the courts. The carriers prefer to confess judgment and pay the penalty in cases of violation rather than to stand the chance of adverse judgment on a trial.

As a result the Interstate Commerce Commission have been able to secure the observance of a rule, practically in operation throughout the country, whereby the different carriers are required to refuse to accept interstate cars in exchange unless the safety appliances are in proper condition.

Another beneficent phase in this case for the railroad men is that the intervention of the Government and the decision of the court is warning to the railroad companies that the Government is looking out for the interests of the employees under this law.

SOME NATIONAL-BANK CASES.

The Government has been very vigilant in enforcing the national banking laws. Under this Administration several important cases have been tried.

In the eastern district of Pennsylvania Henry Lear was indicted, charged with misapplication of the funds of the Doylestown National Bank, and was sentenced to five years in the penitentiary. He sued out a writ of error, and the case is now pending.

In Wisconsin Frank G. Bigelow was charged with misapplying the funds of a national bank at Milwaukee, and was sentenced to ten years in the penitentiary.

M. C. Palmer, of New York, was charged with the misapplication of funds of a national bank while acting as its president, and was sentenced to five years at Albany.

The celebrated Cassie Chadwick case in Ohio was prosecuted by the Government, and the defendent was sentenced to a term of ten years in the Ohio penitentiary for conspiracy in the misappropriation of the funds of the Citizens' National Bank of Oberlin, Ohio.

Arthur B. Speer was jointly indicted with Cassie Chadwick and was sentenced to seven years in the penitentiary.

In the northern district of Iowa, W. E. Brown, a national-bank official, was indicted for violation of the national-bank laws. He was sentenced to five years in the penitentiary.

Mr. BURGESS. Mr. Chairman, it is my purpose to discuss the tariff in the light of two recent expressions which seem to have taken a permanent place in our political literature. One owes its popularity to the present President of the United States, the other to the late distinguished Senator Hanna. One has a specific, the other a general reference to the tariff revision and reduction.

In my judgment (and I welcome the fact), we are leading up in the coming Congressional and Presidential elections to another great tariff trial to be submitted to the American voters for their decision at the ballot box. I wish to style and state this case, to enter an appearance for the plaintiff, introduce some evidence, and argue the plaintiff's side of the case. I wish to state the case as Square Deal *v.* Stand Pat. This Square Deal, politically, at least in the form of expression, is the child of President Roosevelt. It is true that of late he has not given much attention to this particular child on the tariff subject, but he may be justly excused because he has been so busy strenuously discharging the duties of stepfather to numerous other Democratic children; but after a while he may be expected to give some attention to this. [Applause on the Democratic side.] That is notably the case with the railroad rate regulation child; and there are various other Democratic tendencies of your present President which we all gladly welcome. And I digress for a moment to state a simple truth, that whatever popularity your President has, he has it by virtue of the fact that he has gone over the heads of your leaders and your organization, and has appealed to the great common people and their democratic tendencies. You support these things not because you love Roosevelt, but dread the people.

Stand Pat, the defendant in this case, has a definite, fixed meaning. The stand-pat generals of this great army of stand-patters have had their day in court in this House, and I have picked out from the speeches of three of the ablest of these distinguished generals, the gentleman from Indiana [Mr. CHARLES B. LANDIS] and the two gentlemen from Pennsylvania [Mr. DALZELL and Mr. PALMER], what they have to say on the subject, what they mean by proudly boasting, as the gentleman from Indiana [Mr. CHARLES B. LANDIS] does, and as the distinguished gentleman from Ohio [Mr. GROSVENOR] has recently done, why they are stand-patters.

Stand pat was coined originally by Senator Hanna to express the bitter and determined opposition against any tariff legislation looking to a change in existing schedules of the Dingley bill. It is the relentless foe of any sort of reduction or revision of the tariff. The reason given for that opposition by Senator Hanna and echoed in this Chamber by every one of the stand-pat generals of the army of stand-patters is that the Dingley law produced the prosperity which the country has enjoyed since its enactment.

By the way of digression I want to say that the application of "army" to the crowd of stand-patters is singularly a proper one, for the army of stand-patters is the most magnificently equipped, the finest-disciplined and the amplest-provisioned army that the world ever saw [laughter and applause on the Democratic side], and it bears the exact relation to the people that every other army bears, namely, the cost of all this falls on the bowed backs of the plain people of the country.

Now, lest I should be accused of stating the cause of the defendant stronger than its advocates have, I wish to briefly read from the speeches delivered in the House by Mr. DALZELL May 24, Mr. LANDIS June 1, and Mr. PALMER June 2.

Mr. DALZELL, with that peculiar adroitness of which he is the master, says:

> I have said sufficient to show what were the conditions that existed at the time of the adoption of the Republican national platform. With respect to the policies from which these conditions resulted that platform said, "We promise to continue these policies." That promise still abides with us, and we propose still to abide with it.

Further on, he says:

> What constitutes national prosperity? Many things in combination. The magnitude of a nation's commerce, the supremacy of its manufactures, the wealth of its agriculture, coincident with enlarged markets for the consumption of its products at remunerative prices, the general employment of its citizens at an adequate wage, and withal a sound credit and the universal contentment of its people. Neither alone nor in combination did these things exist when the Wilson-Gorman bill was in process of enactment, or subsequent thereto.
>
> All of them have existed since the passage of the Dingley law, did exist when the Republican platform was adopted in 1904, and all of them exist in an enlarged degree to-day. [Applause on the Republican side.] It is not necessary to our contention to claim that these things are wholly the fruits of protection, although they are in large part. Sufficient for us to know that they coexist with protection, and the lesson they teach us is to let well enough alone.

Note the shrewdness of "in large part" and "sufficient for us to know."

But Mr. PALMER, with that bluntness which is characteristic of this singularly able and honest man, said boldly:

> Prosperity in "good measure pressed down, shaken together, and running over," came to the country under the Dingley bill.

Further on, he says:

> Shall we stand by the doctrine of protection to American labor and American industry, which assures work and wages to our working men and women and prosperity for all our people?

Further on, he says:

> The Republican party renews its allegiance to the doctrine of protection. It is the bulwark of our industrial independence and the sure foundation of the prosperity of our people.

Mr. LANDIS says:

> I am a Republican. I am an advocate of a high protective tariff. [Applause on the Republican side.] I am what might be known in the nomenclature of the day as a stand-patter [applause], and responsive to the benignant smile of my friend from Massachusetts [Mr. MCCALL], I will say that I am one of those who believe in letting well enough alone. I still have faith and confidence in the Dingley law.
>
> Ah, I would say to my friend from Mississippi [Mr. WILLIAMS], that if I were a southerner, I would have faith in the Dingley law, because I would know that it had lifted my section from the slough of despondency and enabled me, both in agriculture and manufacturing, to become a rival boaster of the Yankee. Why, if I were a Democrat, I would have faith in it—the faith of blind fate, if nothing else. [Applause.]
>
> I still have faith in the Dingley law. [Applause.] I have faith in it as a Member of Congress because I see it sending a continuous stream of revenue into the National Treasury, because it has made our people prosperous and happy.
>
> I want it known that I appreciate the present progress and wealth and development and achievement, that I believe that Senator Hanna's advice is still good, and I am willing to let well enough alone.

Now, I wish to affirm with reference to this underlying reason for "stand pat" three propositions: That this statement that protection produced prosperity is, first, false in theory; second,

that it is false in fact, and, third, that it is pernicious in its teaching and effect.

The theory that prosperity, general and permanent, can be produced by legislation on any subject is a startling doctrine, not worthy of consideration for a moment by any sincere, thoughtful, well-informed man. That centuries ago was the dogma of despotism; it was doctrine of the divine right of kings that "we make our children happy and prosperous." It has no place in any true economic theory of development of any country, and especially when under such a Constitution and in such a condition as ours.

It may be granted fairly that legislation may promote prosperity, but it never can produce it, and the very gentlemen who now so strenuously talk it ten years ago were the very men that sounded the bugle note all over this Republic on the money question, that you can not make value by law, that you can not create prosperity by legislating an increase in the volume of money regardless of intrinsic value. I was one, though a Democrat, who agreed with that proposition, and I abide in the faith still, and it is as applicable to the tariff as it is to any other phase of legislation. You can not produce prosperity by law any more than you can produce dogs and cats by law. It does not come in that way. It is a great natural, universal process through which prosperity must come. It does not come down from the Government to the people. It does not come from the hands of kings, or courts, or legislatures, or parliaments. No; it comes by the blessing of God in soil, in season, and the industry and intelligence of mankind combined. In this country peculiarly prosperity is a great hybrid, born of the gift of God in soil and season, and of the energy, the industry, the tireless will and intelligence of the American citizens, the greatest the world has ever known, and especially those who till the soil and work the mines and attend the ranches of the country. Prosperity, my countrymen, is a natural product, born of conditions which can not be produced by any party or any government that exists, that has ever existed, or that will ever exist. The truth is, a country, teeming with potent forces and great resources like ours, must and will be prosperous, in spite of who is President and who occupies the legislative halls. The worst you can do as Republicans and the worst you have done is to retard prosperity. You may by legislation divert from its general, universal, and wide avenues part of the prosperity, channelize it and localize it and benefit an individual, a class, or a section. You can do that by protection, as you can by various other forms of legislation, but you can not produce a general, universal, and permanent prosperity by protection, or by any other sort of legislation.

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. BURGESS. I yield this time, and then I give notice that I shall not yield further, because in forty-five minutes' time I will be crowded to say what I want to say. Now I yield.

Mr. CAMPBELL of Kansas. I simply wanted to know right in this connection, if the gentleman could answer, why, under the last two Democratic Administrations in this country, in which the Democratic party had full control of the Government, under a low tariff, neither God nor nature contributed to the prosperity of the American people, and they had no prosperity?

Mr. BURGESS. I can not be diverted from my present line of argument to enter into a discussion of ancient history. That has been done by many gentlemen here, and it was long ago exploded that the adversity which followed the election of Grover Cleveland was produced by anything then done. It grew out of great natural causes, breeding even under Harrison's Administration, and for which his Secretary of the Treasury was preparing before he went out. I guess the gentleman has heard of the plates and knows about the situation. [Applause on the Democratic side.]

Now, let me go on. I say that the theory that protection produces prosperity is false in fact. That is the real point, and I say that is the point to which no stand-pat gentleman who has issued his proclamation in this House has addressed himself. I defy you to find a single stand-pat speech made in this House which attempts to give the philosophy which connects the alleged effect and cause. It is a bold, bare, brazen assumption from the assertion that you were in power and passed the Dingley law and the country has since been prosperous, that therefore protection produced the prosperity. "The day broke because the cock crew," as Savoyard says. You have attempted to give no facts that by any process of reasoning can constitute links between the Dingley law and your control and the prosperity that has continued in the country during the last ten years. I shall attempt to take the negative and to prove, out of the mouths of three Cabinet officers of the present Administration, that the converse of the proposition is true; that the real sources of our prosperity are in accord with my theory of how it has been and must always be produced. The first document I shall introduce in evidence in proof of that contention is the report of the Secretary of Agriculture, Mr. Wilson, for 1903, in which he sums up what made our country prosperous, what paid the foreign bondholders, what extinguished our foreign indebtedness, what lifted the mortgages from the farms all over this land from Maine to Kansas, what changed this nation from a debtor to a creditor nation, what gave birth, under God, to a new industrial and commercial era. Every fact stated shows that it bears no relation whatever to the tariff.

Let me read you what he says. You will find this on page 8 of the report of the Secretary of Agriculture for the year 1903, and I guess he will never write another one like this. He does not discuss this proposition in any of the subsequent reports. It is too good a Democratic document. He says:

> The consumption of cotton in this country is now greater than that of any other country, and yet the cotton planters of the South not only supplied this market last year, but exported a surplus of 3,569,000,000 pounds, valued at $317,000,000, or for every working day in the year about 12,000,000 pounds, worth more than $1,000,000.
>
> Represented in value, the exports of grain and grain products had about two-thirds the importance of cotton in the last fiscal year, the value of the export being more than $221,000,000. From 46,000,000 acres of wheat there was a surplus for foreign mouths amounting to 114,000,000 bushels and 20,000,000 barrels of flour, amounts that together represent 204,000,000 bushels of wheat.
>
> Third in importance are the exports of meats and meat products, with a grand total of $178,000,000, to which may be added $35,000,000 for live animals. Quantities that are beyond the grasp of the mind represent the exports of meats and their products. The pounds of beef were 385,000,000; of pork, 551,000,000; of lard, 491,000,000; and of oleo oil, 126,000,000.
>
> The foregoing figures, it should be borne in mind, do not stand for the total production of the farms, but for the surplus production after the wants of the people at home have been satisfied.
>
> THE FARMER'S BALANCE OF TRADE.
>
> The immense exports from the farms of the country lead to an examination of the so-called "balance of trade." This examination reveals what seems to have escaped the attention of the public, and that is, that the favorable balance of trade, everything included, is due to the still more favorable balance of trade in the products of the farm.
>
> During the thirteen years 1890–1902 the average annual excess of domestic exports over imports amounted to $275,000,000, and during the same time the annual average in favor of farm products was $337,000,000, from which it is apparent that there was an average annual adverse balance of trade in products other than those of the farm amounting to $62,000,000, which the farmers offset and had left $275,000,000 to the credit of themselves and the country.
>
> Taking the business of 1903, the comparison is much more favorable to the farmers than during the preceding thirteen-year period, since the value of domestic exports over imports was $367,000,000, the entire trade being included, while the excess for farm products was $422,000,000, which was sufficient not only to offset the unfavorable balance of trade of $56,000,000 in products other than those of the farm, but to leave, as stated above, the enormous favorable balance of $367,000,000.
>
> During the last fourteen years there was a balance of trade in favor of farm products, without excepting any year, that amounted to $4,806,000,000. Against this was an adverse balance of trade in products other than those of the farm of $865,000,000, and the farmers not only canceled this immense obligation, but had enough left to place $3,940,000,000 to the credit of the nation when the books of international exchange were balanced.
>
> These figures tersely express the immense national reserve-sustaining power of the farmers of the country under present quantities of production. It is the farmers who have paid the foreign bondholders.

The Secretary is from Iowa. He may agree with Cummins and that may account for this statement, but I am inclined to think that out of a real love of the farmers he wrote this and thoughtlessly struck the "stand-pat" doctrine a blow. And he gives the three great products which make up this trade—meat products, wheat, and cotton. Every one of those goes out into the markets of the world, as every man knows, unaffected by any tariff legislation.

Mr. GROSVENOR. What year was that report?

Mr. BURGESS. The report was 1903, page 8.

Mr. GROSVENOR. Has the price of farm products anything to do with that?

Mr. BURGESS. Well, of course if we gave them away we would not have gotten money for them. You certainly know that. But I shall not rest the case with the Secretary of Agriculture. I shall include in my remarks three tables furnished me in a letter of January 8 by the present Secretary of the Department of Commerce and Labor, and all through I have endeavored to confine the evidence I shall offer to the period covered by your complete control under the Dingley law. These tables show, first, merchandise imported and exported, the annual cost of exports over imports from 1896 to 1905. The next table shows the same grouped according to sources of production exported for the same years, and the next table gives the different sources of agricultural exports, of manufactured exports, and a comparison of each. I shall have occasion later on to refer to the last table, which shows the per cent of manufacturing exports for each year.

Merchandise imported and exported, and the annual excess of imports or of exports, 1888 to 1905—Specie values.

Year ending June 30—	Exports.			Imports.	Total exports and imports.	Excess of exports over imports.	Excess of imports over exports.
	Domestic.	Foreign.	Total.				
1888	$683,862,104	$12,092,403	$695,954,507	$723,957,114	$1,419,911,621		$28,002,607
1889	730,282,609	12,118,766	742,401,375	745,131,652	1,487,533,027		2,730,277
1890	845,293,828	12,534,856	857,828,684	789,310,409	1,647,139,093	$68,518,275	
1891	872,270,283	12,210,527	884,480,810	844,916,196	1,729,397,006	39,564,614	
1892	1,015,732,011	14,546,137	1,030,278,148	827,402,462	1,857,680,610	202,875,686	
1893	831,030,785	16,634,409	847,665,194	866,400,922	1,714,066,116		18,735,728
1894	869,204,937	22,935,635	892,140,572	654,994,622	1,547,135,194	237,145,950	
1895	793,392,599	14,145,566	807,538,165	731,969,965	1,539,508,130	75,568,200	
1896	863,200,487	19,406,451	882,606,938	779,724,674	1,662,331,612	102,882,264	
1897	1,032,007,603	18,985,953	1,050,993,556	764,730,412	1,815,723,968	286,263,144	
1898	1,210,291,913	21,190,417	1,231,482,330	616,049,654	1,847,531,984	615,432,676	
1899	1,203,931,222	23,092,080	1,227,023,302	697,148,489	1,924,171,791	529,874,813	
1900	1,370,763,571	23,719,511	1,394,483,082	849,941,184	2,244,424,266	544,541,898	
1901	1,460,462,806	27,302,185	1,487,764,991	823,172,165	2,310,937,156	664,592,826	
1902	1,355,481,861	26,237,540	1,381,719,401	903,320,948	2,285,040,349	478,398,453	
1903	1,392,231,302	27,910,377	1,420,141,679	1,025,719,237	2,445,860,916	394,422,442	
1904	1,435,179,017	25,648,254	1,460,827,271	991,087,371	2,451,914,642	469,739,900	
1905	1,491,744,641	26,817,025	1,518,561,666	1,117,513,071	2,636,074,737	401,048,595	

Values of domestic merchandise, grouped according to sources of production, exported from 1896 to 1905.

Year ending June 30—	Exports of domestic merchandise other than manufactures.[a]												Exports of domestic manufactures.		Total exports of domestic merchandise.
	Agriculture.		Mining.		Forest.		Fisheries.		Miscellaneous.		Total.				
	Values.	Per ct.	Values.	Per ct.	Values.	Per ct.	Values.	Per ct.	Values.	Per ct.	Values.	Per ct.	Values.	Per ct.	Values.
1896	$569,879,297	66.02	$20,045,654	2.32	$33,718,204	3.91	$6,850,392	0.79	$4,135,762	0.48	$634,629,309	73.52	$228,571,178	26.48	$863,200,487
1897	683,471,139	66.23	20,804,573	2.01	40,489,321	3.92	6,477,951	.63	3,479,228	.34	754,722,212	73.13	277,285,391	26.87	1,032,007,603
1898	883,683,570	70.54	19,410,707	1.60	37,900,171	3.13	5,435,483	.45	3,164,628	.26	919,594,559	75.98	290,697,354	24.02	1,210,291,913
1899	784,776,142	65.19	28,156,174	2.34	42,126,889	3.49	5,992,999	.50	3,280,872	.27	864,339,076	71.79	339,592,146	28.21	1,203,931,222
1900	835,858,123	60.98	37,843,742	2.76	52,218,112	3.81	6,326,620	.46	4,665,218	.34	936,911,815	68.35	433,851,756	31.65	1,370,763,571
1901	943,811,020	64.62	39,207,875	2.68	54,317,294	3.72	7,683,353	.53	4,510,740	.31	1,049,530,282	71.86	410,932,524	28.14	1,460,462,806
1902	851,465,622	62.83	39,216,112	2.90	48,188,661	3.55	7,705,065	.57	5,265,000	.38	951,840,460	70.23	403,641,401	29.77	1,355,481,861
1903	873,322,882	62.73	39,311,239	2.81	57,835,896	4.16	7,805,538	.56	6,429,588	.46	984,705,143	70.72	407,526,159	29.28	1,392,231,302
1904	853,643,073	59.48	45,981,213	3.20	68,906,956	4.80	8,543,676	.60	5,688,178	.40	982,763,096	68.48	452,415,921	31.52	1,435,179,017
1905	820,863,805	55.03	50,968,052	3.42	62,122,378	4.17	7,241,025	.48	6,941,806	.46	948,136,666	65.56	543,607,975	36.44	1,491,744,641

[a] The group "Other than manufactures" embraces substantially all articles crude or only slightly enhanced in value by manufacture.

Value of cotton, provisions and live animals, breadstuffs, and of all other agricultural products, and total agricultural products exported in each fiscal year from 1896 to 1905, also value of exports of manufactures for the same period.

Years.	Exports of agricultural products.						Exports of manufactures.	
	Cotton.	Provisions and live animals.	Breadstuffs.	All other agricultural products.	Total agricultural products.	Per cent of total domestic exports.	Value.	Per cent of total domestic exports.
1896	$190,056,460	$175,218,518	$141,356,993	$63,247,326	$569,879,297	66.02	$228,571,178	26.48
1897	230,890,971	182,221,196	197,857,219	72,501,753	683,471,139	66.23	277,285,391	26.87
1898	230,442,215	213,584,366	333,897,119	75,759,870	853,683,570	70.54	290,697,354	24.02
1899	209,564,774	213,389,524	273,969,699	87,822,145	784,776,142	65.19	339,592,146	28.21
1900	241,832,737	228,038,086	262,744,078	103,243,222	835,858,123	60.98	433,851,756	31.65
1901	313,673,443	249,018,513	275,594,618	105,524,416	943,811,020	64.62	410,932,524	28.14
1902	290,651,819	244,733,062	213,134,344	102,946,397	851,465,622	62.83	403,641,401	29.77
1903	316,180,429	214,620,907	221,242,285	121,279,261	873,322,882	62.73	407,526,159	29.28
1904	370,810,246	224,005,461	149,050,378	109,819,282	853,685,367	59.48	452,445,629	31.52
1905	379,965,014	216,727,154	107,732,910	116,438,325	820,863,403	55.03	543,607,975	36.44

It is sufficient to say with reference to these tables that they establish the truth of the contention set out in Secretary Wilson's report, and establish beyond controversy the fact that the growth and development of this country, as a matter of fact, in the last ten years did not grow out of a protective tariff. Who contends that cotton is aided in price by the protective tariff? Who contends that wheat is aided in price by a protective tariff? Who is there, with sense enough to rattle in a tobacco seed, who does not know that the European price of those two great staples fixes the American price, barring the manipulation of speculators at particular periods? Let us trace the source and progress of prosperity. Other countries have not sufficient products of their own to feed and clothe their people, and there is in foreign markets a demand for cotton, wheat, and meat. Our cotton, wheat, and stock raisers have produced a great excess above home consumption. What happens then? So much is produced as that not only 80,000,000 inhabitants of the United States are supplied, but an immense surplus is borne down the lines of railway to the sea, and into the holds of the vessels of the world, and by them carried into the markets of the world, under the banner, if you please, of absolute free trade, and in competition in the markets of the world with all these products.

In turn for these products the gold of Europe is poured in a great tide back into American homes. Then what happens? There is an increased capacity to buy on the part of those engaged in the production of these great products, and wherever there exists such an increased capacity on the part of the people to satisfy their needs or their desires more purchases occur. This people, thus blessed by soil and season and their intelligent industry, go about in the stores of the land and buy the various things they need to satisfy their wants or desires—aye, their fancies and whims—and retail trade, closest to and most dependent upon the people, rapidly responds to this birth of prosperity.

The retail dealers begin to buy, through drummers and by letters, of the wholesale houses. Wholesale houses, realizing the impetus to their trade, make larger drafts upon the manufacturer, and the manufacturer gets a move on him; the smoke begins to rush faster and higher out of the factory chimneys, and the railroads get busy, and all along the pathway thus described, from the field to the foreign market, back again, and from the home people to the manufacturer and back again, labor everywhere gets increased employment, and an added capacity to buy, predicated upon the original capacity to buy, occurs. And thus in an endless chain in God's ordained way prosperity rolls on unfettered and blesses the American people regardless of whether the President is named Grover Cleveland or William McKinley.

Prosperity comes to our country in no other way than this natural way, which augments the national wealth by the products of the soil. God made this country to feed the world, and keyed its potent forces upon its fertile soil and favorable climate. The American farmer, who plants in faith, cultivates in hope, and reaps in grace, is the uncrowned king of the world.

Long may he reign, unfettered to pour out his products into the markets of the world, to bless foreign nations, and to enrich his own.

Now, this was not the only cause of the gradually growing prosperity of this country. There was another one which cooperated with it, perhaps as potent in cooperation as any other factor could possibly be. I offer in evidence a table furnished me by the Secretary of the Treasury in a letter dated June 12, 1906, in which he gives me the kinds of money coined and issued and in general stock, and in circulation as well, July 1, 1896, and every succeeding year down to the present, with the tables attached, and which I shall incorporate in my remarks. That statement shows that in those ten years there have been added, in round numbers, to the circulating medium of this country in gold coin and certificates $698,000,000; in United States notes added in circulation, $150,000,000; in silver certificates, $138,000,000; in standard silver dollars, $26,000,000; in subsidiary silver coin, $50,000,000, and in national-bank notes, $320,000,000, showing an increase in the stock of coin issued of $863,000,000 and an increase in circulation of $1,234,000,000.

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation.

JULY 1, 1896.

	General stock coined or issued.	In Treasury.	In circulation.
Gold coin	$567,931,823	$111,803,340	$456,128,483
Standard silver dollars	430,790,041	378,614,043	52,175,998
Subsidiary silver	75,730,781	15,730,976	59,999,805
Gold certificates	42,818,189	497,430	42,320,759
Silver certificates	342,619,504	11,359,995	331,259,509
Treasury notes, act July 14, 1890	129,683,280	34,465,919	95,217,361
United States notes	346,681,016	121,229,658	225,451,358
Currency certificates, act June 8, 1872	31,990,000	150,000	31,840,000
National-bank notes	226,000,547	10,668,620	215,331,927
Total	2,194,245,181	684,519,981	1,502,725,200

JULY 1, 1897.

	General stock coined or issued.	Amount in circulation.
Gold coin [a]	$671,676,250	$519,146,675
Standard silver dollars	451,993,742	62,601,202
Subsidiary silver	75,438,884	59,228,540
Gold certificates	38,782,169	37,285,919
Silver certificates	375,479,504	358,336,368
Treasury notes, act July 14, 1890	114,867,280	83,905,197
United States notes	346,681,016	248,583,578
Currency certificates, act June 8, 1872	61,750,000	61,130,000
National-bank notes	231,441,686	226,410,767
Total	2,368,110,531	1,646,028,246

JULY 1, 1898.

	General stock coined or issued.	Amount in circulation.
Gold coin [a]	$765,735,164	$660,959,880
Standard silver dollars	461,996,522	57,259,791
Subsidiary silver	76,421,429	64,323,747
Gold certificates	37,420,149	35,820,639
Silver certificates	398,556,504	390,659,080
Treasury notes, act July 14, 1890	101,207,280	98,665,580
United States notes	346,681,016	256,572,329
Currency certificates, act June 8, 1872	26,605,000	26,045,000
National-bank notes	227,900,177	223,129,703
Total	2,442,523,241	1,843,435,749

JULY 1, 1899.

	General stock coined or issued.	Amount in circulation.
Gold coin [a]	$855,583,055	$702,060,459
Standard silver dollars	480,251,231	63,381,751
Subsidiary silver	76,746,179	70,675,682
Gold certificates	34,297,819	32,656,269
Silver certificates	406,085,504	401,869,343
Treasury notes, act July 14, 1890	93,518,280	92,605,792
United States notes	346,681,016	310,547,349
Currency certificates, act June 8, 1872	21,325,000	20,855,000
National-bank notes	241,350,871	237,832,594
	2,555,838,955	1,932,484,239

[a] Does not include gold bullion in Treasury amounting to $32,217,024.

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation—Cont'd.

JULY 1, 1900.

	General stock of money in the United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,036,031,645	$614,918,991
Gold certificates		200,555,469
Standard silver dollars	490,618,052	66,429,476
Silver certificates		408,499,347
Subsidiary silver	82,901,023	76,294,050
Treasury notes of 1890	76,027,000	75,247,497
United States notes	346,681,016	316,614,114
Currency certificates, act June 8, 1872		3,705,000
National-bank notes	309,640,444	300,161,552
Total	2,341,899,180	2,062,425,496

JULY 1, 1901.

	General stock of money in United States.	Money in circulation.
Gold coin, including bullion in Treasury	$1,124,729,261	$630,407,728
Gold certificates		245,715,739
Standard silver dollars	520,062,537	66,587,893
Silver certificates		429,640,738
Subsidiary silver	90,490,289	79,700,088
Treasury notes of 1890	47,783,000	47,540,245
United States notes	346,681,016	332,468,013
Currency certificates, act June 8, 1872		
National-bank notes	353,821,502	345,205,536
Total	2,483,567,605	2,177,266,280

JULY 1, 1902.

	General stock of money in United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,188,573,584	$629,271,532
Gold certificates		307,110,929
Standard silver dollars	539,987,093	68,621,718
Silver certificates		446,650,243
Subsidiary silver	96,856,985	82,814,940
Treasury notes of 1890	30,000,000	29,862,445
United States notes	346,681,016	336,265,855
Currency certificates, act of June 8, 1872		
National bank-notes	356,672,091	345,931,750
Total	2,558,770,769	2,246,529,412

JULY 1, 1903.

	General stock of money in United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,252,731,990	$621,545,146
Gold certificates		379,043,889
Standard silver dollars	554,216,156	72,349,806
Silver certificates		455,079,538
Subsidiary silver	101,606,809	92,195,600
Treasury notes of 1890	19,243,000	19,109,670
United States notes	346,681,016	336,591,372
Currency certificates, act June 8, 1872		
National bank notes	413,670,650	400,408,189
Total	2,688,149,621	2,376,323,210

JULY 1, 1904.

	General stock of money in United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,326,722,701	$646,586,319
Gold certificates		464,806,629
Standard silver dollars	560,083,544	71,561,684
Silver certificates		462,578,715
Subsidiary silver	106,164,848	94,603,028
Treasury notes of 1890	12,978,000	12,927,287
United States notes	346,681,016	334,491,977
Currency certificates, act June 8, 1872		
National-bank notes	449,235,095	433,595,888
Total	2,801,865,204	2,521,151,527

JULY 1, 1905.

	General stock of money in United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,360,273,787	$655,976,787
Gold certificates		487,661,449
Standard silver dollars	558,791,217	73,680,659
Silver certificates		456,142,715

Statement showing the amounts of gold and silver coins and certificates, United States notes, and national-bank notes in circulation—Cont'd.

JULY 1, 1905—Continued.

	General stock of money in United States.	Money in circulation.
Subsidiary silver	$114,200,403	$100,748,837
Treasury notes of 1890	9,413,000	9,342,341
United States notes	346,681,016	332,691,311
Currency certificates, act June 8, 1872		
National bank notes	495,719,806	480,472,336
Total	2,885,079,229	2,596,716,471

JUNE 1, 1906.

	General stock of money in United States.	Money in circulation.
Gold coin (including bullion in Treasury)	$1,466,921,374	$683,426,878
Gold certificates		513,803,789
Standard silver dollars	560,724,865	78,602,135
Silver certificates		469,663,586
Subsidiary silver	116,940,192	109,804,319
Treasury notes of 1890	7,504,000	7,477,218
United States notes	346,681,016	335,552,893
National bank notes	559,129,660	545,260,302
Total	3,057,901,107	2,743,681,120

By the way, not a dollar of that was coined by virtue of a protective tariff or as the result of any other Republican legislation.

Now, let me state a fundamental principle of the money question as to which Republicans and Democrats have always agreed. It is that the money system of this country shall rest upon intrinsic value coinage, and that every paper dollar shall be redeemable in such coined dollar, and that all the dollars coined or issued shall be equal in purchasing as well as debt-paying power. And no respectable Republican, or Democrat either, in the history of the country, ever denied either of those propositions. The differences which have arisen grow merely out of some proposed method of increasing or decreasing the money volume in accordance with these fundamental principles. Both parties have uniformly opposed fiatism—the Greenback party and the Greenback idea in all of its forms. Their national platforms show this. In principle there never was any difference among the leaders of Democratic thought on these matters with reference even to the silver question itself. The contention was, and the difference of opinion between Democrats was, as to whether by the method proposed these principles could be conformed to. Those of the Bland-Bryan school thought it could, and those of the Cleveland-Carlisle school thought it could not. There was no difference in principle, but a difference merely in judgment as to the effect of a law. The addition of this immense money volume has removed that question from controversy in the country among Democrats or between Democrats and Republicans. That is one of the reasons why you see men of all shades of thought on the money question, but holding to the fundamental principles that I have stated, uniting now in the proposed support of the same man that fought for free silver in 1896.

Let me announce one other proposition to which all men of this fundamental view on the money question have ever agreed. It is this: Granting that all the dollars coined and issued by the Government are equal in purchasing and debt-paying power with every other dollar, and that they rest on an intrinsic value coinage, and that the paper money is redeemable in such coined dollars, all men of that school of thought have ever agreed that, as you increase the volume in proportion to population and business, you increase price generally, and as you increase general prices you invite investment, stimulate enterprise, aid labor, and promote prosperity. That is exactly what occurred in the connection with the other facts I have stated—that throwing into circulation in ten years of $1,234,000,000, together with a vast balance of trade in our favor. Pouring money back into this country from Europe, wiping out our foreign obligations, adding to the demand for the manufactured articles, and an increased volume of money, causing the general rise in prices of stocks and bonds, in lands, and in every form of value, inviting investment, a tide of prosperity rolled over the land that I trust God may permit to continue. And these Republican boasters and claimers, who would claim anything on earth, and argue with effrontery, seized upon these gifts of God and claimed they produced them with their Dingley law. [Applause on the Democratic side.]

I want to state further facts from the Secretary of the Treasury which confirm these contentions, and they are the national-bank statistics of the country. Now, think a minute. This is another proposition about which there is no party difference among sensible men. We are all agreed that one of the best evidences of the continued and permanent prosperity of a section or a State is the showing made by its bank capital and surplus, and especially their individual deposits. Now, I will introduce in evidence an article clipped from the Manufacturers' Record, which I submitted for correction and revision to Secretary Shaw, and which he returned to me in a letter, dated January 13, 1906, making slight corrections which do not affect the text. It is a long statement comparing the ratio and extent of development for twenty-five years in number, capital, surplus, and individual deposits of the South—the free-trade South, if you please—against all the rest of the country:

BANKING IN THE SOUTH—REMARKABLE PROGRESS MADE IN FINANCIAL GROWTH IN A DECADE.

[From Manufacturers' Record.]

The wonderful progress of the South is in no way better illustrated than by the enormous growth of its banking facilities. In 1880 there were 220 national banks in the entire South from Maryland to Texas, but now there are 1,221. In 1880 the national-banking capital in this section was only $45,598,000, now it is $126,037,000; and while twenty-five years ago the surplus of the South's national banks was only $9,000,000 and a few thousands over, it is now $50,257,000. National-bank deposits in the South have grown from $64,729,000 to over $469,032,000 within the same period.

But it is by comparison with the growth of the national-banking system in the entire country that the establishment of national banks in the South displays its conspicuous gains. The number of national banks in the entire country in 1880 was 2,090; now it is 5,757, an increase of 175.45 per cent; but the growth in the South from 220 to 1,221 national banks is an increase of 455 per cent. Furthermore, while the national-banking capital in the whole country advanced during those twenty-five years from $457,553,985 to $799,870,229, an increase of 74.79 per cent, the South's growth from over $45,000,000 to more than $126,000,000 of national-banking capital in the same time is a gain of 176.46 per cent; also the national-banking surplus in the whole country rose from over $120,000,000 to nearly $418,000,000, an increase of 246.63 per cent, but the national-banking surplus in the South, by going from $9,000,000 to over $50,000,000, displays an increase of 457.72 per cent. This shows the rapidity of southern advancement in a striking manner.

Not the least interesting feature of these statistics is the gain displayed by some States in the number of national banks therein. Mississippi, for instance, had no national banks in 1880—although thirteen years previously she had two—but in 1905 she had 25. The great State of Texas had 13 national banks a quarter of a century ago; now she has 440; Florida had only 2 then, but now 34; Virginia had 17, now 85; West Virginia had 17, but now 79; Georgia had 13, now 63; Alabama had 9, now 67. Both Maryland and Kentucky had each a comparatively large number of national banks in 1880, the former possessing 35, and to-day 89, while the latter then had 49, but now 124.

But most of the large gains in the number of national banks are clearly results of the act of March 14, 1900, authorizing the establishment of the national banks with less than $50,000 capital. For instance, on April 26, 1900, Texas had 200 national banks; now she has 440, as heretofore stated; Alabama had 28, now 67; Georgia 27, now 63; West Virginia on April 26, 1900, 36, now 79; Virginia 39, now 85; Kentucky on April 26, 1900, 75, now 124; Arkansas had 7, now 28; Louisiana on April 26, 1900, 20, now 35.

National-banking capital in the South rose from a total of about $45,500,000 in 1880 to nearly $92,500,000 in 1890, but in 1900 it had fallen back to about $86,500,000. Yet during the last five years it has risen from that comparatively low figure to over $126,000,000. But there has never been any halt in the gain of southern banking surplus. From $9,000,000 in 1880 it rose to $24,000,000 in 1890, and to $30,000,000 in 1900 and $50,000,000 in 1905. Undivided profits have gone up from below $4,000,000 in 1880 to nearly $12,000,000 in 1890, to more than $15,000,000 in 1900, and to nearly $27,000,000 in 1905.

Could any record of accomplishment be more impressive than this? Yet it must be remembered that in this quarter of a century deposits in southern national banks have increased from a total of $64,729,000 to a total of $469,032,328, which is a gain of very nearly 625 per cent. And it must furthermore not be forgitten that these statistics do not include the numerous private and State banks in the South, which number many more than the national banks therein, nor the trust companies, which also engage in banking, all of which classes of financial institutions are constantly growing in numbers and strength.

The increase in number of national banks in the whole country was 175 per cent; in the South, 445 per cent. The increase in capital in the whole country was 74 per cent; the increase in the South was 176 per cent. The increase in surplus in the whole country was 146 per cent, and in the South 457 per cent. But in order to make this more striking, I addressed a letter to the Comptroller of the Treasury, which was replied to on June 18, 1906, in which he gives a statement of the facts reduced to percentages for the ten-year period about which you boast. I have taken two distinctively agricultural States and two distinctively protective-tariff States of equal population. I have contrasted Texas and Massachusetts, Mississippi and Connecticut. I wish to say, in passing, that the significance of the immense figures disclosed here will be increased when you bear in mind the fact that 50 per cent of the population of Mississippi are colored people and do not have much surplus in the banks, and perhaps 25 per cent of the population of Texas are the same.

TEXAS.

	1896. July 14.	1906. April 16.	Increase.	Per cent.
Number of banks	209	461	252	120.57
Capital	$21,065,000	$33,173,120	$12,108,120	57.48
Surplus	5,209,440	11,227,265	6,017,825	115.50
Individual deposits	28,353,147	121,036,544	92,683,397	326.89
United States deposits	361,755	930,099	568,344	157.11

MISSISSIPPI.

Number of banks	10	24	14	140.00
Capital	$855,000	$2,870,000	$2,015,000	235.67
Surplus	391,875	1,047,300	655,425	167.02
Individual deposits	2,154,902	10,261,178	8,106,276	370.18
United States deposits	.....	139,875	139,875	.....

MASSACHUSETTS.

Number of banks	268	207	a 61	a 22.76
Capital	$95,417,500	$60,967,500	a $34,450,000	a 36.10
Surplus	30,076,491	30,636,525	560,034	1.86
Individual deposits	177,352,670	232,704,838	55,352,168	31.21
United States deposits	316,585	3,823,115	3,506,530	1,107.61

CONNECTICUT.

Number of banks	82	79	a 3	a 3.66
Capital	$22,391,070	$20,155,060	a $2,236,000	a 9.99
Surplus	7,813,815	8,902,500	1,088,685	13.93
Individual deposits	34,377,603	52,469,423	18,091,820	52.62
United States deposits	219,971	533,407	313,436	142.49

a Losses.

In Texas in ten years the increase in banks is 120 per cent; in capital in banks the increase is 157 and in surplus 115 per cent; and in individual deposits 326 per cent. [Applause on the Democratic side.] In Massachusetts there was a decrease of 22 per cent in number of banks, and 36 per cent in the amount of capital; 1 per cent increase in surplus, and 31 per cent increase in individual deposits. [Applause on the Democratic side.]

Take the State of Mississippi. Mississippi in the number of banks increased in ten years 140 per cent; capital, 235 per cent; surplus, 137 per cent, and in individual deposits, 370 per cent.

What about Connecticut? There was a decrease of 3 per cent in the number of banks; of 9 per cent in banking capital; an increase in surplus of 13 per cent, and in individual deposits, 52 per cent.

Now, gentlemen, when you talk about a protective tariff producing prosperity, I fling these facts in your teeth, and ask you to explain how it got so far from base. [Applause.] The application of your doctrine tests it. If protection produces prosperity, it will first spring into being where it is born and abide best there. If it produces prosperity, you must look for it where the States are that contain the factories. Yet, strange to relate, there is where you find strikes, labor seeking for employment—barred out by the occupation of the home market, with the stifling of competition by the trusts and monopolies organized under your accursed system. [Loud applause.] Down South, where there are no factories to be protected, under the blessings of God, of soil, and of season, enjoying the fruits of farm work, we will show you a country great, magnificent in advantages and strides of progress, of which not one is due to your system. [Applause.] But I have said this doctrine is pernicious in its teachings. First, it teaches an idea that is demoralizing and ruinous—the doctrine that men should look to law rather than to God and themselves for their industrial success. It teaches men of all classes to rush to the Government for every ill that afflicts them. It confesses that restricted competition increases the price by protection. How does it protect unless it increases the price, so that the manufacturer may prosper, that some of the profits may get into the hands of labor; that the home market may be strengthened? You admit that the blessings are in the manufacturers' hands at the start and filter down from this avaricious class to the great herd of common people below. Not only does it teach that false doctrine, but you have demoralized all the labor of the country, and now yourselves are engaged in a war with that very labor. You have misguided their intellect and aspirations and tendencies, and the question now is, whether you shall kick them out and refuse the demands they make and bar the door against them, or give them justice against the trusts and combines protection has produced and sustained in great profits.

You are up against it. I leave it to you to settle with labor. There is no trouble with a Democrat. He tells them the same old doctrine that has rung from every hilltop since the birth of the Republic. We know nobody as a class. We fight for political equality of all, under the banner of equal rights to all and special privileges to none. [Applause on the Democratic side.] We can do nothing for one man except what is right to do for every other man under like conditions. The Republican party may offer to trade with you. They are the great traders of the country. They will trade off anything on earth for votes. They will even trade off the sacred fund of the widows and orphans, piled up through the policy holders of the country, in order to get American votes.

But that is not all. This doctrine has led to what is now termed "practical politics," and that has led to graft. That has led to corruption in public life and out of it. That has led to the prostitution of every great business; to the purchase of legislation. If these protected men contribute vast sums to maintain the party in power that stands for that doctrine, the transition is easy for every corporation that wants governmental favoritism to pay the price and expect to get the goods. They have been doing it right along, and you all know it. You are in a desperate struggle now, after a long lease of power, under the effect of this doctrine, cleaning your stables. You have put many in the penitentiary, and God knows many ought to be there, and you know it, too, and the country is ready to follow the cry, "Reduce and revise the tariff, administer exact and equal justice, let us look at the books, nominate Bryan, and turn the rascals out." [Applause.]

Nothing could be more ruinous, my countrymen, than the idea that campaign funds can be contributed to maintain any sort of class legislation. It is wrong morally, and therefore fatal in political effect on a free and independent republic to raise a great cry about injury to a factory or injury to a bank, as the stand-patter talks, in order to scare these men into digging up and getting a campaign fund to elect his gang. [Applause on the Democratic side.] If you want to know the purpose of all this manifestation of stand-pat oratory, that is it. Not that the men who indulge in it are selling themselves. No; they are too high-minded politicians for that. They do not handle the dirty dollars. Others do that. They only raise the cry; they get up the scare; the goods are delivered to others; others do the work, and the game goes on.

But I want to turn now to say something for the plaintiff's case, Mr. Square Deal, so much neglected by his original daddy, in the discharge of his stepfather duties. What does "square deal" mean? It means equality for everybody; the same number of cards fairly dealt that every other player gets; the same rights in the game; an equal opportunity.

Everybody knows what a "square deal" means in a card game. It is a card-game expression for an old, elementary Democratic truth. Translated into statesmanlike language it means "equal rights for all and special privileges for none." No dealing cards from the bottom of the deck, no cold deck, no hand out to anybody, but a square deal. It is a Democratic child. I claim Democracy wherever I see it, even if portions of it ooze out of the White House at times. It is a good thing, coming from any direction. Now, let us apply it to the tariff, and it is a proposition for which the Democratic party has always stood. The truth is there never was but one fundamental Democratic principle. It applied to free speech and to free men at the beginning, when Jefferson wrote the Kentucky draft of his resolutions. It has applied to every piece of legislation from that day to this. It means that the cardinal rule in legislation is to legislate so that equal rights to all shall be the result of the legislation, and that no one shall get out of it any special privilege.

That is what is the matter with the tariff. Now, let us see if we do not get special privileges. I want to quote these distinguished orators again. Mr. LANDIS said in that speech in discussing the question of the surplus sale of foreign products:

> We needed the protective tariff, first, to enable us to build the factory. Now that we have the factory running, we need a protective tariff to protect the American market and the laborer who is working in this American factory; and we will continue to need it until the American laborer is willing to work for the low wages paid the foreign laborer.

Then he says:

> "Why, they are selling abroad cheaper than they are selling at home." Mr. Chairman, I say to you that that contention, which I do not deny, is to my mind the highest tribute that can be paid to the Dingley law. [Applause on the Republican side.] Under this Dingley law, which started all the factories that Democracy closed, we have builded thousands and tens of thousands of additional factories, and we have put them all into commission. We are consuming 92 per cent of all the products that they manufacture, and in addition to that we are meeting in the open market of the world all the manufacturers of Christendom, and we are underselling them—glory be it to the American name and to the Dingley law.

Mr. DALZELL says:

We have in this country, by reason of the skill of our workmen, by reason of our general prosperity, by reason of our inventive genius, by reason of our improved machinery, arrived at a period when we can make in this country on an average of nine months all that the country can consume in the year.

It is a plain business proposition whether or not we shall run the year around and sell all of our goods in any market, or whether we shall run nine months and close up our factories the other three. But that is not the only reason. Another reason is because, in order to gain a foothold in foreign markets, the price must be regulated so as to meet the price in the foreign market with which we come in competition. And another reason is because in our contest for entrance into the world's markets, we have to encounter a system of tariffs, of syndicates, of cartels, of bounties, all of which were made for the purpose of excluding us from those markets. And another reason is because it is a custom as old as commerce itself, and a universally recognized industrial policy. And still another reason is because the merchants of all countries have two schedules of prices—a home price and an export price.

Now, in what way does this practice help us? It keeps our factories going and our men from idleness. It maintains the American wage. It secures us a foothold in, and, ultimately, to some extent, a command of foreign markets. It does no harm.

Mr. PALMER makes the same statements.

Now, I want to lay down two propositions growing out of these statements by these distinguished advocates of the defendant in this suit.

First, confession is made that we have occupied the home markets fully, and in nine months we make as much as the whole American market will consume, and that the amount made in three months constitutes the surplus of sales abroad cheaper than at home, and must be maintained in order to maintain the system.

Mr. WILLIAMS. Will the gentleman pardon one question?

Mr. BURGESS. Certainly.

Mr. WILLIAMS. These gentlemen have said that in nine months we make all that the home market can consume. Did any of these gentlemen go further and add that we made all that the home market can consume if these protective products sold in the home markets at the same price that they sold abroad?

Mr. BURGESS. No; they are pretty reckless, but I don't think they would do that; that would be too obviously foolish; but they say, contending for the stand-pat doctrine, that it is necessary in order to retain the labor now employed in their production; and I say that your confession as to the surplus by sale abroad utterly destroys all the logic and philosophy upon which the founders of the economic theory of protection grounded the doctrine, and you can not deny it.

What did the great leaders—what did Blaine, what did Garfield, what did Morrell, what did all the great men who stood for protection argue? They said, "This is how protection brings prosperity: By restricting competition in the home market, it invites capital to invest in competing factories, and that gives increased employment to labor, and because of increased employment there is an increased wage, which causes an increased capacity to buy, and that strengthens the home market; and by that process those who raise products like cotton, corn, wheat, rye, oats, chickens, butter, and eggs, are enabled to get back in increased prices what they lost by the increased price they pay for articles manufactured."

This is a fair statement of the philosophy by which each of the great advocates of protection have attempted to demonstrate its economic value in the development of the whole country. The concession by these distinguished stand-pat orators takes all this philosophy out of the present support of the doctrine, for it is perfectly obvious that if the protected manufacturers can in nine months make sufficient, at present prices and under present conditions, to supply the home-market demand, that it is useless to longer argue that protection invites the investment of capital in additional factories to supply the home market, or that the demand for increased employment to labor can be thus produced, or that the home market can be thus strengthened. Instead, therefore, of all present conditions sustaining the original logic of protection, they overthrow it completely, and the bold position is forced upon the stand-patters to contend for the continuance of existing schedules in order that existing factories may continue to run, and that employed labor may hold its own. Any capital seeking investment, or any labor seeking employment—not now invested, not now employed—must "wait for dead men's shoes."

Ah, but that is not the worst. Another admission follows swiftly on the heels of that, a logical deduction that is worse than that admission. As soon as the manufacturers covered the home market, then what happened? They had but one of two avenues by which to maintain an increased business. They must fall to competing in the home market among themselves and thus reducing the price, cut down profits in order to extend their business, or they must combine together to hold the price up to the limit afforded by protection and sell their surplus in foreign markets; and that is exactly what they do, because that yields more profit than any other available avenue. That is why in ten years industrial combinations in all the products that are taxed have sprung up all over the country; that is why they are selling abroad more cheaply than at home; that is why the price of things we buy is under the domination and control of combinations, and a rival factory with more favorable locality and closer market, which would tend to bring down the price, is mashed to earth by these combinations, who then say to the Republican party: "Stand pat. How much do you want to keep this game going?" That is not all. That is not the worst effect of it. It not only stifles competition, but it bars the door to every coming young American, whether in individual manufacturing enterprise or in the domain of labor, or both. It forces the home market under the control of combinations, prevents industrial competition, bars the door to increased employment of labor, and thus destroys every vestige of a square deal to the American voter. I want to note another peculiar thing involved in these admissions. They attempt to plead confession and avoidance. After admitting the facts of the huge sale abroad for the last few years, they say, "Well, it is only 3 per cent of the total products raised in this country," and it is too small to amount to much. That reminds me of the famous incident in the story by Captain Marryat of Peter Simple, which I will not relate at this time. It is "such a little thing" in consideration of the vast commerce as not to have any appreciable effect, they say. The tables show it is 36 per cent of our exports. Now, let me state a proposition. Under normal conditions, applicable to all trade everywhere, under all conditions, if unaffected by other laws, let me say to you that it is an economic principle, as eternal in trade as is the law of gravitation, that the price of a product in the furthest market in which it is sold, less the cost and commissions of selling it there, fixes the price of the product in all intervening markets and in the field of production as well. The housewives in the country long ago found out that if the hens get busy and lay more eggs in Indiana than the local markets can take care of, and they are shipped to Chicago and New York and other great cities, then the city price, less the cost of shipping the goods there and the commission of the wholesaler and the retailer, fixes the price of every egg laid in Indiana, and the hen nor anybody else can not get away from that law.

Every wheat raiser, every cotton raiser, every man who has thought of it, whether he comprehends the philosophy of the law or not, has felt it in its operation and result. There is but one class of people in the United States that do not conform to this law. The manufacturer who sells abroad cheaper than at home violates this fundamental and universal law of trade, to which everybody else who furnishes a product to be sold in excess of his individual consumption must conform. It reminds me of the story of an Irish school-teacher who wanted to illustrate the law of gravitation to me. He said that if I would drop a dollar, it would fall to the floor, but if I held out my other hand and caught it, the law of resistance would suspend the law of gravitation, and the dollar would not fall. Now, protection and the Dingley law thrust out the law of resistance to the universal law of trade and suspended it in the interest of the American manufacturer and against every consumer's interest in the American market. [Applause on the Democratic side.]

Mr. Chairman, this subject needs to be submitted to thoughtful minds, not by garbled accounts of ancient history, not by twisted expositions of party platforms. The sharp, defined issue is presented to the country, Do you favor the reduction and revision of the tariff? This House on that side is full of men who do, and party whip and party power makes them sit silent here while the stand-patters do all the talking. I warn these gentlemen that the people in the districts from which they come can not be whipped into silence on this issue; that if this issue be fought out, as in 1884 and in 1892, the facts are infinitely stronger for Democratic control and ascendency now than then, and your party in a far less worthy and sensible position to maintain the doctrine of protection. Personally I want to see the fight for tariff revision and reduction come in the coming Congressional campaign. I am not willing, however, that anybody shall put me in the false position of being what is called a "free trader." No Democratic platform ever declared for free trade from the first platform, in 1840, down to date. They have declared invariably for a tariff for revenue, and the first resolution on the subject, adopted in 1840, was repeated in every national Democratic platform down to and including 1860, and

under that expression the Walker tariff was enacted, which gave construction to the expression and remains to-day the settled Democratic doctrine.

What was that idea? Put everything in three classes—necessities, comforts, and luxuries—levy the same rate on each class, a higher rate on comforts and a still higher rate on luxuries, and enough on the whole to raise sufficient revenue to meet the needs of honest economical government. It has been always admitted that under that basis, especially when levied upon competing articles, that the tariff laid would carry the incidental evil of a benefit to the manufacturer of that article to the extent of the tariff laid inherent in the system of taxation from which Democracy could not get away without destroying the constitutional system of taxation, which it has never sought to do. Nor does it seek to do it now. More than that, let no manufacturer be afraid that Democracy will ruthlessly ruin his business, for Democracy is as much opposed to ruining by legislation an existing industry as to hothouse one into existence by legislation. We shall deal as sensible men with the condition that confronts us, and we shall gradually apply the correct theory of tariff for revenue so as to bring the greatest good to the greatest number of people and the least injury to any individual that can be produced. That is the sound, sensible Democratic position, and we shall not be put in any other attitude by whatever you gentlemen say. [Loud applause.]

No correct conception of what is meant by a tariff for revenue can be had without comprehending the underlying basic Democratic doctrine that the tariff is a tax, a Federal tax, collected from the consumers of the articles taxed, and that the same immutable principles applicable to all just taxation are applicable to the tariff, as well as the fact that all incidental evils applicable to all taxation are inherent in the tariff system of taxation. All taxation tends to discourage investment in the particular form of property taxed. The failure to tax any property tends to encourage investment in that form of property rather than in the forms that are taxed, hence the doctrine of uniform equal taxation is the only just rule, the only method by which a "square deal" to all can be maintained. We have said that the correct rule of tariff taxation is to levy a tariff of some amount on practically all imports, so as to lay the burden of contribution to the support of the Government on the greatest number of people, on the one hand, and to lessen the incidental evil of class benefit inherent in the system, on the other hand, to the greatest extent that the system of taxation fixed by the Constitution will permit.

The trouble with you Republicans is that you seize upon the incidental evil of this system of taxation and make it the basis of its operation, and, having done this to the limit, you have produced the evils of which I have spoken, and a "square deal" is being demanded by thoughtful patriots everywhere. [Loud applause.] This issue, like Banquo's ghost, is an honest one and will not down. The present popularity of your President grows out of his Democratic tendencies on other lines, and he must go on and apply his doctrine of a "square deal" to the tariff or he must abandon the expression. Whichever he does, the action of Democracy will not be affected. We shall fling out our old banner. Sometimes that of defeat, sometimes that of victory, but ever honorable and ever bearing the unanswerable slogan of "Equal rigths to all and special privileges to none." We shall nominate as our standard bearer in 1908 that man who has stood for years for every popular contention advocated by the present occupant of the White House, for, in the language of the distinguished gentleman from Kentucky in this House, Hon. OLLIE M. JAMES, there is not a single issue advocated by Theodore Roosevelt that is popular with the American people to-day but that bears "the bloody stain of Bryan's faithful feet." [Prolonged applause.]

Mr. WILLIAMS. Mr. Chairman, I rise merely for the purpose of asking unanimous consent that I may insert in the RECORD three pages of Farquhar's Economic Delusions and a letter from that distinguished, though deceased, Republican and protectionist, Secretary McCulloch, giving a history of American panics and their causes.

The CHAIRMAN. The gentleman from Mississippi asks unanimous consent to extend his remarks in the manner indicated——

Mr. WILLIAMS. In reply to the remarks of Mr. MCCLEARY of Minnesota.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. Mr. Chairman, I rise merely for the purpose of asking unanimous consent that I may insert in the RECORD three pages from Farquhar's Economic and Industrial Delusions and a letter from that distinguished, though deceased Republican and protectionist, Secretary McCulloch, giving a history of American panics and their causes. I insert in reply to the "Panic and Tariff" chart of the gentleman from Minnesota [Mr. MCCLEARY].

It completely refutes or explains away every statement made by the gentleman.

Mr. Farquhar says (italics are my own):

It is a fact, I admit, that the crash of 1857 occurred after duties had been put exceptionally low. But that crisis, though very severe in its onset, was far less extensive and lasting than the later one beginning in 1873, under a high tariff; while its effects disappeared after a year or two, we took six years to recover from the great crash of 1873. As there is no doubt that duties were enormously high during our last panic [author means 1873—J. S. W.], protectionists generally pass it over and go back to that of 1837, claiming that the troubles of that day were due to the reductions made in import duties by the acts of 1832 and 1833. It should be remembered that the 1833 act, known as the "Compromise Tariff," which provided for general import rates of 20 per cent, was not to go into full effect until 1842, nine years after its passage. It was the result of an understanding between Clay and Calhoun, representing opposite opinions on the subject, Clay admitting that no industry was entitled to protection which could not make itself self-sustaining in nine years. *At the time the reduction was less considered as a source of financial difficulties than the great elevation of duties in 1828*, whose instigators were put to it to satisfy their fellow-citizens that it was not their own measure that had caused the trouble. The notion that the panic was brought on by the compromise tariff seems to have been invented many years later by an amiable, ingenious, and undoubtedly cranky publisher of Philadelphia, Henry Charles Carey, whose writings, "voluminous and vast," are far oftener talked of than read. Carey was not the sort of person who would consciously misrepresent facts; but the mind that could overlook the real causes—to wit, reckless speculation and huge and rapidly increasing State and municipal debts incurred for internal improvements, to say nothing of the collapse of the banking system of the country under the well-meant but over-violent attacks of an impetuous chief magistrate, and could ascribe such an effect to the relief of the people from a few unendurably oppressive import taxes—is a mind too distorted and prejudiced to serve as a guide in any rational inquiry.

The 1837 crisis, moreover, involved this country and Europe together. [This was likewise the case in 1893—J. S. W.]. The Europeans had another severe crisis ten years later, in 1847, just after another large reduction of duties in this country. If Carey's invention was ever to have an application, then 1847 should have been the time [especially as the year 1842 before 1846 saw another tariff reduction—J. S. W.]. But of the 1847 crisis, in which we ought by his rules to be fatally involved, our country felt not a trace, or far less disturbance at all events, than it underwent in 1825, just after an increase of duties. A particularly severe crisis began with us in 1818, under circumstances very like those of 1873, for the duties were then—disobligingly enough—decidedly higher than they had been before the war.

Having seen how the facts really stand with regard to the first "low-tariff" panic, need we be at a loss to account for that of 1857? To anyone who remembers the "wild-cat" currency then in circulation, whose every note, usually made payable at some branch bank located in an inaccessible place, had to be carefully conned and gauged—perhaps discounted, too—before it could be accepted, and the shameful inadequacy and venality of the State banking laws under which the most of it was issued, there is no occasion to look to national customs rates for an explanation.

Credit was then an edifice on a shaky foundation, sure to collapse when built up high enough. The only surprising thing about the 1857 crisis, to my mind, was the ease and buoyancy with which we recovered from it. In that respect it was altogether exceptional.

Now, hear the testimony of Hugh McCulloch, former Republican Secretary of the Treasury, now dead. Mr. Farquhar adds:

To supplement this fragmentary sketch of our panic history in the best way possible, I add a few paragraphs of testimony from the man who, of all men living [this was in 1891—J. S. W.] is most competent to speak on the subject, and whom it is least possible to look on as warped or hampered by prejudice. For years at the head of one of the very few creditable and successful State banking systems, afterwards Comptroller of the Currency at the most critical period of the war and Secretary of the Treasury under three administrations, Hon. Hugh McCulloch needs no recommendation to public confidence; while his well-known standing as a Clay Whig, and afterwards an earnest Republican, would certainly acquit him of partisan bias, were it possible for any reader to bring any accusation of the sort against language so calm and courteous—so indicative of ripe knowledge, clear sagacity, and judicial spirit. The following paragraphs are taken from his refutation of a protectionist tirade by Mr. Blaine, and first appeared in the New York Times, February 3, 1890:

"THE REVERSES OF 1837.

"Of these reverses and all subsequent ones I can speak advisedly, because I held positions of financial responsibility and had personal interests at stake. I was in 1837, and had been for a considerable time, the manager of the branch at Fort Wayne and a member of the board of control of the State Bank of Indiana. Mr. Blaine's statement that 'the years 1834–1836 were distinguished for all manner of business hazards' but faintly describes them. They were years, especially 1836, of the wildest speculation. In the East it was varied in character, but its dangerous elements were excessive credits, and there were few things that could be bought or sold that were not affected by it.

"In the West it was confined to wild lands and lands unimproved and town lots, many of which never had any existence except upon the recorded plats. It was speculation similar to that in the timber lands of Maine a few years before. Lands bought of the Government at $1.25 per acre were soon sold on credit at $4, $5, and in some cases $10. Hundreds of tracts were laid off in town lots where the original forests were still standing. What took place under my own observation seems now to be too absurd to have been real. On the Maumee River, from its mouth on Lake Erie, there was for miles a succession of towns. Some of them, like Maumee City, Perrysburg, Manhattan, and Toledo, were realities, but most of them existed upon paper only. In the spring of 1836 a young man, whom I met at Maumee City, said to me that he

had made a great deal of money in a few months. To my inquiry, how he had made it, he replied, 'by buying and selling lots.' 'Maumee City,' said he, 'lies, as you know, at the foot of the rapids, and is destined to be one of the great cities of the West; property is rising rapidly in value, and I am buying and selling every day.'

"'How did you raise the money to commence with?'

"'Oh, very little money is required in this business. I pay when I buy and I require when I sell a lot a few dollars to bind the bargain, but nearly everything is done upon credit.'

"On my way from New York to Fort Wayne, in the same year, I stopped over night at a hotel in Toledo. After dinner I noticed that there was a gathering of gentlemen in the parlor, and in the course of the evening I was waited upon by one whom I knew and invited to join it. 'Our rule' said he, 'is to admit no one to these meetings who is not worth $100,000. As you are a banker, you must be worth at least that.' This was far from being the fact, but I accepted the invitation. The company consisted of gentlemen, some of whom I knew personally and others by reputation. They were politicians, scholars, writers, and one or two of them authors of considerable renown, but not one was there whom I recognized as being engaged in regular business pursuits. It was a sort of private exchange, at which the members made themselves rich by buying and selling to each other lands and town lots. There was at times a good deal of excitement, much like that which is witnessed in the New York Stock Exchange. When the meeting closed everyone felt that he was richer than when it opened. In a few brief months there was not one of these hundred-thousand-dollar men who was worth a hundred thousand cents.

"RESULTS OF THE SPECULATIVE MANIA.

"The same speculative mania prevailed to some extent all over the country. It originated in unwise extension of the credit system, which was mainly the result of the removal of the Government deposits from the United States bank and the placing of them in State banks. When the deposits were removed there was, among conservative men, great apprehension that the effect would be severe financial trouble. To prevent this it seemed to be the understanding between the Secretary of the Treasury, acting under the direction of the President and the banks—pet banks as they were called—that as they had been favored by the Government in the use of the public moneys, they should deal liberally with their customers. This they did, and, as their capitals were sufficient to supply the demands of healthy business, the loans of the Government deposits were made to men who were engaged in speculative enterprises. Then, too, many of the States were engaged in works of internal improvement, and were spending large amounts of money which they had obtained by sales of their bonds in Europe.

In addition to the large volumes of currency thus put into circulation, a bank under the name of the Pennsylvania Bank of the United States was chartered by Pennsylvania as the successor to the United States Bank, with the same capital and mostly the same managers, which not only loaned its money in a manner which savored of recklessness, but bought large quantities of cotton on its own account. Never were credits so easily obtained nor so unwisely used; never to the superficial observer had the country been so prosperous.

"In the meantime, however, industry was declining, and all kinds of agricultural productions were commanding exorbitant prices. Wheat went up from $1 to $2 a bushel, and cotton from 7 to 15 cents a pound. A speculative fever everywhere prevailed similar in character, and as much more disastrous in consequences as it was wider in extent, to the South Sea bubble in England. Conservative men, strangely enough, as well as adventurers, were its abettors and its victims. Banking institutions, and especially the Government depositories, were in a great measure responsible for it, and not a few were ruined.

"I call to mind one case which interested me greatly. In the spring of 1836 I went to a city in a State adjoining Indiana to make with its leading bank exchanges of New York and New England bank notes for its notes, which were receivable at the Government land offices. As I knew the president personally, I called upon him at the bank after banking hours. I was kindly received, but I noticed that he was in bad humor, which he did not try to conceal, the cause of which he explained. 'I have,' said he, 'for the first time since I became president of the bank been squarely overruled in a matter of great importance. I do not like,' he went on to say, 'the business outlook. The people seem to me to have gone mad, and if I am not greatly mistaken they will soon find out that the prosperity of the country is unreal. We owe the Government a large amount of money, and as we have enough and something more in the hands of New York to pay it, at the meeting of the board this afternoon I introduced a resolution in favor of paying the debt and dissolving our connection with the Government. In offering the resolution I explained as fully as I was able to do my reasons for doing so. I was listened to attentively, but when the vote was taken there was but one vote (my own) in its favor. Not only was the resolution voted down, but I was instructed to use the money to our credit in New York in current business at home. To my directors the idea of giving up the use of a large amount of money on which we pay nothing, when it might be loaned at high rates of interest, seemed to be absurd. I hope they are right; time will show.' Time, and short time at that, did show. In little more than one year this great bank, which up to the time of its connection with the Government had been conservatively and profitably managed, was ruinously, hopelessly broken, and some of the directors who were its borrowers went down with it.

AFTER THE PANIC OF 1837.

Of the reverses of 1837 [five years after law of 1832 reducing tariff duties, J. S. W.] I made the following remarks in my report as Secretary of the Treasury in 1865:

"The great expansion of 1835 and 1836, ending with the terrible financial collapse of 1837, from the effects of which the country did not rally for years, was the consequence of excessive bank circulation and discounts, and an abuse of the credit system, stimulated in the first place by Government deposits with the State banks, and swelled by currency and credits, until, under the wild spirit of speculation which pervaded the country, labor and production decreased to such an extent that the country of the world became an importer of breadstuffs.

"The balance of trade had been for a long time favorable to Europe and against the United States, and also in favor of the commercial cities of the seaboard and against the interior, but a vicious system of credits prevented the prompt settlement of balances. The importers established large credits abroad, by means of which they were enabled to give favorable terms to the jobbers. The jobbers in turn were thus, and by liberal accommodations from the banks, able to give their own time to country merchants, who in turn sold to their customers on infinite credit. It then seemed to be more reputable to borrow money than to earn it, and pleasanter and apparently more profitable to speculate than to work. And so the people ran headlong into debt, labor decreased, production fell off, and ruin followed."

This was, of course, a panic sharp and terrific, but it was of short duration. It was soon followed by a lethargy under which all the springs of enterprise and hopefulness were dried up. To prevent the sacrifice of property under judicial decrees, stay laws and appraisement laws were enacted by many of the States, which only aggravated the trouble. For long, weary years the lethargy continued. There was no demand for anything except the necessaries of life, and all these, except clothing, were sold for scarcely enough, and in some cases not enough, to pay the expenses of taking them to market. I witnessed a sale in 1839 [seven years after law of '32, J. S. W.] to the keeper of a hotel in Indianapolis of oats at 10 cents a bushel, and fine chickens at 50 cents a dozen. The same year I saw thousands of barrels of flour under the sheds of Suydam, Sage & Co., in New York, which they were offering at $3.50 a barrel. Fat cattle were selling at so low a price—$10 and $12 a head—that my brother thought that he would pack a few barrels of beef at Fort Wayne for the New York market. He did so, and was drawn upon by his consignees for a part of the expenses of transportation not covered by the sales. From 1837 to 1841 there was nothing to break the stagnation but the political campaign of 1840, in which everybody became enlisted for want of something else to do. In the fall of 1841 a reaction began to appear. This became decided in 1842, before the tariff of that year went into operation, and in 1845 the country, chastened by adversity, was in the full tide of healthy and wealth-producing industry and enterprise. This continued until credits became again unwisely expanded and speculation became rife.

THE PANIC OF 1857.

In 1857 I was the president of the bank in the State of Indiana, and this is a part of what I said about the financial troubles of that year in the report from which I have quoted:

"The financial crisis of 1857 was the result of a similar cause to that of 1837, namely, the unhealthy extension of the various forms of credit. But as in this case the evil had not been long at work and productive industry had not been seriously diminished, the reaction, though sharp and destructive, was not general, nor were the embarrassments resulting from it protracted. Now, in both instances, the expansion occurred while the business of the country was upon a specie basis, but it was only nominally so. A false system of credits had intervened, under which payments were deferred and specie, as a measure of value and a regulator of trade, was practically ignored. Everything moved smoothly and apparently prosperously as long as credits could be established and continued, but as soon as payments were demanded and specie was in requisition distrust commenced and collapse ensued. In these instances the expansions preceded and contraction followed the suspension, but it will be recollected that while the waves were rising specie ceased to be a regulator by reason of a credit system which prevented the use of it."

Now, with all due respect to Mr. Blaine, I express the opinion that the apparent prosperity which preceded the revulsion of 1837 and the real prosperity which preceded the crisis of 1857 were not caused by the tariff and that the reverses which followed were not attributable to its reduction. If the tariff was in any measure instrumental in producing the changes, it was in stimulating the expansion which terminated in disaster. In 1857 I was a believer in the tariff, and it never entered my head to attribute the financial troubles of that year to the changes to which it has been subjected.

THE FINANCIAL TROUBLES OF 1873.

The most pressing duty which I had to perform when I became Secretary of the Treasury in 1865 was to provide the means to pay the soldiers, and to meet other pressing demands upon the Treasury. This was done in the only way it could be done, by the sale of temporary obligations which had proved to be attractive to investors. After this had been accomplished the work of funding these obligations was commenced and carried successfully on until the whole amount—some thirteen hundred millions of dollars—was converted into bonds. While this work was going on I was under constant apprehension of a financial crisis before it could be completed. My apprehension was unfounded, but only as to time. The crisis was postponed, and for so long a period that the opinion generally prevailed that the vitality and productive power of the country were so great that the most expensive war that had ever been waged could be concluded, and great expansion of credit could be checked and abridged without financial disturbances. I have to confess that this was my own opinion, but the same causes which produced the crisis of 1857 were at work, and, as had always been the case, the revulsion came when least expected.

When I left London in September, 1873, to come to the United States, the financial skies, if not cloudless, were not threatening. The letters which were received by the London firm from its New York partners were encouraging; and I had no reason to expect anything but a pleasant visit to my old home, and a return to London under auspicious circumstances. But on the arrival of the steamship in the outer harbor I was met by the stunning intelligence that my American partners and the correspondents of the Fort Wayne banking house in which I was interested had failed; that all the banks except the Chemical Bank, which had weathered all storms, had suspended, and that one of the wildest panics which had ever occurred was raging throughout the country. The crisis was a terrible one. Although it came unexpectedly, it was only the consummation of influences which had long been at work beneath the financial horizon. In extent, in fierceness, and the disaster it resembled the revulsion of 1857. It was not, as Mr. Blaine states, brought about by the losses sustained in the civil war, which had been terminated eight years before, nor by the destructive fires in Chicago and Boston. Great losses may bring about what are called hard times—not panics. It was produced by an expansion of currency and of credits which fostered speculation, which rarely fails to terminate in financial troubles.

Follow what Mr. McCulloch says about early panics to that of 1893. The panic was over before the McKinley bill was repealed, though consequent depression lasted on for three years or more.

Remember the wild speculation and expansions of credits to the stretching point in the early and middle eighties; the "booms" all over the country about Birmingham, Sheffield, Fort Wayne, Chattanooga, in south West Virginia; in silver mines and boom towns out West. Remember the inevitable subsequent contraction of credits in 1889, 1890, 1891, and 1892.

All of this—both speculation and contraction to cure speculation—and the consequent panic of 1893, occurred under the high protective tariff which bore Mr. McKinley's name, which was not repealed until August 17, 1894. We all remember the panic, soup houses, and Coxey's army marchings of that panic.

The CHAIRMAN. The Chair understood the gentleman from Texas to ask unanimous consent to extend his remarks in the RECORD.

Mr. BURGESS. If you please.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. The gentleman from Nebraska [Mr. KENNEDY] is recognized for thirty minutes.

Mr. KENNEDY of Nebraska. Mr. Chairman, I wish to speak on postal savings banks, with special reference to H. R. 12209, introduced by me January 17.

In these modern days unorganized public sentiment is practically powerless. Almost every measure enacted into law has behind it an organization of some sort actuated by personal interest or profit. The Members of this House receive daily evidences of combinations to affect legislation, many of them being beneficial and some of them detrimental to the public welfare. The organized efforts put forth by capital and labor, and all classes of people, are directed mainly to the getting of money and not to the keeping of it. The present is a period of great prosperity and of great extravagance. The practice of economy is rare, except in those instances where circumstances compel it. The capacity to acquire wealth has been cultivated to the limit, but the habits of frugality, which aid in retaining it, are almost wholly forgotten. The Republican party has been largely instrumental in making the people prosperous. It should not now overlook the corresponding duty to aid in making them provident. The national banking system has amply provided for the needs of the rich and the commercial classes, but it has barely touched the poor and the people of moderate means. It is just as much the duty of the General Government to provide a system of savings banks for the toiling millions as it was to provide a system of national banks for the business interests of the country.

I realize, Mr. Chairman, that the people for whose benefit postal savings banks should be established can not bind themselves together and make their influence felt in Congressional campaigns. They must rely largely on the justice of their demand for such legislation. I am not unmindful of the fact that Congress does not lead, but follows, public opinion, and that the committees of Congress are reluctant to report important measures, except under the pressure of public opinion. It will be difficult, therefore, to get the Committee on the Post-Office and Post-Roads to report favorably any postal savings-bank bill, and equally so to put it through this House. The sentiment in favor of such a measure, however, has grown rapidly of late, and must soon be reckoned with inside and outside of Congress.

SUBJECT NOT NEW.

This subject is not new to Congress. Almost sixty bills have been introduced within the last thirty years—about thirty-five in the House and twenty-five in the Senate. In 1881, on the request of the Postmaster-General, made at the instance of Representative Springer, of Illinois, James G. Blaine, then Secretary of State, sent to the diplomatic representatives of the United States stationed in foreign countries a circular letter requesting them to obtain from the several governments to which they were accredited, information touching the practical workings of postal telegraph lines, telephones, and postal savings banks, and report such information to the Department. As a result of that inquiry much valuable information was obtained and many reports transmitted. In February, 1882 (47th Cong., 1st sess.), Mr. Lacey, of Michigan, from the House Committee on the Post-Office and Post-Roads submitted a favorable report on H. R. 4198, providing for the establishment of postal savings banks, and fully, clearly, and concisely set forth the reasons why the passage of the bill was recommended. In February, 1891 (51st Cong., 2d sess.), Mr. Evans, from the House Committee on the Post-Office and Post-Roads submitted a favorable report, recommending the passage of a similar bill (H. R. 13404). In April, 1897, the Senate adopted a resolution directing the Secretary of State to send to the Senate any information in the possession of the Department relative to the various postal savings-bank systems then in operation in other countries.

In response to that resolution, in May, 1897, President McKinley transmitted a report which included many diplomatic and consular reports on the subject. In July of that year the Senate passed a resolution directing the Secretary of State to send to our diplomatic representatives abroad a circular letter similar to the one sent by Mr. Blaine in May, 1881, instructing them to obtain and transmit all possible information touching postal savings banks, postal telegraph lines, and telephones, such information to be sent to the Senate at the opening of the next regular session of Congress. John Sherman, then Secretary of State, acted promptly on the resolution, and during the spring of 1898 reports were forwarded by him to the Senate from twenty-six countries. These reports were published in Senate Document No. 39, second session Fifty-fifth Congress. They were uniformly favorable to the establishment and operation of postal savings banks. Fortified by these reports, in January, 1899 (55th Cong., 3d sess.), Mr. Butler and Mr. Mason, from the Senate Committee on Post-Offices and Post-Roads, made a favorable report on a bill to establish a postal savings-bank system (S. 4747); which was made a substitute for seven other bills then pending in the Senate.

Postal savings banks have been recommended by six Postmasters-General of the United States. They were recommended by Postmaster-General Creswell as early as 1871, which recommendation he renewed in 1872 and again in 1873. Postmaster-General Maynard recommended them in 1880; Postmaster-General James, in 1881; Postmaster-General Howe, in 1882; Postmaster-General Wanamaker not only recommended them in three annual reports, but in 1891 he made a strong argument in favor of their establishment, and Postmaster-General Gary indorsed them in 1898. It appears, therefore, that for thirty-five years efforts have been made in this country to establish postal savings banks to receive the deposits of the masses without success. The friends of the system ought not to be discouraged, however, because it took more than fifty years of constant effort to establish them in Great Britain, where they had their birth, and where they have grown with the years in volume of business and in usefulness to the people. It is interesting to note the results in foreign countries.

Mr. DWIGHT. Will the gentleman permit an interruption?

Mr. KENNEDY of Nebraska. Certainly.

Mr. DWIGHT. In the countries abroad where postal savings banks exist do they pay interest on deposits?

Mr. KENNEDY of Nebraska. Yes, sir.

Mr. DWIGHT. Do you know what rate?

Mr. KENNEDY of Nebraska. Yes; I will speak of that more in detail as I proceed. Great Britain pays the lowest rate, 2½ per cent. It was formerly 3 per cent.

GREAT BRITAIN.

The credit for establishing postal savings banks in the first instance belongs chiefly to W. E. Gladstone. From 1807 for fifty-four years the public-spirited men of Great Britain had attempted to establish the system. In 1861 Mr. Gladstone succeeded in establishing it in England, and in the following year it was extended throughout Great Britain. The results speak for themselves more eloquently than any words of mine. The growth of the banks in Great Britain clearly appears from the increase of deposits and the rapidly increasing number of depositors. For the periods stated, from 1863 to 1905, both inclusive, deposits increased as follows, round numbers being used as a matter of convenience:

1863	$16,800,000
1867	48,000,000
1878	150,000,000
1882	200,000,000
1890	338,000,000
1895	490,000,000
1899	650,000,000
1905	750,000,000

There are now about 10,000,000 depositors in Great Britain, so that the average deposit is about $75. There are approximately 14,000 offices receiving deposits.

NEW ZEALAND.

Postal savings banks were established in New Zealand in 1867, and the following figures give the deposits at different periods from 1870 to 1904, both inclusive:

1870	$1,476,000
1875	3,636,000
1880	4,518,000
1885	8,190,000
1890	12,209,000
1895	19,477,000
1896	21,558,000
1904	36,000,000

CANADA.

Canada followed New England and established postal savings banks in 1868. The deposits at stated periods from 1870 to 1905, both inclusive, were as follows:

1870	$1,588,000
1875	2,926,000
1880	3,945,000
1885	15,000,000
1890	21,900,000
1895	26,800,000
1897	32,380,800
1900	37,507,400
1905	45,367,000

The average deposit in Canada is about $270. The rate of interest paid is 3 per cent, and was formerly 3½ and 4 per cent.

JAPAN.

Japan adopted the postal savings-bank system in 1875 and has reported deposits at certain periods from 1876 to 1896 as follows:

1876	$41,800
1881	822,000
1886	15,462,000
1891	20,000,000
1896	28,000,000

The average deposit in 1896 was under $23, the number of depositors being over 1,250,000. The rate of interest paid was 4 per cent.

FRANCE.

France established municipal savings banks in 1875, but her present postal savings-bank system was not established until 1881. In the fifteen years from 1881 to 1896 the deposits in these banks increased to $21,750,000, the number of depositors being over 400,000, and the average deposit over $50. These figures do not include the deposits in the municipal savings banks.

The French people are unusually thrifty and are excellent financiers. If the amount of their deposits in the municipal savings banks were added to the deposits in the postal savings banks, their capacity for saving and thrift would appear to be what it actually is—phenomenal. It is estimated that in France there is an account for every family.

GERMANY.

Germany has a municipal system of savings banks, of which the people avail themselves freely. Under that system the municipalities take the place of the General Government. The deposits, especially in the larger cities, aggregate enormous amounts. In Berlin alone there are over 500,000 accounts. Three per cent interest is paid on deposits.

OTHER COUNTRIES.

The following countries have adopted postal savings banks at the times stated: Belgium, 1869; New South Wales, 1871; Italy, 1876; the Netherlands, 1881; Austria-Hungary, 1882; Sweden, 1884; Cape Colony, 1884; Hawaii, 1886; Russia, 1889.

In 1896 Belgium had over 1,850,000 depositors, with deposits aggregating over $26,600,000. In 1904 the deposits amounted to nearly $110,000,000.

In 1896 New South Wales had on deposit in the postal savings banks over $21,800,000; in 1903, over $34,000,000.

At the close of 1895 Italy had 4,763 savings banks, with almost 2,900,000 accounts, and $90,000,000 deposits, the average deposit being over $30, and the interest paid on deposits, 3 per cent. In 1905 Italy had on deposit $195,000,000, the average deposit being $35.

In Austria-Hungary, at the close of the year 1896, the deposits in the postal savings banks amounted to $27,000,000; in 1903, over $36,500,000. The average deposit in that country is about $22.

In 1896 in Hawaii the deposits amounted to $730,350, the number of accounts being 7,494, and the average deposit over $97. The rate of interest paid on deposits was 4½ per cent.

It will be noted that in some instances the statistics bearing on the postal savings banks of other countries are not given for the last ten years. This is due to the fact that they are not accessible. Many of the figures used are those included in the reports made to the Secretary of State by our consuls stationed abroad under the resolution of the Senate adopted in July, 1897.

Believing that the House and the country ought to have detailed information on this subject covering the period from 1896 to the present time, I recently introduced in the House the following resolution, which was referred to the Committee on Foreign Affairs, and has been favorably reported by that committee.

Resolved, That the Secretary of State be directed to send to the diplomatic representatives of the United States abroad a circular letter instructing them to obtain from the several foreign governments to which they are accredited as full information as possible touching the operation of postal savings banks, from 1896 to the present time, in the several countries which have adopted them; such information to consist chiefly of the aggregate amounts on deposit, and the aggregate number of depositors, at a stated date each year during the period aforesaid, the rates of interest paid, and copies of the present laws relating to such banks; the reports received in response to said circular letter to be sent to the House of Representatives at the opening of the regular session of Congress in December next, or as soon thereafter as possible.

The reports called for by the resolution would be made by our representatives abroad without expense to the Government, and it certainly can not be urged that correct statistics on a matter of such vital importance would injuriously affect Members of Congress and the country at large.

We have heard much and read much about our Government being of the people, by the people, and for the people. It is of the people and by the people, but with respect to its failure to establish postal savings banks it is not for the people. In this connection, the people I mean are the great masses, who are the real producers of wealth upon whom our material prosperity really rests.

In the light of the foregoing figures, it can not be successfully contended that postal savings banks have not been a success in other countries.

Mr. BENNET of New York. Does your plan contemplate extending the postal savings-bank system to cities such as New York, where we have a thoroughly organized system of savings banks?

Mr. KENNEDY of Nebraska. My bill contemplates establishing postal savings banks in certain classes of designated post-offices throughout the United States, which would include post-offices in cities such as the city of New York.

Mr. BENNET of New York. Just one more question——

Mr. KENNEDY of Nebraska. I was going to add one thing more. I have in my bill an optional provision which leaves it to each State to say whether or not it will adopt the system. Under that provision, unless the State of New York should decide through its legislature to adopt it, the banks would not be opened in that State.

Mr. BENNET of New York. I should think that was a very wise provision. We are very proud of our savings banks in New York State. Could the gentleman tell me what effect, if any, this postal savings-bank system had in Canada on the private savings banks?

Mr. KENNEDY of Nebraska. I shall be glad to tell you that in just a moment.

CONDITIONS FAVORABLE IN THE UNITED STATES.

It is quite usual, Mr. Chairman, for those opposed to postal savings banks to admit their success in other countries, but to assert that conditions are different here. In what respect are they different? Are they less favorable for the growth and development of the system? It may be said that the laboring people of other lands are more thrifty than our own. In a measure that is true, because thrift has been fostered in them by the several governments providing depositories for their surplus earnings. In this country wages are higher, and, provision being made for banks of unquestioned solvency, savings should be much greater per capita than in Europe. It is true that a larger proportion of our people of moderate means own their own homes, but that proportion would be immeasurably increased by the stimulus which postal savings banks would give to habits of thrift and economy.

It can not be said that private savings banks in Europe are less safe than similar institutions in our own country, because statistics prove the contrary to be the truth; nor can it be established that private banks are less accessible to the people in foreign countries, because the density of population over there tends to the opposite result. The conditions existing in Canada are not materially different from the conditions existing here, and yet postal savings banks have flourished in Canada from the date they were established, and they are considered to be and are an unqualified success. In 1870 they had on deposit $1,588,000, and since then $45,000,000 in deposits have been added. Human nature is quite the same the world over. Most men will provide for the future if they are sure of their savings in the end, but so long as there is an element of uncertainty about that, self-indulgence takes the place of self-denial and thrift becomes an unknown factor in the problem of life.

BONDS SUFFICENT FOR INVESTMENT.

It is frequently said that postal savings banks can not be operated successfully in the United States because there is no large or permanent national debt, and, therefore, no proper investment for the funds. A recent statement issued by the Treasury Department shows that the United States bonds outstanding, not pledged by the national banks to secure circulation, aggregate over $383,000,000. Statistics concerning the indebtedness of the several States of the Union, collected by me within the last few months, show that the aggregate amount of bonded indebtedness of the States is over $220,000,000. These bonds, national and State, aggregate over $600,000,000. The building of the isthmian canal will create a bonded indebtedness of at least $150,000,000. There would therefore be available for purchase at some price bonds aggregating $750,000,000, in which deposits in the postal savings banks could be invested. The present adequacy of this bonded indebtedness is apparent when we consider that the total deposits in the postal savings banks of Great Britain, after more than forty years, are $750,000,000, an amount not in excess of the national and State bonds available for our investments. It may be urged, however, that the

United States as a nation does not contemplate a permanent bonded indebtedness. It is doubtful whether we will ever be entirely free from interest-bearing bonds. The construction of the isthmian canal is a great undertaking, and no man can foretell its effect upon international commerce. When that great work is completed the genius of the American people will find other undertakings of equal importance calling for the expenditure of great national wealth.

In addition to the United States and State bonds, there are hundreds of millions of dollars of municipal securities in which funds might be invested. These municipal bonds are for the most part of unquestionable validity, and would furnish a ready means for surplus investments.

WOULD NOT INJURE PRIVATE BANKS.

National banks are not now to any extent opposing postal savings banks, because they recognize the fact that they would not interfere with them in the conduct of their business. The opposition comes chiefly from savings banks charterd under State laws, or operated as private partnerships. It must be conceded that the Government should not undertake anything which can be done equally as well by private enterprise. If private banks can be so conducted as to supply the needs and merit and command the confidence of the people they are entitled to the business. So far as they are not safe, they can not command public confidence. During the period from 1865 to 1896 over 1,200 of our banks, other than national banks, failed. Their liabilities were $220,000,000, on which they paid in dividends $100,000,000, thus making the net loss in thirty-one years $120,000,000. The largest number of failures occurred in 1893. During that year there were 261, with liabilities of $46,766,800, on which dividends were paid amounting to $17,912,270, making the net loss $28,854,530 in one year. It will be noted that the average number of failures from 1865 to 1896 was about 40 each year. It will be conceded that from 1897 to the present time conditions throughout the country have been such that failures should have been few and far between, and yet from 1897 to 1905, both inclusive, there were 517 failures of banks, other than national banks, with liabilities aggregating over $123,361,000. The dividends paid out of these latest failures are not yet obtainable. It is safe to say that since the time postal savings banks were established in Great Britain the people of this country have lost by the failures of banks, other than national banks, the enormous amount of $200,000,000. It must be remembered, too, that this loss has not fallen upon the rich, but upon the people of moderate means and the extremely poor. It undoubtedly is true that a large number of these failures were due to mismanagement and dishonesty, and that by far the greater proportion of our State and private banks are safe and sound and well managed. We must admit, however, that we can not stand upon the record of the past and expect our people to place implicit confidence in all private savings banks, and a large proportion of the people will not discriminate, and so will not deposit in any of them.

In 1905 there were 1,237 savings banks in the United States, and the population at that time, as estimated by the Comptroller of the Currency, was 83,260,000. It will appear, therefore, that in 1905 there was only one savings bank to 67,300 people. The same year the capital stock of all the savings banks in the United States aggregated only $26,191,294, and the deposits in these banks were $3,093,077,357. In other words, the deposits were nearly 120 times the capital stock. The number of savings banks is not equal to the needs of the people, and the capital invested is no adequate protection to the people who deposit their money in them.

There is no reason why properly managed private savings banks can not compete successfully with postal savings banks. The average rate of interest paid by private banks on savings deposits is 3½ per cent. The average rate paid by the Government would not exceed 2½ per cent, thus giving the private banks the advantage of 1 per cent in the rate of interest. This alone would give a sound, solvent, and well-managed institution an advantage that could not be overcome. Then, again, the statistics and experience of other countries show that the postal savings banks have served as feeders for the private banks, and that both classes of institutions have grown side by side. The depositor in the postal savings bank begins with a deposit so small that his account is of no value to the private banker. When he has increased it by thrift and economy he becomes more confident of his ability to handle the fund, and he transfers his accumulation to the private bank, which pays him a higher rate of interest. This is the view taken of late by many of the building associations throughout the country. They now realize that postal savings banks would help and not hinder them. The fact that private banks flourish alongside of postal savings banks is amply demonstrated in Canada. Between 1900 and 1905 the posfal savings bank deposits in that country increased less than $8,000,000. During the same period the chartered banks and private savings banks in Canada increased their deposits nearly $245,000,000. Well-managed private banks have nothing to fear, but much to hope, from postal savings banks.

Mr. GARRETT. Have you time to yield?

Mr. KENNEDY of Nebraska. Just for a question.

Mr. GARRETT. I want to suggest this thought. The fundamental objection that I have seen so far to all the postal savings bank bills that I have examined is this: That they provide that the funds deposited shall be exempt from any sort of garnishment or execution from any State court. Now, I want to ask my friend if he does not think that is stepping rather far?

Mr. KENNEDY of Nebraska. Yes; and my bill does not contain that provision.

Ten years ago, Mr. Chairman, the United States was the only civilized nation without a bankruptcy law, and now that the country has tried it, it will not be repealed in a hundred years. To-day the United States is the only civilized nation without a law providing for postal savings banks or Government savings banks of some sort.

Mr. SULZER. And if we ever get one it will not be repealed in a hundred years, either.

Mr. KENNEDY of Nebraska. The gentleman from New York is quite right.

WOULD EXPAND AND NOT CONTRACT THE CURRENCY.

It is frequently urged that the establishment of postal savings banks would tend to contract the currency. The contrary is true. In times of stringency and panic the people of moderate means withdraw their money from the private banks and hide it away in deposit vaults, beds, boots, and stockings, not to be deposited again until confidence has been restored. The money so withdrawn from the banks is withdrawn from circulation, and to that extent the currency is contracted. No panic would ever induce any depositor to withdraw his money from the postal savings bank. If postal savings banks were established and the panic came, depositors withdrawing their money from private banks would deposit it immediately in the postal savings banks, thus preventing to that extent a contraction of the currency. It has been argued that the Government would gather the deposits made in postal savings banks throughout the country and place them in Washington, New York, and other money centers. That would not be the case. The deposits would be invested, and pending investment, should be and would be kept on deposit in the particular localities from which they came. My bill, now pending, has a provision to that effect. Moneys invested by the Government under the postal-savings-bank act would at once find their way into the various avenues of trade and commerce.

Mr. FINLEY. Will it interrupt the gentleman if I ask him a question?

Mr. KENNEDY of Nebraska. I have only a few minutes, but I shall be glad to answer the question.

Mr. FINLEY. The gentleman stated a moment ago that national banks were not opposed to postal savings banks.

Mr. KENNEDY of Nebraska. That is my experience with them.

Mr. FINLEY. Why?

Mr. KENNEDY of Nebraska. Well, one reason is that many national-bank officials believe that in times of panic private savings banks are a menace to the national banks. These savings banks have not the funds available for withdrawal in case of a run, and they know that as soon as they claim the right to require the notice to which they are entitled their credit and standing is impaired, and so they call upon the national banks for support, and to protect themselves the national banks give it to them to their own detriment. Another reason is that many national banks now recognize that postal savings banks would serve as feeders for them.

Mr. FINLEY. I will ask the gentleman if he thinks because of the fact that the Government deposits, sometimes more and sometimes less, in the national banks—placing money on deposit there—that in the case of the postal savings banks they would reap even larger benefits than they have in that respect? Has that anything to do with it?

Mr. KENNEDY of Nebraska. No, sir; I think not. Under the system which I have outlined in my bill, if they had any such expectation they would be disappointed, because that contemplates the immediate investment of the funds and provides that until they are permanently invested they go back to the locality from which they came, so as to prevent centralization.

Mr. FINLEY. But after an investment was made, then the funds would be centralized in the larger cities.

Mr. KENNEDY of Nebraska. No, sir; not at all; because just as soon as the investment was made the money would pass out of the hands of the Government into the channels of trade and commerce.

Mr. GARRETT. Does the gentleman think that the establishment of postal savings banks under the system outlined in his bill would interfere to any great extent with the commercial banks of the country?

Mr. KENNEDY of Nebraska. Not at all, sir. I contend that it would help them, and not hurt them.

WOULD PROMOTE THRIFT.

When laboring men and people of moderate means lose their savings through insolvent banks, they lose more than the money; they lose the desire to save. The poor man who goes to sleep at night believing his hard-earned savings to be safe, and a protection against illness and old age, and wakes in the morning to find that they have been swept away in the night is unnerved and unfitted to make any further effort to save. He has lost confidence in all banks, and in a vague way he holds the Government responsible for its failure to protect him in the possession of his hard-earned dollars. Economy and thrift go hand in hand, each encouraging the other. The government which fails to encourage both fails to grasp its opportunity and falls short of its duty.

WOULD TEND TO MAKE LOYAL CITIZENS.

The mutual interest created between the United States and the depositor in postal savings banks would be beneficial to both. The citizen who looked to the Government to safeguard his savings would be more patriotic. Grateful for the security offered him, he would reciprocate by giving to the Government greater loyalty and more generous support. He would stand by the government that stood by him, and he would teach his children, with lessons of thrift and economy, the greater lesson of loyalty to the United States and reverence for and obedience to her institutions and laws.

Gentlemen must not forget that postal savings banks are intended to receive small deposits only. Any bill properly framed will limit the amount which any one person may deposit within a given time and limit the aggregate amount of his deposits.

The demand for postal savings banks in my district is emphatic and almost universal with the people for whose benefit they should be established. It is probable that the system will soon be put to the test in the Philippine Islands. Should it prove to be a success there, the way may be opened for it here. I shall be glad, indeed, if I may be able to contribute in the slightest degree to that result. Postal savings banks are necessary and desirable and would rapidly win their way to popular favor and support. [Applause.]

The CHAIRMAN. The gentleman from Indiana is recognized.

Mr. ZENOR. Mr. Chairman, I shall occupy the time allotted me this evening in addressing myself to, and offering some observations upon what some people call "government by injunction" and its relation to organized labor, a subject that I fully appreciate is one considered by many as possessing great delicacy and always more or less embarrassing to those who undertake its discussion, and especially so to me in this great body of legislators. I had supposed until last evening that in this delicate undertaking I might be further handicapped by venturing upon the task as a sort of pioneer, and, Mr. Chairman, I confess to some sense of relief since last evening I had the pleasure, as did the House, of listening to a very able and pertinent discussion of this question by my distinguished friend the gentleman from Missouri [Mr. DE ARMOND].

Mr. Chairman, no argument however cunningly devised, no reasoning however refined or ingeniously contrived can avail to deprive a citizen of this Republic, when accused of crime or violation of any penal law of the land, of the right of trial by jury under the guaranties of the Constitution of our country.

The announcement of a proposition so fundamental and elementary is, I know, not calculated to challenge any special interest, if indeed it be not regarded a stale and commonplace platitude. But, sir, in view of certain conditions existing between that large class of our people known in our industrial life as employers and that other and still more numerous but less powerful class known as the employees—in other words, between capital and labor—and the frequent disagreements that have disturbed their peaceful relations and the urgent demands lately made by the latter for some remedial legislation in relation to their disputes and controversies, I have felt justified in calling brief attention to some of these demands and offering some remarks upon this subject. In doing this I am reminded that one of the chief evils of which complaint is made by the labor organizations—labor unions—and associations of the country, is the manifest tendency of some of our Federal courts and Federal judges in cases of disputes and controversies arising betwen these two opposing forces, to unduly extend the use of the writ of injunction and other high writs of equity jurisdiction, belonging exclusively to the chancery powers of such court, as a means of punishment for alleged offenses growing out of such disputes and controversies, thereby depriving the accused of the right of jury trial.

If, sir, there be any reasonable foundation for this charge or justification for this complaint, and the courts or judges have exceeded in this respect the wise and safe boundary line of their jurisdiction; have invaded the personal rights of the citizen by an unwarranted assumption of equity powers in cases not permitted, then I take it that their cause is not without merit and should find a willing disposition on the part of the Members of this House to correct such evil to the full extent of their power. I am, however, not unmindful of the fact that public clamor is sometimes hysterical and not always a safe and reliable guide to gauge public judgment on important questions. But in the case of these labor demands their lack of merit is certainly not so apparent as to justify a denial of respectful and dignified treatment. This is an age of organization, combination, and concentration. Never before in all our history have we witnessed a parallel in the rapid growth, development, and combination of corporate wealth, influence, and power in the various branches of industrial enterprise, and as these have multiplied and extended their dominion over almost every possible avenue of employment it is but natural, if not indispensable to self-preservation, that the laborer and wage-earner should likewise organize and combine to be able to meet and treat with their adversary upon anything like fair and equal terms.

But, sir, I shall not contend, nor do I believe any well-informed and intelligent member of any labor organization contends, that by virtue of organization the organization itself or any member of it becomes vested with the power to exercise any rights not lawful and permissible to every other citizen under like and similar circumstances. In view of these conditions and in response to the urgent demands of the labor organizations of the country, there have been introduced in this Congress several bills proposing to deal with certain phases of the questions involved, which have been referred to the Committee on the Judiciary. I find among others H. R. 9328, introduced by my colleague from Indiana [Mr. GILBERT] on December 19, 1905, and H. R. 17976, introduced by Mr. HENRY of Texas, April 10, 1906. These bills purport to deal only with the question of granting restraining orders and injunctions in certain cases, and requiring notice prior to their issuance. These bills have been consigned to their death in some pigeonhole of the committee room.

Then there was introduced by request, as it purports, by Mr. PEARRE of Maryland, H. R. 18752, April 28, 1906, and it is to this one that I desire to call the especial attention of the House. This bill, however, like its predecessors, was referred to the Judiciary Committee, and not likely to survive a similar fate. But unlike the other bills to which attention has been called in this, that it does not undertake to deal with or to change or alter the practice with reference to notice in the issuance of these writs, but does undertake to limit the right to issue such writs in cases involving the relations of employer and employee, and employees, and to disputes concerning the terms and conditions of employment to such cases where irreparable injury is threatened to property or property rights of the party making the application, for which there is no adequate remedy at law. It further provides what shall not be considered a property right in the sense of the bill if enacted into law. It further provides in section 2 what shall not be held to constitute a conspiracy in cases arising in the United States courts or before any judge thereof in reference to labor disputes and controversies. This bill is brief, and I will read the same as part of my remarks. It reads:

A bill to regulate the issuance of restraining orders and injunctions and procedure thereon and to limit the meaning of "conspiracy" in certain cases.

Be it enacted, etc., That no restraining order or injunction shall be granted by any court of the United States, or a judge or the judges thereof, in any case between an employer and an employee, or between employers and employees, or between employees, or between persons employed to labor and persons seeking employment as laborers, or between persons seeking employment as laborers, or involving or growing out of a dispute concerning terms or conditions of employment, unless necessary to prevent irreparable injury to property or to a property right of the party making the application, for which injury there is no adequate remedy at law, and such property or property right must be particularly described in the application, which must be in writing and sworn to by the applicant or by his, her, or its agent or attorney. And for the purpose of this act no right to continue the relation of employer and employee or to assume or create such relation with any particular person or persons, or at all, or to carry on business of any particular kind, or at any particular place, or at all, shall be construed,

held, considered, or treated as property or as constituting a property right.

SEC. 2. That in cases arising in the courts of the United States or coming before said courts, or before any judge or the judges thereof, no agreement between two or more persons concerning the terms or conditions of employment of labor, or the assumption or creation or termination of any relation between employer and employee, or concerning any act or thing to be done or not to be done with reference to or involving or growing out of a labor dispute shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be unlawful if done by a single individual, nor shall the entering into or the carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done would be subject to be restrained or enjoined under the provisions, limitations, and definition contained in the first section of this act.

SEC. 3. That all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

This bill, Mr. Chairman, as I am reliably informed, is the bill prepared under the supervision of the national federation of labor unions and was introduced in this House at this session at their request by the courtesy of the gentleman from Maryland [Mr. PEARRE]. The bill, I am told, has the unanimous indorsement and cordial support of all the labor organizations, as well as the nonunion men throughout the country and is one in which they have taken much interest and feel a deep concern. I myself have received some communications from these organizations warmly urging the passage of the bill. This demand coming from organized labor, numbering in its ranks more than 2,500,000 out of the more than 5,000,000 of the Nation's industrial toilers, should itself commend it to the favorable consideration of this House. I will insert as part of my remarks one of these communications and the resolutions accompanying it, from the Chicago Federation of Labor. It is as follows:

CHICAGO, *May 28, 1906.*

To the Honorable President, the Senators and Members of the House of Representatives of the United States.

DEAR SIR: We herewith submit to your consideration the inclosed resolution and petition passed by the Chicago Federation of Labor:

Whereas organized labor has for years protested against the abuse of the writ of injunction in labor disputes; and

Whereas we steadfastly maintain that any act which is lawful when committed by an individual can not be unlawful when committed by two or more persons; therefore, be it

Resolved, That we, the Chicago Federation of Labor, representing 250,000 organized workers in the city of Chicago, hereby respectfully request that the bill now pending in Congress known as the "Pearre bill H. R. 18752," be enacted a law at the present session of Congress.

Hoping to receive your support for this bill and awaiting your reply at your earliest convenience, we are,

Very truly, yours,

CHICAGO FEDERATION OF LABOR.

A careful analysis of this bill will show that it is the result of a studied effort to protect labor organizations against interference by the courts by writs of injunction in cases where property or property rights are not involved within the rules of equity and to prevent court construction of certain agreements into "conspiracies." Its provisions are clear and well drawn, and while covering questions not hitherto exploited in legislation, are yet conservative and do not reach beyond the safe boundaries of wise and prudent legislation if it be free from the objection of discrimination. It attempts to draw the line between those rights of the citizen which are subject to the equitable jurisdiction and control of the courts and those which are not; between those rights of labor and of the rights of members of labor organizations and combinations as individuals seeking and performing labor, and the rights of employers of labor. In other words, drawing the distinction between property rights and personal rights. For the difference between these mark the line of demarkation where the courts may or may not legally assume equitable jurisdiction and interpose their controlling power.

A confusion of ideas concerning what constitutes property rights, as contradistinguished from mere personal rights, must lead to a like confusion in the application of the principles of law when we come to deal with controversies and disputes involving the one or the other. A clear and distinct understanding, therefore, of the legal distinction between property rights and personal rights—and what constitutes the one or the other—and a like understanding of the difference between a lawful combination, organization, or association of persons and an unlawful one, are highly essential to an intelligent discussion and understanding of the questions involved and the proper remedies to be applied. Every well-informed and intelligent person must realize the far-reaching importance of these questions. If it were a mere matter of legal remedies and court procedure, it might be a much more simple proposition, but to confine ourselves to a discussion of the mere legal technical phases of the subject would be to confess our lack of capacity to comprehend the real merits of the controversy. It would be as absurd and impracticable as to construct a sewer without any regard to the volume and current of water to flow through its channel. This is a progressive and industrial nation, foremost among all the nations of the earth, and the welfare of all depends upon production—upon the joint operations of capital and labor.

As said by Mr. Thomas Carl Spelling in his very able argument presented to the committee, as counsel for the Federation of Labor, on this very bill, and I quote from his argument:

If we go back to the less complicated and primitive conditions prior to the advent of concentration of business, combinations, and associations, we find that even then capital was an organized force. But under the conditions of that early period in the expanding development of our country the necessity for the employment of large numbers of laborers had not yet arisen. The question of labor and the opposing forces of labor and capital are the concomitant incidents in the growth and evolution of our business enterprises. Until the demands of trade and commerce justified the employment of laborers in large numbers, we never heard of labor disputes and controversies, of strikes and lockouts. Take any community or neighborhood and let a man come into it with a large amount of capital to engage in a business requiring the employment of a large number of men and he is at once a potent factor, an organized force, and whatever he chooses to prescribe as a scale of wages will generally govern and control in that community in the absence of organization among laborers. And so we find it everywhere, and this condition and tendency is strongly accentuated by the advent of associations and combinations of capital in the form of corporations and trusts; and as one of the most inevitable consequences we find the question of wages, the scale of price to be paid for labor, always uppermost in the minds of these associated and related interests.

It does not matter whether it is a corporation having control of the production of a commodity or a combination of corporations in the form of a trust, the question of the price of labor is of first importance, because such a large per cent of the outlay consists of wages that a small reduction in the wage price means a large profit to the employer. Hence, with labor unorganized it is unable to cope with the inevitable tendency to depress and force wages down to the lowest possible level which will permit a bare subsistence.

Again I quote substantially from Mr. Spelling. He further said:

Another thing that ought not to escape our attention in the consideration of this industrial question—this continuous strife between capital and labor—for this is a practical age, and not the ideal age contemplated by The Hague Tribunal, nor crystallized in the theory of modern socialism, or reflected in the fanciful dreams of some philosophers, when there shall be peace and harmony between all nations, communities, and peoples—but a practical age, with practical men, dealing with practical problems; hence I therefore repeat what I have just said, that the other thing to be reckoned with is that we are now in the midst of a struggle, an irrepressible and incessant conflict, between capitalists, rival competitors for the volume of trade, not only at home, but in the broader field of international commerce, for foreign markets.

This intensifies, if it does not imbitter, the contending forces in this great world struggle. This conflict, as I have said, is inevitable; it is the logical sequence of the cupidity and selfishness of business and trade, and it is not unnatural, therefore, that the opponents of all legislation in the interest of labor to say that there ought to be peace, there ought be harmony; that there ought to be arbitration, even if under the strong coercion of law; but sir, as long as this abnormal condition exists between capital and labor, and between capital itself, there will be little hope of any successful effort to compel submission and enforce peace on the labor organizations. Until a reconciliation shall be had upon the broad and humane basis of live and let live, upon principles of economic justice between capital and labor, the resort to injunctions and restraining orders of Federal judges and Federal courts will be vain and futile.

Mr. Chairman, there no longer exists in the fair and unbiased minds of men at all familiar with our industrial history a doubt of the legal right of workingmen to organize and combine with a view, among other things, of getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, and they have the same freedom and liberty as organized capital has to support their interest by argument, pursuasion, and the bestowal or refusal of those advantages which they may lawfully control. If this were not true, if it were otherwise, then in the very nature of things, under existing conditions and the unavoidable warfare in the struggle between the two, labor in its hard and unequal struggle with its more potent and powerful antagonist would be rapidly driven to a condition of absolute servitude.

These views are not mere pipe dreams or vagaries of a disordered fancy, but the well-supported conclusions in the best reasoned opinions and judicial expressions of some of the highest courts and judges of the land. In the case of Vaughan *v.* Gunter (167 Mass., 92) Mr. Justice Holmes, now a distinguished member of the Supreme Court, then a justice of the supreme court of Massachusetts, in his opinion says:

It is plain from the slightest consideration of practical affairs or the most superficial reading of industrial history that free competition means combination and that the organization of the world, now going on so fast, means an ever-increasing might and scope of combination. It seems to me futile to set our faces against this tendency. Whether beneficial on the whole, as I think it is, or detri-

mental, it is inevitable, unless the fundamental axioms of society and even the fundamental conditions of life are to be changed. One of the eternal conflicts out of which life is made up is that between the effort of every man to get the most he can for his services and that of society, distinguished under the name of capital, to get his services for the least possible return. Combination on the one side is potent and powerful.

Combination on the other is a fair and equal way, * * * if it be true that the workingmen may combine with a view, among other things, to getting as much as they can for their labor, just as capital may combine with a view to getting the greatest possible return, it must be true that when combined they have the same liberty that combined capital has to support their interest by argument, persuasion, and the bestowal or refusal of those advantages which they otherwise lawfully control.

The doctrine announced in this opinion of Justice Holmes has not, however, been accepted and acted upon by those of the Federal courts, and judges who have been content to follow the line of vicious precedents, which they themselves have built up, although the views of Judge Holmes have been frequently cited and referred to in subsequent cases by the highest courts of the country as expressing the correct rule. This is especially true in the case of the Union Pacific Railroad Company *v.* Ruef, 120 Federal Reporter, page 111, where the judge says:

And Judge Holmes, now of the Supreme Court, is often cited as giving expression to the correct rule in his dissenting opinion in the Massachusetts case hereinbefore referred to, and excerpts from his opinion are often cited.

Another very interesting case to which I desire to call attention is the case of Hopkins *v.* The Oxley Stave Company, reported in 83 Federal Reporter, page 912. I do this to illustrate the absurd reasoning of some of the Federal judges in their efforts to justify their unwarranted assumption of jurisdiction and arbitrary proceedings based thereon. This case is of special importance on this subject and in this connection, because of the nature of the subject-matter of the proceeding and its intimate relation to the questions under discussion. This was a boycott case. The plaintiffs in the case, the Oxley Stave Company, was not only an employer of nonunion labor at a reduced rate, but used and operated machinery in carrying on its business operations.

The facts show that it used saws to make staves, and they sawed across the knots and grain of the timber, and the staves they manufactured when put into a barrel would therefore break, and the barrels would burst in the hands of the merchants and great loss would ensue. And yet they advertised and carried on their campaign to sell their product with great industry and energy. Now, it seems that the union men throughout the West found out about this, and they resolved to do what a great many people say is "boycotting." And what do you suppose they did? This and this only: They met and investigated and informed everybody they knew, merchants and dealers in staves and barrels and in general merchandise, about the inferiority of these goods. It seems to have been conceded that the proof showed in the case that what they said about these goods was absolutely true. The court in its opinion said:

These men may do that as individuals, but when they combine to do it, not only is it a crime, but it is the power and the duty of a court of equity to enjoin.

And, pursuant to this finding, the judicial bludgeon of a Federal injunction was hurled against these defendants—as innocent of crime as the judge upon the bench. Think for a moment of a judge of a high court announcing as a principle of law that an act done by an individual is entirely innocent, but when done by several persons collectively becomes a crime subject to fine and punishment. Think of a court asserting such a doctrine as this, and making it the foundation for the exercise of its equitable jurisdiction in injunction proceedings. The only offense—the only crime of which these men could possibly have been found guilty—was the fact that they had told the truth and were members of the labor union, and this it seems was sufficient in the judgment of this Federal court to issue against them a Federal injunction. No rule—no principle of law known to criminal jurisprudence—made them guilty of anything else. To use the terse and apt language employed by the judge in the case already referred to—the case of the Union Pacific *v.* Ruef:

I can not understand how two lawful acts, or the lawful act by each of two persons, can make an unlawful act any more than I can believe that two ciphers can make a unit.

Such a doctrine as here proclaimed would have done credit to a tool of some despot under the reign of Charles the First, but is ill suited to the reign of law in American jurisprudence. Why, gentlemen, the present law upon the subject of conspiracy now upon our Federal Statute defines this crime in the following language:

If two or more persons conspire, either to commit an offense against the United States or to defraud the United States, in any manner or for any purpose, etc.

This law requires, as do all other laws upon the subject of criminal conspiracies, that the object and purpose of the agreement or concert of action shall be "unlawful" in order to constitute it a crime. Why, the English conspiracy and protection act of 1875 breathes a more enlightened spirit of broad and humane justice upon this subject than do our laws, if we are to accept the law as interpreted by some of our courts, and we would do ourselves credit by copying her example. This act provides:

An agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade dispute between employers and workmen shall not be punishable as a conspiracy if such act as aforesaid when committed by one person would not be punishable as a crime.

This is almost the exact language of the bill now pending before the Committee on the Judiciary, and which I most sincerely hope will at the next session of this Congress, if not at this, be taken up and considered, and with such amendments as may be found necessary, without destroying its substance, enacted into law.

Congress has already expressly recognized the purposes contemplated by labor combinations as lawful, and sanctioned their right to organize to carry them out, though not to the same extent as that of the English Parliament, yet has taken a decided step in advance in that direction. By the act of 1886, First Supplement, chapter 567, page 495, entitled "An act to legalize the incorporation of trades unions," I merely call attention to that part of the act defining the purposes for which such organizations may lawfully combine. It reads:

For the purpose of aiding its members to become more skillful and efficient workers, the promotion of their intelligence, the elevation of their character, the regulation of their wages and their hours and conditions of labor, the protection of their individual rights in the prosecution of trade or trades, the raising of funds for the benefit of the sick, disabled, or unemployed members of the families of deceased members, or for such other object or objects for which working people may lawfully combine, having in view their mutual protection or benefit.

And here again I will quote from the brief of Mr. Spelling before the committee. He said:

Now, the law of private corporations, whether the incorporators derive their authority under special or general laws, every lawful means—mark you, every lawful means—may be resorted to by the incorporators to accomplish the purposes of the incorporation and to effectuate the objects contemplated, and there is no court of equity in Christendom that has any power to enjoin or prevent them. If this be true in the cases of corporations, under what theory can it be insisted that in an effort to maintain wages, to promote their welfare, and to better their social and industrial conditions, and otherwise to advance the objects contemplated in their associations, that labor organizations have not the same right to employ all legitimate means to these ends. Have they not the right, then, if necessary, to declare a strike, to go out and persuade their strikers to remain firm, or even to persuade those seeking their employment or to replace them to desist? Have they not the right, if it advances their cause, to assist them with money, to give them sympathy and encouragement, to meet in their lodge rooms, or such other place or places, as may suit their convenience, to open up and furnish reading rooms, and other places of entertainment, to make speeches, and discuss topics of interest, if these proceedings are carried on and conducted in a peaceable and orderly manner?

Those acts, sirs, are but instances of the exercise of the liberty of free speech, and the right to peaceably assemble guaranteed by the Constitution of the land, and they have as much right to the enjoyment of these privileges as members of this House to stand here and address this body. And in doing these things in an orderly way they should be as free as we from the coercive power of the courts. But applying the doctrine announced in the decision of the court to which I have heretofore called attention—the case of Hopkins *v.* Oxley, etc.—these organizations and labor associations are denied many of these privileges and immunities, and are grossly and unjustly discriminated against in favor of corporations and the great aggregations of capital in the form of trusts. To illustrate the enormity of the doctrine announced by the court in this case, I merely call attention to the dissenting opinion in the case by Judge Caldwell, who covers the question more clearly, and much better than I can do. In this opinion Judge Caldwell says:

While laborers, by the application to them of the doctrine we are considering, are reduced to individual action, it is not so with the forces arrayed against them. A corporation is an association of individuals for combined action; trusts are corporations combined together for the purpose of collective action and boycotting; and capital, which is the product of labor is in itself a powerful collective force.

Indeed, according to this supposed rule, every corporation and trust in the country is an unlawful combination; for while its business may be of a kind that its individual members, each acting for himself might lawfully conduct, the moment they enter into combination to do that same thing by their combined effort the combination becomes an unlawful conspiracy.

Now, who will pretend to reconcile this logic, or justify the application of this rule, as made in this case? Yet the rule is so applied. I continue to read:

Corporations and trust and other combinations of individuals and aggregations of capital extend themselves right and left through the entire community, boycotting and inflicting irreparable damage upon

and crushing out all small dealers and producers, stifling competition, establishing monopolies, reducing the wages of the laborer, raising the price of food on every man's table and of the clothes on his back and of the house that shelters him, and inflicting on the wage-earners the pains and penalties of the lockout and the black list, and denying to them the right of association and combined action by refusing employment to those who are members of labor organizations; and all these things are justified as a legitimate result of the evolution of industries resulting from new social and economic conditions and of the right of every man to carry on his business as he sees fit and of lawful competition.

On the other hand, when laborers combine to maintain or raise their wages or otherwise to better their condition or protect themselves from oppression, or to attempt to overcome competition with their labor or the products of their labor in order that they may continue to have employment and live, their action, however, open, peaceful, and orderly, is branded as a "conspiracy." What is "competition" when done by capital is "conspiracy" when done by laborers. No amount of verbal dexterity can conceal or justify this glaring discrimination. If the vast aggregation and collective action of capital is not accompanied by a corresponding organization and collective action of labor, capital will speedily become proprietor of the wage-earners, as well as the recipient of the profits of their labor. This result can only be averted by some sort of organization that will secure the collective action of wage-earners. This is demanded, not in the interest of wage-earners alone, but by the highest considerations of public policy.

This is the language of a judge of a distinguished court, speaking as we must, and have a right to assume, from an unbiased and disinterested standpoint and with that judicial calmness that befits his high station, and it would be difficult to make more clear and distinct the line of cleavage between corporate capital and organized labor.

In recent years the attention of the whole civilized world has been drawn to The Hague tribunal as the most encouraging omen of a world-wide sentiment in favor of promoting the peace of the nations that has ever occurred. However solicitous and hopeful the nations of the earth may look forward to the realization of this Utopian dream, and to all that has been accomplished in that direction, it must be confessed that we are still far removed from this ideal, for within six years from the date of the first assembling of that great world peace conference, the foremost nation in the movement found itself involved in one of the most gigantic and disastrous wars of modern times. No means in all the past has ever been devised to avert these conflicts and stop the shedding of blood.

Likewise in the struggles and conflicts in our industrial and commercial life in the strenuous competition now going on between the rival forces of organized capital to secure advantages in trade—in the markets at home and abroad—with this inevitable and irrepressible conflict going on, it would be marvelous indeed to expect that we will in the near future reach the point when the opposing interests of capital and labor will be harmoniously reconciled. But in the meantime these great economic factors in our industrial system should stand equal before the law, equal before the courts, equally responsible to both upon the same principles.

It is thought by some that workingmen constitute a turbulent and dangerous class of society and that their organization for mutual protection and betterment of conditions is a menace to good government, but in fact the wage-earners have been a steadying force in politics. Strong appeals and plausible arguments have been from time to time addressed to them to embark in hopeless efforts to readjust our systems of Federal and State government by the institution of impractical and far-reaching so-called "reforms,' such as greenbackism, populism, socialism and the like. But whoever else may have been led from paths of safety by such overturning attempts, it may justly be claimed to the credit of workingmen that they had wisdom and foresight sufficient to be forewarned of the folly of undertaking reforms otherwise than through the agency of one or the other of the two parties which existed and controlled every branch of Government for fifty years. In this way they have already accomplished much. They have secured the enactment of numerous statutes the enforcement of which has afforded relief from intolerable and unpleasant conditions, and in this way, if they correctly judge between their friends and opponents, organized politically, they may hope for much in the immediate future. Their numbers and their knowledge of party government are sufficient to enable them to take charge of and control either of the old parties and through such agency obtain any reasonable and just remedial legislation. Thus they may take a short cut to their ends and aims, whereas the third-party adventurers would lead them many miles astray without ever arriving anywhere. There have been in this country scores of third-party movements, not one of which ever accomplished anything of permanent value. Having elected candidates to public office, they were unable to keep them in office without a fusion or amalgamation with other parties. The same experiences are found when we come to examine the record of independent candidacies. It is an exceedingly rare combination of circumstances which results in the election of an independent, and when it happens it is usually found that he has promised so much that was impossible of performance that his administration is a disappointment to all. One reason for the failure of the independent candidate after his election is that, having opposed and censured the leading parties and their candidates, he finds the officials that have been elected by both or either arrayed against him from the start and at every turn. They hope soon to be able to secure from one or the other of the dominant parties the relief they seek, and they propose to keep a watchful eye upon the performances of both and judge for themselves which one has been most sincerely their friend, and the friend of the great body of the people, and to which they can most surely look for a realization of their hopes.

Labor organizations demand this and this only. They want no more. They will not be content with less. They do not plead for immunity from the pains and penalties of violated law. They are orderly and law-abiding. The tenets of their organization teach and impose as one of its first and highest mandates obedience to law. Every consideration of self-interest prompts, every consideration of policy and expediency constrains them to obey the laws of the country. In the brief examination given the subject I recall but one instance where they have applied to the court for relief. This was an application for relief in equity against what they charged was a conspiracy among employers of labor to blacklist and prevent their employment. The petitioners, workingmen, had quit the employment of the defendants, and they charged that defendants, their former employers, had blacklisted them and had engaged in a conspiracy to prevent their employment elsewhere by notifying other business firms and employers of labor of the fact that the petitioners were blacklisted. They sought an injunction against the defendants to restrain them from interfering with their employment and to remove their names from what they charged was the black list. The court held, the opinion being rendered by Chief Justice Field, of the supreme court of Massachusetts, that the petitioners were not entitled to relief. Case reported in 157 Mass., 423. In the course of the opinion the court uses this language—and it was a unanimous opinion:

> It is plain, however, that the petition was drawn with a view to obtain some equitable relief. It is well known that equity has, in general, no jurisdiction to restrain the commission of crimes or to assess damages for torts already committed. Courts of equity often protect property from threatened injury when the rights of property are equitable, or when, although the rights are legal, the civil and criminal remedies at common law are not adequate, but the rights which the petitioners allege the defendants were violating at the time the petition was filed are personal rights, as distinguished from rights of property.

It will be observed that the court, in deciding this case, draws the line of distinction between personal rights and property rights, as is recognized in all well-reasoned opinions of the courts everywhere. And with this decision labor organizations have expressed universal satisfaction, and all they ask is a like application of its principles to all other labor disputes and controversies. In the first section of the bill to which I have called attention provision is made to prevent the issuance of restraining orders or writs of injunction in any case of labor disputes or controversies, or matters of difference involving contracts, terms, and conditions of employment of labor, unless necessary to prevent "irreparable injury to property or to a property right" of the party or parties making the application, for which "injury" there is no "adequate remedy at law," and requiring the party or parties complaining to specifically and particularly describe the "property" or "property right" in the application, which is required to be in writing and sworn to by the applicant, or by his, her, or its agent or attorney. It is further provided by this section that no right to enter into contracts or agreements for the employment of labor or to create the relations between employer and employee, or the right to carry on business of any particular kind, shall be construed, held, considered, or treated as "property" or as constituting a "property right."

The second section provides that no agreement between two or more persons concerning the terms or conditions of employment of labor or which create the relation of employer and employee or concerning any act or thing to be done or not to be done with reference to or involving labor disputes, shall constitute a conspiracy or other criminal offense or be punished or prosecuted as such unless the act or thing agreed to be done or not to be done would be "unlawful" if done by a single individual, nor shall the entering into or carrying out of any such agreement be restrained or enjoined unless such act or thing agreed to be done shall be subject to be restrained or enjoined under the provisions of the first section.

These provisions contain nothing revolutionary—nothing beyond the scope of the law as it is now and has been defined, administered, and applied by the best legal writers and authors

upon the subject, and the great majority of the highest courts of the land for more than a century of our history. Sirs, it may, and doubtless will, offer some vexation to those judges and courts—as the English juries did, in the reign of "court-made law" in that realm, who may be inclined to outride the wholesome restrictions thrown around their powers and jurisdictions by the Constitution. It is not unreasonable to suppose that a protest here and there will be raised, a criticism now and then made by the advocates and apologists of special privileges—of class discriminations. But even this opposition dare not challenge a fair and honest discussion of its motives.

No argument can be advanced, no reasons assigned, why this modest demand of labor should not be enacted into law, that may not be employed with equal, if not greater, force against many of the rights and privileges now claimed and freely exercised by the very interests arrayed in opposition. Labor unions and labor associations and their members are entitled to know what their rights are under the law, and to this end to have the law-making power of their Government to define what shall or shall not constitute a crime or public offense; and especially so in matters involving interest of the most vital concern to their personal rights and liberty. Under the present system, under prevailing conditions, no workingman can ever learn or know what rights, if any, he has. These rights with reference to his employer and the relation he sustains to his fellow-workman, whether as a member of the union or otherwise, depend entirely, it seems, upon the individual point of view of the judge who may happen to preside over the court before whom he is arraigned. One judge will issue an injunction or restraining order, holding that the acts charged in the complaint or bill are unlawful; another judge comes upon the bench and grants a motion to dissolve upon the ground that there are no acts charged against the defendants which they had not the absolute right to do.

Upon this whole subject I cheerfully commend to those feeling an interest in this question the splendid argument made by Mr. Spelling before the committee on April 26, 1906.

One judge holds that an act innocent, and therefore entirely legal when done by one person, is still legal if done by a number of persons acting in concert, while another judge holds that the number of persons participating makes the act illegal, while still a third holds that the number does not make the act illegal unless it is so great that of itself it amounts to force or intimidation. One judge holds that motive and intention do not per se make an act illegal; another holds that an act otherwise lawful becomes criminal and unlawful if done from malicious motives and with the intention of doing harm to another. So that in this confusion of judicial ideas and diversity of opinions ranging at will throughout the broad domain of judicial discretion claimed and exercised by the judges and courts, there must necessarily exist a dangerous power which, if not restrained by statute, is always liable to be prostituted to the subversion of the rights of the citizen. It is against the abuse of this power that labor protests, and insists that some measure shall be enacted restraining the use of the writ of injunction and other extraordinary powers and processes of the equity jurisdiction of Federal courts and judges to their legitimate functions.

Sirs, our fathers in their wisdom, fresh from the fields of carnage where they had fought and won the struggle for our liberties, provided for three distinct coordinate departments of government—the legislative, the executive, the judicial—and made each of them independent of the other and of supreme and exclusive jurisdiction within their respective spheres. In that masterly statement of their grievances against the Government of King George, which they esteemed sufficient to justify armed resistance, they recalled those words that more than any other fired the hearts of the American patriots and nerved them for that mighty conflict:

> He has combined with others to subject us to a jurisdiction foreign to our Constitution and unacknowledged by our laws. He has in many cases deprived us of the benefit of trial by jury.

Smarting under these grievances, the people of the United States, under the lead of Thomas Jefferson, took the precaution to place it beyond the power of any department of the Government to subject any citizen "to a jurisdiction foreign to our Constitution and unacknowledged by our laws" or to deprive any citizen "of the right of trial by jury." This was accomplished by inserting in the Constitution of the United States these plain and unambiguous provisions:

> "The trial of all crimes, except in cases of impeachment, shall be by jury."—Constitution, article 3. "No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger."—Constitutional amendment, article 5. "In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury. * * *"—Constitution, article 6. "In suits at common law where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved."—Constitution, article 7.

These mandatory provisions of the Constitution are still vital and are not to be nullified and set aside by opposing them with the citation of a small horde of musty equity maxims and obsolete precedents originating in a monarchical government with no written constitution. No argument or reasoning can avail to deprive the citizen accused of a crime of his right to a trial by jury, guaranteed to him by the provisions of the Constitution, except in cases arising in the land and naval forces, and in the militia when in actual service in time of war or of public danger. These exceptions recited in the Constitution emphasize the right of trial by jury in all other cases. No other or different exceptions can be interpolated into that instrument at the instance of any interest or department of the Government. It is true, sir, that the right to change, alter, or even abolish government may be exercised by the people, and in the language of the Declaration of Independence, "establish a new one, laying its foundation on such principles, and organizing its powers in such form, as to them might seem most likely to effect their own safety and happiness." But, sirs, it will be observed that this power was not delegated to any one of the three separate departments of the Government, nor to all combined; it was not delegated to the Federal courts or Federal judges nor any other agency of government, but was by express language reserved to the people.

Sir, in these latter days of colonial exploitation and commercial greed we chafe under constitutional restrictions, and the dangerous tendency is everywhere manifest, not only in the different departments of the Government, and in some of our highest courts, but in the heads of the departments and subordinate bureaus of the executive branches of the public service to break away from the safe and wholesome limitations defining their boundaries. These evidences are manifest in the fraud orders issued by the Post-Office Department prohibiting the use of the mails to any citizen or business who may be suspected or believed to be using the United States mails for fraudulent or illicit purposes, and this without a day in court or the right of trial to determine the facts or inquire into the truth of the matter charged against the party to be affected. The decision of the Postmaster-General in these matters, whether right or wrong, is, under the present practice, made conclusive upon the parties. This, Mr. Chairman, is too much power to vest in the hands of any one man, or in any administrative or executive department of the Government, and there should be some relief from this autocratic rule of governmental departments, and if it can not be otherwise accomplished, then some proper legislation should be had to that end. Again, sir, it is a matter of common knowledge and within recent recollection that executive influence and suggestions have been interposed to mold and shape the course of legislation of recent date, and, sir, without regard to the wisdom of such suggestions, the propriety of this course upon the part of the President has challenged the severest criticism and resentment.

Many instances might be cited—indeed, Mr. Chairman, have been eloquently portrayed by other gentlemen upon this floor during this session, equally vulnerable and open to criticism. But, sir, I will not further digress. If this bill is passed it will not deprive the courts of any of their equity powers. It will not interfere with the exercise of these powers through the aid of any of the great writs incident to such courts. I would not wish, sir, to countenance any proposition that would impair, or likely impair any of the well-established and well-recognized powers or functions of our courts. I would not consciously advocate here or elsewhere, or support any measure that would hamper, cripple, or in any way destroy the highest efficiency of the courts. I will allow no man to excel me in paying tribute to the generally high character of our courts—their distinguished ability and integrity. I would do nothing to detract from the high respect, confidence, and esteem in which the judiciary of our country has always been held. It is because of this high sentiment of regard for our courts and the general honesty and integrity of our judges that I would favor any measure calculated to safeguard and maintain their standing. And, sir, it is no attack upon the courts nor upon the judges to undertake by such a measure as this to define in a negative way what class of rights shall not be the subject of equitable jurisdiction and to define in terms and language that will leave no discretion in the judge or court in applying the law and drawing the line between "personal" and "property" rights, and between "agreements" that are "lawful" and "agreements" that are "criminal conspiracies."

Every case withdrawn from the jurisdiction of the law courts and included in the equity jurisdiction of the courts involves a denial to the parties of the right of jury trial. This is in dero-

gation of the fundamental rights of the citizen and contrary to the genius of our whole system of jurisprudence, and unless demanded by the stern requirements of the principles of equity should not be permitted. I maintain that those decisions of the courts in which it is held that the mere right to carry on and conduct a business is a property right; that the employer has a property right in his workman, and that the right to labor is a property right in the sense that they confer upon a court the right to issue a restraining order or injunction to protect them from threatened interference by others are not supported by the weight of, but, on the contrary, they are in conflict with and opposed to the great weight of authorities; and yet these are made in many instances the sole ground upon which the courts have predicated their right to issue injunctions. These are the character of cases that have given rise to that peculiar jurisdiction of our courts denominated "government by injunction." Sir, as long as our courts and judges are capable, upright, and thoroughly honest we need have but little fears for the safety of our country. The great body of the people upon the one hand with the corrective power of the ballot, and honest and pure courts upon the other who have final supervisory power over all other branches of the Government may be safely relied upon to maintain the integrity and purity of our republican institutions and preserve the heritage of our liberties for centuries yet to come.

But, sirs, if there be one privilege that is held more sacred than another—esteemed more highly essential to the preservation of liberty—it is that of the right of trial by jury. So jealous of this right were the founders of our Government that they were unwilling to intrust the protection of the citizen to any other tribunal than that of a jury impartially selected from the body of the people in all matters vital to his personal liberty. Jefferson in his first inaugural address, in announcing the essential principles of our Government, among other things, said:

> A jealous care of the right of election by the people—a mild and safe corrective of abuses which are lopped off by the sword of revolution where peaceable remedies are unprovided; * * * freedom of religion, freedom of the press, and freedom of person under the protection of the habeas corpus and trial by juries impartially selected.

Hence it is neither strange nor an evidence of hysteria when symptoms of unrest and disquietude prevail among a large number of that class of worthy and deserving citizens who are honestly persuaded to believe, and do believe, that there are abuses in the use of these extraordinary writs by some of our courts in the exercise of their equity jurisdiction when employed in labor disputes.

Sir, in this connection it may not be unprofitable to recall some examples in English history from which we of this generation, as did our ancestors more than a century ago, may draw some lessons of instruction and wisdom. It is said that history repeats itself. No citizen of this Republic wishes to see the history of other republics that have preceded us, whose institutions were once the pride and glory of their citizenship as ours is with us, repeated in this fair domain of God's universe. No one at all familiar with the sources of corrupting power that led to the ultimate overthrow of all the republics of ancient times, will fail to discover the operation of influences here that so materially contributed to these mournful pages on which is written the tragic story of their departed glories. But, sirs, these warnings of history should but serve to quicken the public conscience, and spur to renewed energy and watchfulness, every citizen of the Republic. As Jefferson said:

> If there be those among us who would wish * * * to change our republican form of government, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated where reason is left free to combat it.

If there be those among our courts or judges who would endanger our system of jurisprudence by denying a citizen when accused of crime of his constitutional right to a trial by jury, let a courageous protest be made and remedial legislation enacted. The English people owe to the English jury more than to any one other agency the preservation of their rights and liberties as guaranteed in the Magna Charta.

They stood as the great bulwark of protection to the common people as against the aggressions and usurpations of the Crown and his dependent and servile judges. A few examples will serve to illustrate. William Penn and William Mead espoused the Quaker faith, which was offensive to the King and the ruling classes. Mr. Penn and his followers had erected a small and modest church edifice in the little town in which he resided, where he and Mead and those who held to their belief were accustomed to meet on Sundays for worship. On one Sabbath morning, when the little congregation had assembled at this church house to hear Mr. Penn preach, he found the door closed against him.

With that characteristic spirit of humility of the Quaker faith, Mr. Penn and his friends retired to a suitable place near by, where Penn began to preach to his followers, but he had scarcely begun when the police swooped down upon them, broke up the meeting, and dispersed the assembly. Instead of the real culprits who had disturbed the meeting, Mr. Penn and Mr. Mead were arrested and dragged before the court and were charged with a criminal conspiracy to disturb the public peace, by the "agreement," as was charged in the "indictment," between Penn and Mead to hold a meeting in a public place to preach. Mr. Penn was arraigned before the judge, and as under the common law at that time the defendant was entitled to a jury when charged with a crime, a jury was impanelled, and they were placed upon their trial, but denied the aid of counsel by the court. When confronted by the judge and jury and required to plead to the indictment, Mr. Penn, protesting his innocence, demanded to know of the judge under what law he was being prosecuted. The judge replied that he was being tried under the common law.

Penn insisted that this was not a sufficient answer to his request, and again asked the court to point out to him the particular law that he was charged with violating. And the judge, evidently growing impatient at what he regarded as impertinent in a prisoner at the bar, remarked that he did not feel called upon to go back through the common law of England to specify the particular law with the violation of which the prisoner was charged merely to satisfy his curiosity, and Penn again repeated that if he was charged with the violation of the common law he thought it was of such long standing that the judge could, without trouble, point out that part of it charged to be violated. At this the judge flew into a passion, and with noticeable emotion preemptorily ordered Mr. Penn to be placed in the bailiff's dock. As the court bailiffs were in the act of forcibly carrying Penn from the bar of the court he turned to the jury and said, "I charge this upon your consciences; you, the jurors, my sole triors, that unless the laws of England—laws that make no discrimination on account of religious beliefs—are upheld, maintained, and enforced, then the coat upon the back may not be claimed."

With this, his last appeal, he was removed from the bar to the bailiff's dock. The trial proceeded and when the case was submitted to the jury, the judge upon the bench in his instructions said to the jury, "that he must be permitted to say to them that the charge against the defendant was a 'criminal conspiracy,' and they should find their verdict accordingly." The jury retired in charge of the bailiff, and after deliberating over night, the next morning returned their verdict into court finding the defendant guilty only of "preaching." Upon returning this verdict the judge severely rebuked the jury, and immediately ordered them to retire to their jury room and to return a verdict according to the instructions of the court. They did so, and returned into court for the second time their verdict of not guilty; the judge not only admonished them of their violation of the instructions of the court and the law, but again sent them back to the jury room with the threat that if they did not find the defendant guilty, he would be obliged to find them for contempt. The jury, however, refused to be browbeaten and intimidated and again returned into court their verdict of not guilty.

The judge, out of humor and indignant at their insolence, at once fined each of the jurors for contempt; and but for the higher court to which they appealed reversing the judgment, the court holding that the jury did nothing more than they had the right to do, these jurors would have had to pay the fine or suffer imprisonment. Here we have an example of the heroic devotion of the English jury to the cause of English liberty and the rights of man, standing between the frowning despotism of a judicial tyrant and its would-be victims. And thus was vindicated the liberty of conscience and the right of public assemblage. But for the patriotism, courage, and loyalty of an English jury, William Penn might have languished in an English prison instead of having founded in this Western Hemisphere a great city and a great sect, with whose history his honored name and fame will ever be associated.

A bookseller, among whose publications was found a criticism of the administration of public affairs, was arrested and dragged before the court and there charged with a criminal libel. It is said by the historian in speaking of this case that although Lord Ellenborough, with his splendid powers as an advocate, reenforced with the sympathy of the court and the influence of the court officials, as the crown counsel he failed to secure a verdict of conviction from the jury trying the case.

In a burst of impassioned forensic eloquence, standing with a copy of the libel act in his hand, he said to the jury that "by virtue of the authority of this 'act,' and upon my conscience and

duty to God. I say this is a most flagrant and profane libel, and you should find the defendant guilty." But the jurors were not persuaded by the eloquence of advocacy nor overawed by the power of the court to surrender their convictions. The two judges sitting in the case both took occasion to say to the jury in turn "that the charge against the defendant was a libel, and they should so find," and the associate judge admonished the jury "that so long as he was not molested in his private affairs the private citizen had no concern to write and speak upon public matters." The jury, however, true to their consciences and loyal to their convictions, returned a verdict of not guilty, for which they were reprimanded and criticised by the judge in not following the instructions of the court. And thus was vindicated by English jurors the freedom of the press and the cardinal right to criticise the administration of public affairs. Again, seven eminent and distinguished bishops presented to the King a respectful and dignified petition praying for the enforcement of the laws of England and for certain reforms therein set out.

For this these bishops were arrested and charged with "seditious libel" and arraigned before a judge and jury for trial The judge of the court before whom they were tried instructed the jury that the defendants were guilty of the crime charged against them and peremptorially directed that a verdict be returned accordingly. The jury again refused to surrender to the dictates of judicial usurpation and returned their verdict for the defendants. The court declined to accept this verdict upon the ground that it was a violation of the instructions of the court and of the law of the land. The jury were threatened with punishment and sent back to the jury room to further consider their verdict, and after being sent back to their jury room two or three times they still held out and persisted, and finally declared they would not yield if they famished in the jury room; the judge seeing the utter folly of attempting to further coerce these sturdy, honest, and courageous men into a surrender of their love of liberty and sense of justice, finally condescended to accept their verdict and discharged the defendants. And this verdict was welcomed with expressions of joy and unbounded enthusiasm throughout the Kingdom, and was echoed from the remotest parts of the realm. And thus was vindicated the right of petition for redress of grievances.

These four great fundamental rights—the spoil of English jurors from English tyranny—constitute the corner stones of the American Republic, and must be preserved and perpetuated if we shall continue to enjoy the priceless heritage of free government. Our American juries are equally as patriotic, honest, and courageous as were the English juries, and fully as capable as were they of protecting the rights and liberties of the people, and have more than justified the wisdom of our fathers in making this institution so prominent a feature of our judicial system.

Sirs, it is recorded by an accredited historian that it was this unwavering attachment and loyal devotion to the principles of a free constitution that raised ancient Rome from her humble beginnings to that summit of happiness and glory to which she attained; that it was the loss of this that hurled her from that summit to the abyss of infamy and slavery; that it was this that inspired her senators with wisdom; that it was this that glowed in the breast of her heroes; that it was this that stood guard over her liberties, extended her dominions, gave peace at home, and commanded respect abroad. That when this decayed her magistrates lost their reverence for law and degenerated into petty tyrants and oppressors; her senators, forgetful of their dignity and debauched by public corruption, betrayed their country; her soldiers, unmindful of their relations with the community and urged only by the hope of public plunder and rapine, unfeelingly committed the most flagrant enormities and with unrelenting fury perpetrated the most cruel murders, whereby the streets of Rome were deluged with her noblest blood.

Thus the proud empress of the world lost her dominions abroad, and her inhabitants growing dissolute and abandoned, at length became consenting slaves.

And Rome passed away, an object of the derision and scorn of all succeeding nations; an everlasting monument to that world-wide truth, that eternal vigilance is the price of all liberty.

Yes, sirs, Rome was changed from a republic to an empire. The Roman eagles, once held aloft by the sturdy hands of freemen at the head of victorious legions, fell into the nerveless grasp of serfs and slaves, and, torn and rent into waring factions and predatory bands, became the easy prey of their own folly—spoliations and plunder. Deeply embedded in the very core and center, web and woof, of her tragic history, running like a thread through all its shifting scenes and changing forms, were the fundamental principles of human right and of human liberty. It was the initial test, as it were, of the capacity of man for self-government. At the supreme moment of her greatest prosperity and apparent security came the crucial ordeal of her vitality and strength. In the struggles of her adversity she had expanded, grown—gathered strength, power, and national renown.

In the plenitude of her power and vaunted glory she fell. The most instructive lessons to be drawn from the history of her rise and fall are those that illustrate the influences that produced these two opposite results. We have in the suggestions already referred to a brief summary of the general causes that contributed to the catastrophe of her final and ultimate downfall. And yet, Mr. Chairman, it is a fact well understood with the student of history that the most potential factor in the beginning of this work of destruction, the most effective agencies contributing to this end, was the abuse of the powers of the Roman tribunes, as all inordinate powers are abused—the abuse of the use of the writ of injunction and other high prerogative writs of that court. First employed to prohibit, then to command, then to coerce, then came the Emperor. The people, harassed, worn out, and overawed by the vexatious annoyances and oppressions through these agencies of arbitrary power and judicial usurpation, were finally broken in spirit and yielded submissively to their hopeless fate, crying out as with one voice, *Ave Emperator*. Then arose Carl the Great, who became first Emperor of the Roman Empire in the Middle Ages. The gradual but ever dangerous and insidious encroachment, extension, and usurpation of the power to enjoin and prohibit ripened into and became the undisputed power of one man to legislate, adjudicate, and execute.

The end was soon to follow. Of all the sinister influences that menace the Republic and threaten the liberties of the people, there are none more to be dreaded, none to be more jealously guarded against than judicial encroachment and judicial usurpation.

Rome, imperial Rome, that from her throne of beauty, grandeur, and glory once ruled the world; Athens, from whose seat of culture and fountains of knowledge poured forth that perennial stream of erudite philosophies and learning that enriched the literature of the age and lifted the civilization of the world to a higher plane; and Venice, more beautiful than all her rivals, to and from whose marts and ports, came and went, convoys of the world's commerce, whose sails whitened every sea, and to whom the waves sang hosannas. These, Sirs, have all perished from the face of the earth. But they perished not from foes without; not from invasion of Goth or Hun or Vandal, but from internal decay; from moral and political corruption from within; from debauchment of the public conscience; from a betrayal of all the powers of government into the hands of the few; from the accumulation of excessive and idle wealth in the hands of the plutocratic classes; from riotous and voluptuous living, and all the vicious brood of destroying and demoralizing influences following in their wake.

These, sir, were the fountain sources of corruption from which emanated the noxious poisons that planted the seeds of dissolution and decay in the body politic of these ancient but once proud and powerful republics of the past. In the shifting scenes of this transformation—these national tragedies—the people were deprived of their liberties and reduced to beggary, want, and servitude. Political preferment and places of public trust, no longer the just reward for honest merit, were sold on the auction block to the highest bidder in the open market places. All positions of honor and stations of power became the spoil of wealth and the coveted prize of the most venal and corrupt, and these purchases of wealth were utilized as so many additional agencies in the hands of these servile tools to still further oppress and enslave the masses.

Sir, I am not a pessimist, and do not sympathize with those whose visions are focused on the political horizon, intent in discovering some omen of political disaster in the near or remote future. I prefer, sir, to cast my lot with that more numerous and congenial company—with the great majority of strong, bouyant, and hopeful American citizens whose visions are turned to the rising sun, and whose delight it is to survey the present and contemplate the future with the confident assurance that American patriotism, statesmanship, and courage are equal to any emergency that may now or in the future confront our beloved country, and to wisely deal with any situation that may for the moment appear to threaten the stability and peace of our social order and the supremacy of law—the chief if not the sole reliance for the safety of our institutions.

With an unsurpassed record of achievements in the past; with the increased strength and added prestige of a successful and satisfactory solution of the most difficult problems that ever challenged the wisdom or taxed the resources of a great nation, to our credit; having advanced to the forefront, and holding

the primacy among all the nations of the earth; with an external trade exceeding $3,000,000,000, and a domestic commerce exceeding $26,000,000,000; with a public domain and undeveloped national resources unsurpassed in the world's history; with an industrial system that produces annually hundreds of millions in excess of our capacity to consume, there seems no valid or adequate reason why our people should not be happy, contented, and prosperous. If there be just and reasonable grounds for the assertion of the wage-earners and workingmen that they do not in all cases receive a fair and just proportion of the profits of their labor, and are not dealt with in their labor disputes and controversies upon the same high plane of justice as that of their employers, this is not so much the fault of the laws as of their abuse in administration, in the one case, and of the hardened greed and avarice of the employer in the other. In either case I want now and here to declare not only my willingness to support, but to use my best efforts to promote, such measures of legislation within constitutional limits as shall secure to labor and to labor organizations their just legal rights.

To this end I shall insist that H. R. 18752 shall be taken up and reported out of committee to this House at the very earliest opportunity and then considered here, where its merits may be fully discussed and members may have an opportunity of voting upon it. There is nothing in this bill that should not command in my judgment the willing support of every friend of labor. This large class of our most worthy and deserving citizens have received but scant recognition at the hands of Congress. They have not been overzealous in pressing for legislation, and with rare exceptions have always been exceedingly conservative. I listened a few days ago with much interest to the very able and eloquent speech of my distinguished colleague from Indiana [Mr. C. B. LANDIS], as he portrayed the virtues of the protective tariff policy of the Republican party and the sacred schedules of the Dingley law. I was also delighted to hear a few days later on this same subject the distinguished gentleman from Pennsylvania [Mr. DALZELL], the most eloquent and able champion upon the floor of this House of this his favorite subject. Both of these gentlemen, as do all Republican advocates of protection, spent a good portion of their time and devoted a good part of their speeches to the laborer and the benefits afforded to the laboring men of this country by the protective policy. In fact almost the sole reason assigned for their support of this policy was the benefits it gave to the labor of the country. I shall not attempt here to discuss this matter. It is entirely foreign to the subject of my speech; but I had some wandering curiosity to know, and the thought occurred to my mind at the time, how these gentlemen stood upon the subject of protecting labor and labor organizations against the unwarranted interference by "Government by injunction" with the rightful and lawful efforts of the great labor organizations of the country to secure fair treatment and a fair wage from their corporate and trust employers, who above all other interests have shared the favors of the stand-patters, and have amassed fortunes beyond the dream of avarice. I seriously question if either of these professed champions of a strictly partisan policy would so willingly come to the rescue of the wage-earner and laboring man in a contest where they can not use him and the sentiment such appeal invokes in behalf of their party and partisan politics.

If so, they have neither of them thus far exhibited any symptoms of such inclination by speaking out in protest, or offering any such assistance, notwithstanding several bills have been pending for several terms of Congress asking for some relief of this kind, and none yet reported. If, however, it should be that either one or both should favor such a measure it may safely be assumed that their party are not friendly to the bill, and will more than likely save them from any test of their sincerity. I was also highly entertained, as was the House, by the tribute paid to the achievements of our country and its marvelous prosperity under the Republican party.

I heartily joined them in their expressions of eulogy and felt a thrill of pride in the captivating picture drawn of our greatness, our grandeur, and glory as a nation. But I confess I was so simple-minded as to think that they should have been generous enough to have given to the Almighty, at least in small part, some of the credit for all this national abundance. It occurred to my poor way of looking at things that at least some importance should have been given to the rains, the sunshine, the seasons, and in small degree some allowance made for the climate and soil. I thought perhaps there might have been in some mysterious way associated with these national blessings the natural resources of our wonderful country—of our mines of gold and silver, coal and other ores, and the energy, industry, and intelligence of a highly civilized and progressive people. But in all this we were evidently in error in these mental cogitations. It was all due to the "tariff" and the "fossilized stand-patters."

But, Mr. Chairman, I do not believe that the achievements that have made us the foremost nation of the world—the marvel of the ages—are the fruits of the policy of protection, nor of any policy or policies of government. I do not believe the chief glory of this country consists of the achievements of the Republican party, nor any other political party or parties. I do not believe it consists of its Army and Navy, with all their illustrious annals of glorious achievements upon land and sea. I do not believe it consists in its more than $3,000,000,000 of international trade and of its more than $26,000,000,000 of interstate commerce, stupendous and great as they are. I do not believe it consists of its imperial domain and the vast extent of its agriculture, nor of its fields, its forges, and factories; its mines and its mints; its great captains of industry and kings of high finance, nor all of these combined.

Mr. Chairman, the chief glory of our nation—the brightest gem in the jeweled crown of this Republic—is its more than 80,000,000 of a homogenous, cultured, honest, industrious, and patriotic citizenship, whose genius, skill, and ability challenge the admiration and command the respect of the world. And that among these, and the pride of all, is that noble band of brawn and brain—that splendid army of over 5,000,000 of American wage-earners and industrial toilers in the manufacturing industries of the nation, and that still greater army of over 20,000,000 engaged in other fields of manual labor, the bone and sinew of the land, the inspiration, hope, and mainstay to our industrial fabric and economic life in time of peace and chief reliance in time of war. These, sir, constitute my conception of the chief and overshadowing greatness, grandeur, and glory of this Republic, so beautifully described by Sir William Jones that I quote his words:

> What constitutes a State?
> Not high-raised battlement or labored mound,
> Thick wall or moated gate;
> Not cities proud with spires and turrets crowned;
> Not bays and broad-armed ports,
> Where, laughing at the storm, rich navies ride;
> Not starred and spangled courts,
> Whose low-browed baseness wafts perfume to pride;
> No; men, high-minded men,
> Whose minds are as far above the brutes
> Endowed, as brutes excel cold rocks
> And brambles rude, in forest break or den;
> Men who their rights and duties know,
> And knowing dare maintain,
> Present the long-aimed blow,
> And crush the tyrant while they rend the chain;
> These constitute a State.

[Loud applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

Mr. SULZER. Mr. Chairman, I ask unanimous consent that the gentleman be allowed to conclude his remarks. I will ask that he be allowed ten minutes more.

Mr. PAYNE. I object to that. It is now 11 o'clock.

Mr. ZENOR. Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. PAYNE having assumed the chair as Speaker pro tempore, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750 and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 18544. An act granting an increase of pension to John W. Coates;

H. R. 18606. An act granting an increase of pension to Maria A. Maher;

H. R. 18609. An act granting an increase of pension to Henry Delong;

H. R. 18631. An act granting an increase of pension to Daniel Whalen;

H. R. 18656. An act granting an increase of pension to George W. Gordon;

H. R. 18657. An act granting an increase of pension to Nicholas Schue;

H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;

H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18901. An act granting an increase of pension to John E. English;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 16620. An act granting a pension to Jackson Adkins;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 17528. An act granting an increase of pension to Edgar Slater;
H. R. 17603. An act granting an increase of pension to George E. Yager;
H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17780. An act granting a pension to Caroline E. Perry;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18125. An act granting an increase of pension to Wilhelm Griese;
H. R. 18165. An act granting an increase of pension to Jacob Stauff;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 18384. An act granting an increase of pension to James F. Young;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 1143. An act granting an increase of pension to Ephraim D. Achey;
H. R. 2223. An act granting an increase of pension to John A. Blanton;
H. R. 2772. An act granting an increase of pension to Eli Cero;
H. R. 2789. An act granting an increase of pension to Merrill Johnson;
H. R. 4891. An act granting an increase of pension to George W. Swadley;
H. R. 4967. An act granting an increase of pension to Joshua Holcomb;
H. R. 5834. An act granting an increase of pension to Ethan A. Willey;
H. R. 6944. An act granting an increase of pension to David P. Kimball;
H. R. 7683. An act granting an increase of pension to James Ross;
H. R. 7910. An act granting an increase of pension to Nicholas Karns;
H. R. 8214. An act granting an increase of pension to Joseph Slagg;
H. R. 9101. An act granting an increase of pension to James W. Loomis;
H. R. 10031. An act granting an increase of pension to Martin Haley;
H. R. 10267. An act granting an increase of pension to David W. Farington;
H. R. 11072. An act granting an increase of pension to William T. Hosley;
H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;
H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 15105. An act granting an increase of pension to Jacob Sheil;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18623. An act granting an increase of pension to John H. Bradberry;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
H. R. 19053. An act granting an increase of pension to John T. Heaney;
H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19255. An act granting an increase of pension to John Bradford;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;

H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 609. An act granting an increase of pension to Horace H. Sickels;
H. R. 1206. An act granting an increase of pension to Allen Crow;
H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;
H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;
H. R. 1507. An act granting an increase of pension to Henry D. Jordan;
H. R. 1549. An act granting an increase of pension to Louis H. Gein;
H. R. 1689. An act granting an increase of pension to William A. Bailor;
H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;
H. R. 2053. An act granting an increase of pension to Annie A. Townsend;
H. R. 2229. An act granting an increase of pension to Lytle McCracken;
H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;
H. R. 2714. An act granting an increase of pension to Charles H. Charles;
H. R. 2759. An act granting an increase of pension to Daniel Eaton;
H. R. 2867. An act granting an increase of pension to Leah Bedford;
H. R. 3222. An act granting an increase of pension to George Merrill;
H. R. 3238. An act granting an increase of pension to Samuel Hartley;
H. R. 3369. An act granting an increase of pension to Albert Sriver;
H. R. 3724. An act granting an increase of pension to Samuel Likens;
H. R. 4397. An act granting an increase of pension to John M. Byers;
H. R. 4647. An act granting an increase of pension to David C. Austin;
H. R. 4659. An act granting an increase of pension to John F. Morris;
H. R. 4885. An act granting an increase of pension to James Hennon;
H. R. 4887. An act granting an increase of pension to John F. Brown;
H. R. 5554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;
H. R. 5567. An act granting an increase of pension to Sanford Weaver;
H. R. 5707. An act granting an increase of pension to John P. Veach;
H. R. 6181. An act granting an increase of pension to Fayette E. Ford;
H. R. 6190. An act granting an increase of pension to John J. Schneller;
H. R. 6201. An act granting an increase of pension to George W. Laking;
H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;
H. R. 6423. An act granting an increase of pension to Levi A. Canfield;
H. R. 6510. An act granting an increase of pension to Richard A. Roberts;
H. R. 6900. An act granting an increase of pension to John Rawling;
H. R. 6914. An act granting an increase of pension to John Hecker;
H. R. 7539. An act granting an increase of pension to David H. Hair;
H. R. 7543. An act granting an increase of pension to Prior M. Pavy;
H. R. 7652. An act granting an increase of pension to Charles W. Timms;
H. R. 7871. An act granting an increase of pension to Jerome L. Brown;
H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;
H. R. 7589. An act granting an increase of pension to Robert A. Scott;
H. R. 8285. An act granting an increase of pension to Daniel Sharpley;
H. R. 8291. An act granting an increase of pension to Daniel S. Chase;
H. R. 8903. An act granting an increase of pension to John W. Dawes;
H. R. 8920. An act granting an increase of pension to Andrew J. Lane;
H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;
H. R. 8552. An act granting an increase of pension to Elisha G. Horton;
H. R. 9159. An act granting an increase of pension to John S. McClary;
H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;
H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;
H. R. 10280. An act granting an increase of pension to James Spencer;
H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;
H. R. 10356. An act granting an increase of pension to Martin B. Doty;
H. R. 10394. An act granting an increase of pension to John Behymer;
H. R. 10474. An act granting an increase of pension to Lewis F. Davis;
H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;
H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;
H. R. 10902. An act granting an increase of pension to James Holderby;
H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;
H. R. 11100. An act granting an increase of pension to John Browne;
H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes;
H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags;
H. R. 7. An act to provide a seal for United States commissioners;
H. R. 19374. An act to prohibit shanghaiing in the United States;
H. R. 13190. An act to protect birds and their eggs in game and bird preserves;
H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased;
H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico;
H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;
H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;
H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;
H. R. 10074. An act in relation to contracts with the District of Columbia;
H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;
H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories;
H. R. 16013. An act providing medals for certain persons; and
H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

ADJOURNMENT.

Mr. CAPRON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 11 o'clock and 1 minute p. m.) the House adjourned until to-morrow.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred by the Speaker as follows:

A letter from the Acting Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of Fire Island Inlet, New York—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Postmaster-General submitting a statement of fact relating to payment of the claims of the Philadelphia Supply Company—to the Committee on Claims, and ordered to be printed.

A letter from the Postmaster-General, submitting the claims of J. J. Cole, acting postmaster, and Frank W. Swanton, postmaster, at Nome, Alaska—to the Committee on Claims, and ordered to be printed.

A letter from the chief clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of William B. Payne against the United States—to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BENNET of New York, from the Committee on Private Land Claims, to which was referred the bill of the House (H. R. 15242) to confirm to the legal representatives of Lucretia Williams the title to 1 square league of land in Louisiana, reported the same with amendment, accompanied by a report (No. 5035); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. CHARLES B. LANDIS, from the Committee on Foreign Affairs, to which was referred the House resolution (H. Res. 602) requesting the Secretary of State to furnish information to the House of Representatives touching the operation of postal savings banks, through diplomatic representatives of the United States abroad, reported the same with amendment, accompanied by a report (No. 5042); which said resolution and report were referred to the House Calendar.

Mr. STEVENS of Minnesota, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 17972) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., reported the same without amendment, accompanied by a report (No. 5047); which said bill and report were referred to the House Calendar.

Mr. FOWLER, from the Committee on Banking and Currency, to which was referred the bill of the House (H. R. 20021) for the issue and redemption of national-bank notes and for the gradual conversion of the United States notes into gold certificates, reported the same, accompanied by a report (No. 5043); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan, reported the same with amendment, accompanied by a report (No. 5041); which said bill and report were referred to the Private Calendar.

Mr. GROSVENOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the Senate (S. 6004) to provide an American register for the steam yacht *Waturus*, reported the same without amendment, accompanied by a report (No. 5048); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 20451) to authorize William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle to construct a bridge across the Wabash River—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: A bill (H. R. 20452) to establish range lights on Munising Harbor, Michigan—to the Committee on Interstate and Foreign Commerce.

By Mr. LARRINAGA: A bill (H. R. 20453) to amend an act approved March 3, 1903, entitled "An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1904, and for other purposes"—to the Committee on Military Affairs.

By Mr. BURTON of Ohio: A joint resolution (H. J. Res. 183) providing for the printing of reports ordered by the river and harbor act of March 3, 1905—to the Committee on Printing.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 20454) for the relief of John S. Bowie—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 20455) granting an increase of pension to Harvey McCollum—to the Committee on Invalid Pensions.

By Mr. DAVIS of Minnesota: A bill (H. R. 20456) granting an increase of pension to Franz Schrupp—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 20457) granting an increase of pension to Simeon Noble—to the Committee on Invalid Pensions.

By Mr. FRENCH: A bill (H. R. 20458) granting a pension to Mary S. Stewart—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 20459) granting an increase of pension to Benjamin Swayze—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 20460) granting an increase of pension to Bartholomew Hennerich—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy—to the Committee on Naval Affairs.

By Mr. STEVENS of Minnesota: A bill (H. R. 20462) granting an increase of pension to George Brookins—to the Committee on Invalid Pensions.

By Mr. WADSWORTH: A bill (H. R. 20463) granting an increase of pension to Nicholas D. Kenny—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALLEN of New Jersey: Petition of the Junior Order United American Mechanics of New Jersey, for the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BARTLETT: Petition of Edward H. Horn, State secretary of Georgia, of the Knights of Columbus, for a suitable monument to Christopher Columbus—to the Committee on the Library.

By Mr. BENNET of New York: Petition of the Harlem Civic Assembly, in public assembly, against a restrictive immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of several hundred citizens of New York, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Philip Rosenthal Association of the sixth assembly district of New York City, against the Dillingham-Gardner immigration bill—to the Committee on Immigration and Naturalization.

By Mr. BENNETT of Kentucky: Papers to accompany bills for relief of Samuel Richie and Jessie Blair—to the Committee on Invalid Pensions.

Also, petition of the Ex-Prisoners of War Association, for pensions for Union ex-prisoners of war—to the Committee on Invalid Pensions.

By Mr. McKINNEY: Petition of citizens of the Fourteenth district of Illinois, for investigation of affairs in the Kongo Free State—to the Committee on Foreign Affairs.

By Mr. REYNOLDS: Paper to accompany bill for relief of John Fleegle—to the Committee on Invalid Pensions.

By Mr. RUPPERT: Petition of the Harlem Civic Club in public assembly, of New York, against bill S. 4403 (the restrictive immigration bill)—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of the Buffalo General Club, of Buf-

falo, N. Y., against the immigration bill—to the Committee on Immigration and Naturalization.

Also, petition of Lodges Nos. 47, 544, and 572, Brotherhood of Railway Trainmen, for the educational clause in the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. STEVENS of Minnesota: Petition of the Minnesota Association ex-Prisoners of War, for the Hamilton bill granting pensions to ex-Union prisoners of war, 1861 to 1865—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of N. Redmiss and Julius Hahn, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the German-American Arbitration Conference, for furtherance of arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of the United German Societies, of New York City, for arbitration treaties—to the Committee on Foreign Affairs.

Also, petition of the New Immigrant Protective League, for better distribution of immigrants—to the Committee on Immigration and Naturalization.

Also, petition of the New Immigrant Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

Also, petition of the Board of Trade of the city of Chicago, for Government inspection of meat-packers' products—to the Committee on Agriculture.

Also, petition or resolution of the National German-American Alliance, for furtherance of treaties of arbitration—to the Committee on Foreign Affairs.

By Mr. WATKINS: Petition of the Beacon, of Grand Cane; the Sabine Banner, of Sabine Lake; the Journal, of Shreveport, La., and the Dodson Times, of Dodson, La., against the tariff on linotype machines—to the Committee on Ways and Means.

SENATE.

THURSDAY, *June 28, 1906.*

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. HALE, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

RAILROAD DISCRIMINATIONS AND MONOPOLIES.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, stating, in response to a resolution of May 2, 1906, that a detailed report of findings of fact and its conclusions thereon in regard to the subjects now under investigation or already investigated under joint resolution No. 32, approved March 7, 1906, for reasons set forth can not now be made, but will be prepared and submitted without any unnecessary delay; which, with the accompanying paper, was referred to the Committee on Interstate Commerce, and ordered to be printed.

LIFE-SAVING SERVICE AT SAN FRANCISCO, CAL.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the General Superintendent of the Life-Saving Service submitting an estimate of appropriation for inclusion in the general deficiency appropriation bill for reimbursement of the Life-Saving Service for stores and supplies destroyed by fire on or about April 18, 1906, at San Francisco, Cal., etc., $3,500; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford;

H. R. 12982. An act granting an honorable discharge to Seth Davis;

H. R. 13836. An act for the relief of Taylor Ware; and

H. R. 14930. An act granting a pension to Mary Whisler.

The message also announced that the House had passed the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, Cal., to the city of Los Angeles, Cal., with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb; and

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri; and

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also returned to the Senate, in compliance with its request, the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River.

ENROLLED JOINT RESOLUTIONS SIGNED.

The message further announced that the Speaker of the House had signed the following joint resolutions; and they were thereupon signed by the Vice-President:

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.; and

H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River.

HOUSE BILL REFERRED.

The bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Virginia Federation of Labor, of Richmond, Va., remonstrating against the passage of the so-called "ship-subsidy bill;" which was ordered to lie on the table.

Mr. BURKETT presented a petition of sundry citizens of Poole, Nebr., praying for an investigation into the existing conditions in the Kongo Free State; which was referred to the Committee on Foreign Relations.

Mr. OVERMAN (for Mr. DUBOIS) presented sundry petitions of citizens of Idaho, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

REPORTS OF COMMITTEES.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 6468) ceding certain land appertaining to the post-office building at Reno, Nev., for use as a street, reported it without amendment, and submitted a report thereon.

Mr. FORAKER, from the Committee on Military Affairs, to whom was referred the bill (S. 4477) for the relief of Daniel B. Murphy, reported it without amendment.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (H. R. 20290) to amend the river and harbor act of March 3, 1905, reported it without amendment.

KENTUCKY RIVER BRIDGE.

Mr. BERRY. I am directed by the Committee on Commerce, to whom was referred the bill (H. R. 20287) to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky., to report it favorably, without amendment.

Mr. BLACKBURN. The bill just reported from the Committee on Commerce is of considerable local importance. It is a House bill, unanimously reported from that committee, and I ask the Senate to allow it to be considered at this time.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RED RIVER BRIDGE.

Mr. BERRY. I am diretced by the Committee on Commerce, to whom was referred the bill (H. R. 20409) to authorize the Minneapolis, St. Paul and St. Mary Railway Company to construct a bridge across the Red River, to report it favorably without amendment. I call the attention of the senior Senator from Minnesota [Mr. NELSON] to the bill.

Mr. NELSON. I ask unanimous consent for the consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask unanimous consent that after the order of reports of committees has been concluded, the general deficiency appropriation bill may be reported when it is ready for the Senate. Under some late rule there is a question whether one can submit a report except when reports of committees are in order. The request is made simply to enable me to get in the bill later in the day.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Maine?

Mr. CULBERSON. I have just come in. I would be glad to have the request restated.

The VICE-PRESIDENT. The request is that after reports of committees have been concluded the report of the general deficiency appropriation bill from the Committee on Appropriations may be received.

Mr. HALE. The Senator is aware that under some late rule it is difficult to report anything from a committee unless it is done under the call. The bill is not yet ready. I simply ask that after this order is concluded when the bill is ready the report may be made.

The VICE-PRESIDENT. Without objection, leave is granted.

OBSOLETE ORDNANCE AND ORDNANCE STORES.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 19814) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, to report it favorably without amendment; and I call the attention of the junior Senator from Ohio [Mr. DICK] to the same.

Mr. DICK. I ask unanimous consent for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. WARREN. I report back from the Committee on Military Affairs the bill (S. 6332) authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers' and sailors' orphans' homes, and I move its indefinite postponement, as it relates to the same subject-matter that has been determined by the passage of the former bill.

The motion was agreed to.

WATERS OF LITTLE RIVER, ALABAMA.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant, to report it favorably with amendments. I call the attention of the Senator from Alabama [Mr. MORGAN] to this report.

Mr. MORGAN. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The amendments of the Committee on Public Lands were, on page 1, line 5, before the word "lands," to strike out the words "the said," and after the word "lands," to strike out the word "so," so as to read:

That there be, and is hereby, granted unto Henry T. Henderson and associates the right or authority to perpetually divert the waters of Little River from lands owned by the United States of America, and situated in Mays Gulf, in township 8 south, range 9 east, in the State of Alabama, for the purpose of storing and utilizing said waters in the operation of a water-power plant to be erected at or near Blanche, in Cherokee County, in the State of Alabama, for the generation of electric energy or power, and the sale of electric light and electric power.

The amendments were agreed to.

Mr. GALLINGER. I observe the phrase occurs "after the passage of this bill." It seems to me it ought to read "this act." We never use the term "bill" in the body of an act.

Mr. HANSBROUGH. Let that amendment be made.

The SECRETARY. On page 2, line 2, strike out the word "bill" and insert the word "act."

The amendment was agreed to.

Mr. HEYBURN. There was some confusion, and I did not catch the first phrase as to whether the bill is of general application——

Mr. MORGAN. Oh, no.

Mr. HEYBURN. Or special. It has no general application?

Mr. MORGAN. It is purely local and very unimportant to anybody except the parties there.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "A bill to authorize Henry E. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant."

MARGARET BRANNON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (S. 5545) granting an increase of pension to Margaret Brennon, to report it favorably with amendments, and I ask for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments of the Committee on Pensions were, in line 6, to strike out "Brennon" and insert "Brannon;" and in the same line, after the word "Patrick," to strike out "Brennon" and insert "Brannon;" and in line 8, before the word "dollars," to strike out "twenty-five" and insert "twenty;" so as to make the bill read:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Margaret Brannon, widow of Patrick Brannon, late of Company M, Sixty-second Regiment Pennsylvania Volunteer Infantry, and pay her a pension at the rate of $20 per month in lieu of that she is now receiving.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill granting an increase of pension to Margaret Brannon."

EDWARD A. BARNES.

Mr. BURNHAM. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 18601) granting an increase of pension to Edward A. Barnes, to report it favorably without amendment, and as this is an urgent case, I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Edward A. Barnes, late of Company C, Sixth Regiment Massachusetts Volunteer Infantry, war with Spain, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES DAVISON.

Mr. CLAPP, from the Committee on Claims, reported the following resolution; which was considered by unanimous consent, and agreed to:

Whereas on the 15th day of December, 1904, the Court of Claims made report to the President of the Senate pro tempore, in the case of James Davison, brevet captain, United States Army, retired, consisting of a certified copy of the findings filed by the court in the aforesaid cause, which had been referred to said court by a resolution of the Senate of the United States under the act of March 3, 1887. The bill so referred by the said resolution of the Senate on the 27th day of June, 1904, was S. 1588, Fifty-seventh Congress, first session, and related to the claim of James Davison, who was a brevet captain in the United States Army, retired, for longevity pay, in accordance with the act of June 18, 1878 (20 Statutes at Large, 150). An official copy of said report is embodied in Senate Document No. 58, Fifty-eighth Congress, third session, which is hereto attached and made a part hereof. In concluding its finding the court says:

"If said act is to be considered as retroactive, then the above balance shown would be the correct amount due; but if not, then there is nothing due."

Therefore, be it

Resolved by the Senate of the United States, That the said report of the said Court of Claims be rereferred to the said court, with directions to amend its said report by stating whether or not the said act of June 18, 1878 (20 Statutes at Large, 150), ought to be considered as retroactive for the purposes of this case, and report at the next session of the Fifty-ninth Congress.

BILLS INTRODUCED.

Mr. LA FOLLETTE introduced a bill (S. 6546) granting a pension to Mary McCarty; which was read twice by its title, and referred to the Committee on Pensions.

Mr. OVERMAN introduced a bill (S. 6547) for the relief of Thomas W. Mason and Benjamin R. Thomas; which was read twice by its title, and referred to the Committee on Claims.

Mr. MORGAN (by request) introduced a bill (S. 6548) for the relief of the legal representatives of George E. Kirk; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 6549) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart, agent, for internal-revenue taxes collected between January 1, 1865, and January 1, 1866, and which have not been heretofore refunded, and for this purpose, any statutes of limitation to the contrary notwithstanding; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Claims.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HEMENWAY. Mr. President, I ask unanimous consent that the Senate reconsider its action in adopting the conference report on the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

I will state that, by unanimous consent, in the House the report has just been laid aside with the hope that a correction can be made in the report.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that the vote by which the Senate agreed to the conference report on House bill 19844, being the sundry civil appropriation bill, be reconsidered. Is there objection to the request? The Chair hears none. The conference report will be recommitted to the conferees.

Mr. HEMENWAY submitted the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government, etc., with the amendments of the Senate thereto, and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

PURE-FOOD BILL.

Mr. HEYBURN. I ask unanimous consent to withdraw the conference report on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. The object is that the committee may make some formal adjustment of the language in the first and second paragraphs. It is for a formal matter purely.

The VICE-PRESIDENT. Without objection, the conference report is withdrawn.

REPORT OF THE PHILIPPINE COMMISSION.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, ordered to be printed, and, with the accompanying reports, referred to the Committee on the Philippines:

To the Senate and House of Representatives:

I transmit herewith the annual report of the Philippine Commission for the year 1905. The recommendations set forth in the accompanying letter of the Secretary of War have my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 28, 1906.*

PUBLIC BUILDINGS BILL.

Mr. SCOTT. I report back from the Committee on Public Buildings and Grounds with amendments the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, and I ask for its immediate consideration. I wish to state, on behalf of the Committee on Public Buildings and Grounds, that the members and the clerk of that committee have worked faithfully and laboriously through the night, and it has been impossible for the clerk to get up at this time a report to appear on the desk of Senators that would enlighten them in regard to the bill.

The total amount the bill carried as it came from the House is $21,065,000. The committee cut this amount $1,638,000, and the committee added to the bill $5,522,500, making a total increase of $4,084,500. Of this amount, $3,000,000 was added for the purchase of a site for the departmental building in this city for the use of the Department of State, the Department of Justice, and the Department of Commerce and Labor.

I ask for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. SCOTT. I ask that the formal reading of the bill be dispensed with and that the amendments of the committee be first considered.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from West Virginia that the formal reading of the bill be dispensed with, that the bill be read for amendment, and that the committee amendments be first considered? The Chair hears no objection.

Mr. MALLORY. I endeavored to hear what the President was saying in reference to this bill. There was so much confusion I could not hear him. What was the request?

The VICE-PRESIDENT. The request was that the public-buildings bill be now considered and that the committee amendments be first acted upon. There being no objection, the Secretary will proceed with the reading of the bill.

The Secretary proceeded to read the bill. The first amendment of the Committee on Public Buildings and Grounds was, in section 1, on page 2, line 4, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Colorado Springs, Colo., $75,000, of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

The amendment was agreed to.

The next amendment was, on page 2, after line 14, to strike out:

United States post-office at Crawfordsville, Ind., $15,000.

The amendment was agreed to.

The next amendment was, on page 2, line 23, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at St. Paul, Minn., $125,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 4, to insert:

United States post-office at Reno, Nev., $40,000.

The amendment was agreed to.

The next amendment was, on page 3, after line 22, to strike out:

United States custom-house at New York, N. Y., $450,000.

The amendment was agreed to.

The next amendment was, on page 4, after line 16, to insert the following:

United States post-office at Ogden, Utah, $120,000.

The amendment was agreed to.

The next amendment was, on page 4, line 22, before the word

"thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Spokane, Wash., $75,000.

Mr. PILES. I ask the Senate to disagree to that amendment. Spokane is one of the——

Mr. SCOTT. If the Senator from Washington will allow us to have the bill read through, we can pass over that amendment and come back to it.

Mr. PILES. Very well; I will make the same objection to the next amendment also where the appropriation is cut——

Mr. SCOTT. Very well; when we come to it, it can be passed over.

Mr. DICK. Are we to understand that it is to be the general rule to allow the bill to be read and then to go back to amendments?

Mr. SCOTT. If there is no objection to an item, we will not have to go back to it.

The Secretary resumed the reading of the bill. The next amendment was, on page 5, line 1, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Takoma, Wash., $75,000.

Mr. SCOTT. Let that amendment be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 5, after line 13, to insert:

United States post-office at Evanston, Wyo., $5,000.

Mr. FORAKER. Mr. President, the Secretary has already passed one item that I want to ask an increase of, and that is the allowance for the post-office building at Warren, Ohio. It is only $30,000. I have personal knowledge about that situation, and we might just as well have no appropriation as to have only $30,000.

Mr. SCOTT. That is not a committee amendment. That is an item in the bill as it came from the House. We are now considering the committee amendments.

The VICE-PRESIDENT. The committee amendments under the unanimous-consent agreement are to be first considered.

Mr. FORAKER. I understand that the Secretary is reading the bill, and after he has read the bill through we will go back and consider amendments. This I supposed was the reading of the bill. At any rate I want to give notice that as to one item I shall want to return to it at the proper time.

The VICE-PRESIDENT. The question is on agreeing to the amendment to insert lines 14 and 15 on page 5.

The amendment was agreed to.

The next amendment was, in section 2, on page 5, line 24, before the word "thousand," to strike out "ten" and insert "twenty-five;" so as to make the clause read:

United States post-office at Aurora Ill., $25,000.

The amendment was agreed to.

The next amendment was, on page 6, line 4, before the word "thousand," to strike out "thirty" and insert "thirty-five;" so as to make the clause read:

United States post-office at Ottumwa, Iowa, $35,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 4, to insert the following:

United States post-office at Wichita, Kans., $50,000.

The amendment was agreed to.

The next amendment was, on page 6, line 10, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Detroit, Mich., $300,000.

The amendment was agreed to.

The next amendment was, on page 6, after line 12, to insert the following:

United States post-office and court-house at Trenton, N. J., $125,000.

The amendment was agreed to.

The next amendment was, on page 6, line 16, before the word "thousand," to strike out "thirty-five" and insert "forty;" so as to make the clause read:

United States post-office at Brooklyn, N. Y., $40,000.

The amendment was agreed to.

The next amendment was, on page 6, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to make the clause read:

United States post-office and court-house at Columbus, Ohio, $300,000.

Mr. FORAKER. Mr. President, this item for Columbus, Ohio——

Mr. SCOTT. Let the amendment be passed over, and we will come back to it.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. McLAURIN. Did not the Secretary overlook the item for Jackson, Miss., on line 11, page 6?

The VICE-PRESIDENT. There is no amendment proposed to that item.

Mr. SCOTT. I did not hear what the Senator from Mississippi said.

The VICE-PRESIDENT. The Senator from Mississippi merely inquired with respect to the item on page 6, line 11.

The Secretary resumed the reading of the bill. The next amendment was, on page 7, after line 2, to insert the following:

United States post-office at Salem, Oreg., $15,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 4, to insert the following:

United States post-office at Newport, R. I., $20,000.

The amendment was agreed to.

The next amendment was, on page 7, line 8, before the word "thousand," to strike out "fifty" and insert "one hundred and ten;" so as to make the clause read:

United States post-office and court-house at Chattanooga, Tenn., $110,000.

The amendment was agreed to.

The next amendment was, on page 7, after line 16, to insert the following:

United States post-office at Lynchburg, Va., $80,000.

The amendment was agreed to.

The next amendment was, on page 8, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Peoria, Ill., $150,000.

Mr. HOPKINS. Let that amendment be passed over. I want to see the chairman of the committee on it before it is finally settled.

Mr. SCOTT. Very well.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 8, after line 6, to insert the following:

United States post-office at Rockford, Ill., $25,000.

The amendment was agreed to.

The next amendment was, on page 8, line 10, before the word "thousand," to strike out "seventy-five" and insert "one hundred;" so as to make the clause read:

United States post-office at South Bend, Ind., $100,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 10, to insert the following:

United States post-office at Lafayette, Ind., $60,000.

The amendment was agreed to.

The next amendment was, on page 8, line 14, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office and court-house at Cedar Rapids, Iowa, $150,000.

Mr. DOLLIVER. I desire to have this item passed over.

Mr. SCOTT. Mr. President, if it is going to be the disposition of the Senate to object to every item that the committee has given consideration to all night, and that the House gave consideration to for, I suppose, two or three months, I presume our labors for the last twenty-four hours will go for naught. I am not saying this particularly to the Senator from Iowa, but it strikes me that Senators should not object to the amendments of the committee unless there is some very valid reason for the objection.

Mr. DOLLIVER. Mr. President——

Mr. SCOTT. I will say, if the Senator will allow me, that I am not referring particularly to him, and I agree to pass over this amendment to enable him to make his explanation when the proper time comes. But I do hope that Senators will not object to every little reduction and correction the committee has made. We have tried to be fair; we have tried to be just; we have tried to be economical.

Mr. FORAKER. Mr. President, as I have already called attention to two or three items and will feel it my duty to call attention to two or three other items, it may be that the Senator from West Virginia had me in mind. However that may be——

Mr. SCOTT. No, sir; I had not.

Mr. FORAKER. I hope the Senator will not complain, because while we concede that he has conscientiously and very intelligently done his duty, we claim that we are doing the

same. I had no opportunity to be heard before the committee. I went to the committee when the committee was in session. I got as far as the door, and I was told they would not hear anybody; and here is the only place we have a chance to be heard formally.

Mr. SCOTT. If the Senator from Ohio will allow me, the committee gave out information that as soon as the committee was organized and knew themselves what they wanted to do, or what they thought they wanted to do, we would be glad to hear any Senator for five or ten minutes. If the Senator did not get that word—of course I could not go and tell him——

Mr. FORAKER. I did not get that word. The announcement was not made in the Senate, and no word was sent to me. My understanding was that the committee would be in session yesterday morning, and when I went to the committee room for the purpose of being heard the chairman, after the committee had adjourned, did hear me, and I am much obliged to him. But that is neither here nor there. The only point I wanted to make is that while we do not like to raise objection to anything the chairman may have thought it was proper to put in the bill, it may be that we consider it to be our duty to do it. I am sure I do.

Mr. SCOTT. The Senator from Ohio will kindly remember that this bill has to go to conference, and I take it for granted that he is familiar enough with the reports of committees carrying appropriations to know that possibly some of these things may be corrected in conference. If we had adopted the House bill as it came here, there would have been no need of a conference I take it.

Mr. FORAKER. The Senator speaks of this as a bill carrying appropriations. I do not know whether it does or not. So far as it has yet been read it simply provides the maximum amount——

Mr. SCOTT. Indirectly it carries appropriations.

Mr. FORAKER. Limiting the contracts that may be made. That is the reason why it is important as to some of these items that we shall have a word to say.

Mr. WARREN. Mr. President, just a word. I think all Senators must understand that the situation is rather unusual. The bill came to us at a late hour yesterday from the House. The committee has been working almost all the hours in night and day since it received the bill. There seemed to be some inequalities in the bill as it came from the House, and while the Senate Committee on Public Buildings and Grounds, with the feeling which, I am willing to admit usually prevails in the Senate, would perhaps be more liberal, taking the bill as a whole, than the House in their judgment and duty have felt they could be, the comparison of one with the other was such that it seemed as if the Senate committee ought to attempt to regulate certain few of the House items.

I am frank to say that a number of those have been marked for change, so as to go into conference, where we can get the benefit of the information the House conferees undoubtedly have. Of course, as in the case of all well-conducted conferences, information finally brought out must prevail. If the Senate is wrong in these cuts, it must naturally expect to recede as well on an amount that they have cut down as on an amount that they have raised.

If I may have the attention of the Senator from Ohio especially, I trust the Senate will maintain its patience and kindness to this committee, and leave them with something in the bill to arbitrate and go into conference with, with the assurance that the information they will there have will, in my judgment, govern the action of the conference.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I report back from the Committee on Appropriations with sundry amendments the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes. I move that at 6 o'clock the Senate will take a recess until 8, in order that the bill may be considered.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate shall take a recess at 6 o'clock until 8 o'clock this evening for the purpose——

Mr. HALE. No; I will not limit it.

The VICE-PRESIDENT. The Senator from Maine moves that the Senate take a recess at 6 o'clock until 8 o'clock this evening. The question is on agreeing to the motion of the Senator from Maine.

The motion was agreed to.

PUBLIC BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The reading of the bill was continued. The next amendment of the Committee on Public Buildings and Grounds was, on page 8, line 17, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and custom-house at Springfield, Mass., $75,000.

The amendment was agreed to.

The next amendment was, on page 8, after line 17, to insert the following:

United States post-office at Kalamazoo, Mich., $12,000.

The amendment was agreed to.

The next amendment was, on page 8, line 21, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office, court-house, and custom-house at Duluth, Minn., $100,000.

Mr. CLAPP. I will ask that that amendment be passed over; and in this connection I desire to say I think we may just as well speak out in meeting here as not. Mr. President, I think the committee has done its very best with this bill, and, for one, I should be willing to sit here and accept the bill as they have presented it without any change; but what will interfere with the reading of the committee amendments is the thought on the part of Senators that where appropriations have been cut down in their States if they do not protect their loaclities other Senators will secure protection later for theirs, and the consequence will be that there will be endless interruption to the reading of the bill.

I would suggest, if it be in order, that the Senate committee amendments be read, with the understanding that after they are read any Senator may offer any individual amendment he desires. The action of the Senate on such an amendment would probably be a discouragement to the bringing up of any more amendments; at any rate, it would test the sense of the Senate as to whether or not the action of the committee should be torn to pieces, and it would secure the prompt and immediate reading of the committee amendments. If it is in order, I make that suggestion.

Mr. TILLMAN. Mr. President, I should like to inquire if the agreement suggested by the Senator from Minnesota [Mr. CLAPP] were reached, what would become of the amendments which have already been adopted? Unless everything is to go through and all of us stand on the same level, we do not want to sit here and see items which are of interest to us and our States adopted, when other items of similar import to other States have been passed, and then later, by some hocus-pocus—I do not charge that that would be by any indirection or possible collusion of the committee—but by some means or other the increases or the changes which Senators seek, or the changes to which they object, will be made.

Mr. CLAPP. Mr. President, the understanding might extend to this——

Mr. TILLMAN. Let the Senator from Minnesota request that we go back and start at the beginning, and let all of the amendments which have been agreed to go out. Let us all sit silent together, or let us all talk together.

Mr. CLAPP. My suggestion is, if it be the sense of the Senate, that the reading of this bill at this time, as to amendments which have been read and as to future amendments, shall be with the understanding that after the committee amendments have been read, then any Senator may raise the point as to any amendment he sees fit. I think, Mr. President, this would facilitate the passage of the bill, for the reason that probably the first effort of that kind would be promptly overthrown by the vote of the Senate; and that would discourage other Senators from attempting to interfere with the work of the committee; otherwise Senators will not sit silent and be estopped in the passage of these amendments as the reading of the bill proceeds under the present order.

Mr. SCOTT. Mr. President, it strikes me that up to the eighth page of the bill we have been getting along very well. The Senator from Minnesota noticed the reduction in the appropriation for Duluth, but if he will turn to Minneapolis he will see that the committee there increased the appropriation to $100,000 for his State. I think, looking at this bill as a whole, Senators will find that everybody has been at least justly dealt with, and I hope that the reading of the bill in the regular order may be proceeded with in accordance with the unanimous-consent agreement which was made.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Minnesota?

Mr. CLAPP. One moment, Mr. President. I call the atten-

tion of the Senator from West Virginia to the fact that my remarks were not intended as any reflection upon the committee.

Mr. SCOTT. I know that.

Mr. CLAPP. I said I would gladly sit here and vote for the adoption of this bill as reported by the committee, if we could be assured that that could be done, when we get through with the reading of the committee amendments.

The VICE-PRESIDENT. Does the Senator from Minnesota ask consent for the modification of the unanimous-consent agreement which was made?

Mr. CLAPP. No, Mr. President. It does not seem to be the sense of the Senate to adopt that suggestion.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, on page 8, line 21, to strike out "and twenty-five;" so as to make the appropriation for the United States post-office, court-house, and custom-house at Duluth, Minn., $100,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 8, after line 22, to insert the following:

United States post-office at Butte, Mont., $15,000.

The amendment was agreed to.

The next amendment was, at the top of page 9, to insert the following:

United States post-office at Nebraska City, Nebr., $8,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 2, to insert:

United States post-office at Erie, Pa., $17,500.

The amendment was agreed to.

The next amendment was, on page 9, line 14, before the word "thousand," to strike out "eighty" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Greenville, S. C., $75,000.

The amendment was agreed to.

The next amendment was, in section 6, on page 11, line 9, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Bessemer, Ala., $60,000.

The amendment was agreed to.

The next amendment was, on page 11, line 11, before the word "thousand," to strike out "fifty" and insert "forty;" so as to make the clause read:

United States post-office at Florence, Ala., $40,000.

The amendment was agreed to.

The next amendment was, on page 11, line 13, before the word "thousand," to strike out "fifty" and insert "twenty-five;" so as to make the clause read:

United States post-office and court-house, at Tuscaloosa, Ala., $125,000.

The amendment was agreed to.

The next amendment was, on page 11, line 19, before the word "thousand," to strike out "eighty-five" and insert "sixty-five;" so as to make the clause read:

United States post-office and court-house at Ocala, Fla., $65,000.

Mr. MALLORY. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 11, line 21, before the word "thousand," to strike out "forty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Gainesville, Ga., $50,000.

The amendment was agreed to.

The next amendment was, on page 12, line 6, before the word "hundred," to strike out "five" and insert "four;" so as to make the clause read:

United States post-office at Des Moines, Iowa, $400,000.

Mr. DOLLIVER. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 12, line 12, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

United States post-office at Webster City, Iowa, $50,000.

Mr. DOLLIVER. I make the same request, Mr. President, in regard to that amendment.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 12, line 14, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Bar Harbor, Me., $50,000.

The amendment was agreed to.

The next amendment was, on page 12, after line 22, to insert:

United States post-office at Sault Ste. Marie, Mich., $100,000.

The amendment was agreed to.

The next amendment was, on page 13, after line 2, to insert:

United States post-office and other Government buildings at San Juan, P. R., $200,000.

Mr. SCOTT. I want to call the attention of the Senator from Ohio to the amendment which has just been stated. The Senator from Ohio expressed an interest in that a moment ago, and I inquire if he desires to have the amendment passed over?

Mr. FORAKER. I should like to have the amendment passed over for the present, Mr. President.

The VICE-PRESIDENT. The amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 13, line 8, before the word "thousand," to strike out "sixty-five" and insert "seventy;" so as to make the clause read:

United States post-office at York, Nebr., $70,000.

The amendment was agreed to.

The next amendment was, on page 13, line 14, before the word "thousand," to strike out "five hundred" and insert "three hundred and fifty;" so as to make the clause read:

United States post-office at Toledo, Ohio, $350,000.

Mr. FORAKER. I ask that that amendment may be passed over, Mr. President.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 13, line 18, before the word "thousand," to strike out "ninety-eight" and insert "ninety;" so as to make the clause read:

United States post-office and custom-house at Portsmouth, Va., $90,000, of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

The amendment was agreed to.

The next amendment was, in section 8, page 15, line 11, before the word "thousand," to strike out "forty" and insert "thirty-five;" so as to make the clause read:

United States post-office at Dothan, Ala., $35,000.

The amendment was agreed to.

The next amendment was, on page 15, after line 11, to insert the following:

United States post-office at Gadsden, Ala., $60,000.

The amendment was agreed to.

The next amendment was, on page 15, line 15, before the word "thousand," to strike out "and thirty;" so as to make the clause read:

United States post-office, custom-house, and land office at Eureka, Cal., $100,000.

Mr. PERKINS. I ask that that amendment may be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, at the top of page 16, to insert:

United States post-office at Willimantic, Conn., $50,000.

The amendment was agreed to.

The next amendment was, on page 16, line 6, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Trinidad, Colo., $50,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 6, to insert:

United States post-office at Milford, Del., $30,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 8, to insert:

United States post-office at Fernandina, Fla., $100,000.

Mr. MALLORY. I offer an amendment to the committee amendment, on page 16, line 9, after the word "post-office" to insert "custom-house and court-house."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. It is proposed to amend the amendment of the committee, in line 9, page 16, by inserting after the word "post-office" the words "custom-house and court-house."

Mr. SCOTT. The committee will accept that amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 16, line 12, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Albany, Ga., $100,000.

The amendment was agreed to.

The next amendment was, on page 16, after line 14, to insert:

United States post-office at Marietta, Ga., $50,000, cost of site not to exceed $10,000.

Mr. SCOTT. After the word "dollars," in line 16, on page 16, I move to insert as a new paragraph the following:

Post-office at Dalton, Ga., $50,000.

I will state that that item was omitted in the printing of the bill.

Mr. CLAY. As the Senator from West Virginia has stated, that item was dropped out in the printing of the bill, and I trust the amendment may be adopted.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 16, line 18, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office and court-house at Moscow, Idaho, $90,000.

The amendment was agreed to.

The next amendment was, on page 16, line 24, before the word "thousand," to strike out "sixty-five" and insert "sixty;" so as to make the clause read:

United States post-office at Belvidere, Ill., $60,000.

The amendment was agreed to.

The next amendment was, on page 17, line 8, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Moline, Ill., $65,000.

Mr. CULLOM. I hope that the amendment of the committee may not be agreed to, and that the amount may be allowed to stand at $75,000, as fixed by the House of Representatives.

Mr. SCOTT. Let the amendment go over for the present.

Mr. CULLOM. Very well; let it go over. I will withhold any motion to amend for the time being.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 10, before the word "thousand," to strike out "sixty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Paris, Ill., $50,000.

The amendment was agreed to.

The next amendment was, on page 17, line 16, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Iola, Kans., $50,000.

Mr. LONG. I ask that that item be passed over.

The VICE-PRESIDENT. Without objection, the item will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 20, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to make the clause read:

United States post-office at Newton, Kans., $50,000.

Mr. LONG. I ask that that item also be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 17, line 24, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to make the clause read:

United States post-office and court-house at Bowling Green, Ky., $80,000.

Mr. McCREARY. I ask that the amendment in regard to Bowling Green, Ky., be passed over.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 6, before the word "thousand," to strike out "sixty-five" and insert "forty;" so as to make the clause read:

United States post-office at London, Ky., $40,000.

Mr. McCREARY. I ask that the item in regard to London be passed over.

Mr. SCOTT. Let it go over.

The VICE-PRESIDENT. Without objection, the item will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 10, before the word "thousand," to strike out "seventy-five" and insert "twenty-five;" so as to make the clause read:

United States post-office and court-house at Owensboro, Ky., $125,000.

Mr. McCREARY. I ask that the item in regard to Owensboro be passed over.

The VICE-PRESIDENT. It will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, after line 13, to insert:

United States post-office at Versailles, Ky., $25,000.

Mr. SCOTT. Let that amendment go over.

The VICE-PRESIDENT. The amendment will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 19, before the word "thousand," to strike out "and twenty-five;" so as to make the clause read:

United States post-office and court-house at Lake Charles, La., $100,000.

Mr. FOSTER. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 18, line 22, before the word "thousand," to strike out "seventy-five" and insert "fifty;" so as to make the clause read:

United States post-office at Auburn, Me., $50,000.

The amendment was agreed to.

The next amendment was, on page 19, line 2, before the word "hundred," to strike out "nine" and insert "eight;" so as to make the clause read:

United States appraisers stores at Boston, Mass., $800,000.

The amendment was agreed to.

The next amendment was, on page 19, line 4, before the word "thousand," to insert "and fifteen;" so as to make the clause read:

United States post-office at North Adams, Mass., $115,000.

The amendment was agreed to.

The next amendment was, on page 19, after line 4, to insert:

United States post-office at Pittsfield, Mass., $115,000.

The amendment was agreed to.

The next amendment was, on page 19, line 14, before the word "thousand," to strike out "fifty" and insert "sixty;" so as to make the clause read:

United States post-office at Manistee, Mich., $60,000.

The amendment was agreed to.

Mr. McLAURIN. I do not know whether this is the proper time, but at the proper time I desire to make a motion to amend the appropriation for Greenville, Miss., and make it $100,000.

Mr. SCOTT. We can not hear the Senator from Mississippi.

The VICE-PRESIDENT. The Senator from Mississippi proposes an amendment. An amendment to a committee amendment is now in order.

Mr. McLAURIN. I move——

Mr. SCOTT. I object. The amendment of the Senator from Mississippi is not in order at this time.

The VICE-PRESIDENT. Is the amendment of the Senator from Mississippi to the text of the bill or to a committee amendment?

Mr. McLAURIN. To the text of the bill.

The VICE-PRESIDENT. Then it is not in order until the reading of the bill has been concluded.

Mr. McLAURIN. That is what I desired to know.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 19, line 22, before the word "thousand," to strike out "one hundred" and insert "seventy-five;" so as to make the clause read:

United States post-office and custom-house at Gulfport, Miss., $75,000.

The amendment was agreed to.

The next amendment was, at the top of page 20, to insert:

United States post-office at Alexandria, Minn., $30,000.

The amendment was agreed to.

The next amendment was, on page 20, line 3, before the word "thousand," to strike out "thirty-five" and insert "thirty;" so as to make the clause read:

United States post-office at New Ulm, Minn., $30,000.

The amendment was agreed to.

The next amendment was, on page 20, line 15, before the word "thousand," to strike out "two hundred and twenty-five" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office, court-house, and land office at Great Falls, Mont., $150,000.

Mr. CARTER. Mr. President, let that amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 20, line 17, before the word "thousand," to strike out "sixty-five" and insert "eighty-five;" so as to make the bill read:

United States post-office at Kearney, Nebr., $85,000.

The amendment was agreed to.

The next amendment was, on page 20, line 23, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Canandaigua, N. Y., $65,000.

The amendment was agreed to.

The next amendment was, on page 20, line 25, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Hudson, N. Y., $65,000.

The amendment was agreed to.

The next amendment was, on page 21, line 2, before the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to make the clause read:

United States post-office at Olean, N. Y., $65,000.

The amendment was agreed to.

The next amendment was, on page 21, line 4, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to make the clause read:

United States post-office at Schenectady, N. Y., $150,000.

The amendment was agreed to.

The next amendment was, on page 21, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to make the clause read:

United States post-office at Yonkers, N. Y., $150,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 6, to insert:

United States post-office at Fayetteville, N. C., $60,000.

The amendment was agreed to.

The next amendment was, on page 21, line 12, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

United States post-office at Salisbury, N. C., $75,000.

The amendment was agreed to.

The next amendment was, on page 21, line 14, before the word "thousand," to strike out "sixty" and insert "seventy-five;" so as to make the clause read:

United States post-office and court-house at Washington, N. C., $75,000.

The amendment was agreed to.

The next amendment was, on page 21, line 16, before the word "thousand," to strike out "twenty-five" and insert "fifty;" so as to make the clause read:

United States post-office and court-house at Devils Lake, N. Dak., $150,000.

The amendment was agreed to.

The next amendment was, on page 21, after line 17, to insert:

United States post-office at East Liverpool, Ohio, $100,000.

Mr. SCOTT. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 21, line 23, before the word "thousand," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office at Marietta, Ohio, $90,000.

Mr. FORAKER. I ask that that amendment be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 22, after line 2, to insert:

United States post-office at Baker City, Oreg., $65,000.

Mr. FULTON. Mr. President, I wish to inquire whether the chairman of the committee will consent to an increase of the appropriation in the amendment providing for the Baker City post-office, and also the following amendment providing for Eugene, Oreg.?

Mr. SCOTT. The Senator understands, I think, that the committee amendments were to be first considered.

Mr. FULTON. I simply wish to inquire——

The VICE-PRESIDENT. Does the Senator from Oregon wish to offer an amendment to the committee amendment relating to the United States post-office at Baker City, Oreg.?

Mr. FULTON. I wish to ask the chairman if he would consent to an increase in that item?

The VICE-PRESIDENT. That is a committee amendment, and an amendment to that is now in order.

Mr. FULTON. Is not an amendment to a committee amendment in order?

The VICE-PRESIDENT. It is. That is what the bill is being read for.

Mr. FULTON. I do not wish to press the matter, but if it is in order——

Mr. SCOTT. I will ask that the Baker City amendment go over.

The VICE-PRESIDENT. It will be passed over, without objection.

Mr. FULTON. Very well.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 22, after line 4, to insert:

United States post-office at Eugene, Oreg., $50,000.

Mr. SCOTT. Let that amendment be passed over.

The VICE-PRESIDENT. It will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 22, line 8, before the word "thousand," to strike out "seventy-five" and insert "sixty;" so as to make the clause read:

United States post-office at Carlisle, Pa., $60,000.

The amendment was agreed to.

The next amendment was, on page 22, line 17, before the word "thousand," to strike out "one hundred and two" and insert "ninety;" so as to make the clause read:

United States post-office at Meadville, Pa., $90,000, in addition to $8,000 heretofore appropriated.

The amendment was agreed to.

Mr. SCOTT. Mr. President, there is a misprint on page 23, line 2; the word "thirty-five," before the word "thousand," in line 2, should be changed to "fifty."

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. SCOTT. It is a committee amendment, but this bill was prepared in great haste and the item was omitted.

The VICE-PRESIDENT. It does not appear in the bill as a committee amendment.

Mr. SCOTT. But "thirty-five" should be stricken out and "fifty" inserted.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 23, line 2, before the word "thousand," it is proposed to strike out "thirty-five" and insert "fifty;" so as to make the clause read:

United States post-office at Chester, S. C., $50,000.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 2, to insert:

United States post-office at Greenwood, S. C., $75,000.

Mr. SCOTT. I move to amend the committee amendment on page 23, line 4, by striking out "seventy-five" and inserting "sixty."

The VICE-PRESIDENT. The amendment to the amendment proposed by the Senator from West Virginia will be stated.

The SECRETARY. In the committee amendment on page 23, line 4, before the word "thousand," it is proposed to strike out "seventy-five" and insert "sixty;" so as to read:

United States post-office at Greenwood, S. C., $60,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 8, to reduce the appropriation for the United States

post-office and other governmental offices at Lead, S. Dak., from $90,000 to $75,000.

Mr. KITTREDGE. Let that be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 10, to reduce the appropriation for the United States post-office and land office at Mitchell, S. Dak., from $90,000 to $75,000.

Mr. KITTREDGE. Let that also be passed over.

The VICE-PRESIDENT. The amendment will be passed over, without objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, line 12, to reduce the appropriation for the United States post-office and land office at Watertown, S. Dak., from $90,000 to $75,000.

Mr. KITTREDGE. I will ask that the same course be taken as to the amendment in regard to Watertown.

The VICE-PRESIDENT. The amendment will be passed over, in the absence of objection.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 23, after line 18, to insert:

United States post-office at Paris, Tenn., $40,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

United States post-office at Greenville, Tex., $70,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 10, to insert:

United States post-office at Provo, Utah, $60,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 14, to insert:

United States post-office at Clifton Forge, Va., $40,000.

The amendment was agreed to.

The next amendment was, on page 24, line 18, to increase the appropriation for the United States post-office at Fredericksburg, Va., from $30,000 to $40,000.

The amendment was agreed to.

The next amendment was, on page 24, after line 22, to insert:

United States post-office at Fairmont, W. Va., $75,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 6, to insert:

United States post-office at Rawlins, Wyo., $80,000.

The amendment was agreed to.

The next amendment was, on page 25, line 10, to increase the appropriation for the United States post-office at Sheridan, Wyo., from $115,000 to $150,000.

The amendment was agreed to.

The next amendment was, on page 25, after line 23, to strike out:

United States post-office at Gadsden, Ala., $10,000.

Mr. CLAY. Mr. President, I want to call the Senator's attention to the item on page 25, line 24, in regard to Gadsden, Ala. I think the Senator will find that we have inserted in this bill an item appropriating $60,000 for Gadsden, Ala., in another place.

Mr. SCOTT. It goes in in another section.

Mr. CLAY. And consequently this $10,000——

Mr. MORGAN. The item which has been stricken out provided an appropriation for buying a site; and in another place $60,000 has been appropriated for a site and building.

Mr. CLAY. Is that correct?

Mr. MORGAN. That is correct.

Mr. SCOTT. It is in another place.

Mr. CULBERSON. The amendment in regard to Gadsden, Ala., to which the Senator from Georgia [Mr. CLAY] calls attention on page 25, provided simply for the purchase of a site. That has been stricken out, and in another and more appropriate part of the bill an appropriation of $60,000 is made for Gadsden for the purchase of a site and the erection of a building, so that this amendment of the Senate committee is proper, I think.

Mr. CLAY. The Senator from Alabama says that the item of $60,000 for Gadsden——

Mr. SCOTT. Let the amendment go over. I think the Senator will find it is correct, it being provided for in section 8 on page 15.

Mr. CULBERSON. Page 15, lines 12 and 13.

Mr. WARREN. The $10,000 item in one place is cut out and $60,000 is inserted for a site and a building. It is all right.

Mr. SCOTT. It is all right.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, after line 4, to insert:

United States post-office at Denver, Colo., $500,000.

The amendment was agreed to.

The next amendment was, on page 26, line 8, to reduce the appropriation for the United States post-office at Greenwich, Conn., from $20,000 to $10,000.

The amendment was agreed to.

The next amendment was, on page 26, line 10, to increase the appropriation for the purchase of additional ground for the United States post-office at New London, Conn., from $5,000 to $6,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 11, to strike out:

United States post-office at Willimantic, Conn., $12,000.

The amendment was agreed to.

The next amendment was, on page 26, after line 13, to insert:

United States post-office at Smyrna, Del., $5,000.

Mr. SCOTT. That amendment should be disagreed to.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, line 17, to increase the appropriation for United States post-office at Griffin, Ga., from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 17, to insert:

United States post-office at Dalton, Ga., $7,500.

Mr. SCOTT. Let that amendment be disagreed to.

Mr. CLAY. That amendment goes out for the reason that it is included in another item which provides for a site and a building.

Mr. SCOTT. It has been already passed, I will say to the Senator.

Mr. CLAY. Yes.

The amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Public Buildings and Grounds was, on page 26, after line 19, to strike out:

United States post-office at Marietta, Ga., $5,000.

The amendment was agreed to.

The next amendment was, on page 26, line 23, to increase the appropriation for the United States post-office at Newnan, Ga., from $5,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 26, after line 23, to insert:

United States post-office at Waycross, Ga., $7,500.

The amendment was agreed to.

The next amendment was, on page 27, after line 3, to insert:

United States post-office at Lewiston, Idaho, $5,000.

Mr. SCOTT. I move, on behalf of the committee, to amend the amendment by inserting "ten thousand" in place of "five thousand."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 27, line 4, before the word "thousand," it is proposed to amend the committee amendment by striking out "five" and inserting "ten;" so as to read:

United States post-office at Lewiston, Idaho, $10,000.

The amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 28, after line 2, to insert:

United States post-office at Decorah, Iowa, $5,000.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. It will be passed over in the absence of objection.

The next amendment was, on page 28, line 10, to increase the appropriation for the United States post-office and court-house at Catlettsburg, Ky., from $7,000 to $10,000.

The amendment was agreed to.

The next amendmnt was, on page 28, after line 22, to strike out:

United States post-office at Alexandria, Minn., $7,000.

The amendment was agreed to.

The next amendment was, on page 29, line 6, to increase the appropriation for the United States post-office at Minneapolis, Minn., from $250,000 to $350,000.

Mr. SCOTT. I ask that the amendment be passed over for the present.

The VICE-PRESIDENT. Without objection, it will be passed over.

Mr. SCOTT subsequently said: I wish to withdraw the objection to the Minneapolis item, lines 5 and 6, page 29.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment was, on page 29, line 10, to reduce the appropriation for the United States post-office at Hattiesburg, Miss., from $15,000 to $7,500.

The amendment was agreed to.

The next amendment was, on page 29, line 14, to increase the appropriation for the United States post-office at Carrollton, Mo., from $7,500 to $10,000.

The amendment was agreed to.

The next amendment was, on page 30, line 1, to reduce the appropriation for the United States post-office at Missoula, Mont., from $20,000 to $10,000.

Mr. SCOTT. Let the amendment be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The next amendment was, on page 30, after line 6, to insert:

United States post-office at Keene, N. H., $15,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 8, to insert:

United States post-office at Concord, N. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 10, to strike out:

United States post-office at Fayetteville, N. C., $10,000.

The amendment was agreed to.

The next amendment was, on page 31, line 2, to reduce the appropriation for the United States post-office at Middletown, N. Y., from $20,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 12, to reduce the appropriation for the United States post-office at Bradford, Pa., from $25,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 17, to reduce the appropriation for the United States post-office at Chambersburg, Pa., from $25,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 23, to reduce the appropriation for the United States post-office at Greensburg, Pa., from $25,000 to $15,000.

The amendment was agreed to.

The next amendment was, on page 31, line 25, to reduce the appropriation for the United States post-office at Pittsburg, Pa., from $1,000,000 to $800,000.

Mr. SCOTT. I think the Senator from Pennsylvania wishes the amendment to go over.

The VICE-PRESIDENT. Without objection, it will go over.

The next amendment was, on page 32, line 2, to reduce the appropriation for the United States post-office at Punxsutawney, Pa., from $25,000 to $15,000.

Mr. PENROSE. I ask that the item may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 32, after line 6, to strike out:

United States post-office at York, Pa., $75,000.

Mr. WARREN. I ask that the amendment may go over.

The VICE-PRESIDENT. In the absence of objection, the amendment will be passed over.

The next amendment was, on page 32, after line 12, to strike out:

United States post-office at Paris, Tenn., $10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 14, to strike out:

United States post-office at Greenville, Tex., $8,000.

The amendment was greed to.

The next amendment was, on page 32, line 17, after the word "Texas," to strike out "nine" and insert "ten;" so as to read:

United States post-office at Palestine, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 18, to insert:

United States post-office at San Marcos, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 32, after line 20, to insert:

United States post-office at Temple, Tex., $10,000.

The amendment was agreed to.

The next amendment was, on page 32, line 24, to reduce the appropriation for the United States post-office at Bellingham, Wash., from $25,000 to $10,000.

Mr. PILES. I ask that the amendment may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 33, line 2, to reduce the appropriation for the United States post-office and land office at North Yakima, Wash., from $20,000 to $10,000.

Mr. PILES. Let this go over, too.

The VICE-PRESIDENT. Without objection, the amendment will be passed over.

The next amendment was, on page 33, after line 2, to insert:

United States post-office at Grafton, W. Va., $10,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 4, to insert:

United States post-office at Hinton, W. Va., $10,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 8, to insert:

United States post-office at Beloit, Wis., $15,000.

The amendment was agreed to.

The next amendment was, on page 33, after line 14, to insert:

United States post-office at Lander, Wyo., $7,400.

The amendment was agreed to.

The next amendment was, on page 33, after line 16, to strike out:

United States post-office and court-house at Rawlins, Wyo., $10,000.

The amendment was agreed to.

The next amendment was, on page 35, line 16, before the word "thousand," to strike out "seventy-seven" and insert "fifty;" so as to read;

SEC. 12. That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the United States post-office building at Watertown, N. Y., to be taken down and a new building to be erected on the site thereof, at a total cost to the Government, including the removal of the present building and the construction of a new building with fireproof vaults, heating and ventilating apparatus, and approaches, complete, not to exceed $50,000, etc.

The amendment was agreed to.

The next amendment was, on page 36, after line 2, to insert as a new section the following:

SEC. 13. That the Secretary of the Treasury be, and he is hereby, authorized and directed to begin the work of reconstructing and enlarging the public building at Richmond, Va., on a plan and design that will provide a suitable, commodious, fireproof building for the accommodation of the post-office, United States courts, customs, and other Government offices in said city, with heating apparatus, elevators, and mechanical equipment, demolishing and removing, so far as may be necessary, the present building and the building on the Shafer lot adjacent to the old Government building and now owned by the United States; and the Secretary of the Treasury, for the purpose of beginning the construction of the building aforesaid, is hereby authorized to let contracts for so much of said work as shall not exceed in cost the sum of $200,000: *Provided, however*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, and the building provided for shall not be constructed or planned so as to cost, when completed, including heating apparatus, elevators, mechanical equipment, and approaches, a sum exceeding $800,000.

The amendment was agreed to.

The next amendment was, on page 36, line 24, to change the number of the section from 13 to 14; and on page 37, line 10, before the word "thousand," to strike out "five hundred" and insert "four hundred and fifty;" so as to make the section read:

SEC. 14. That the Secretary of the Treasury be, and he is hereby, authorized and directed to dispose of the Federal building at Grand Rapids, Mich., now used as a post-office, court-house, and for other governmental purposes, at such a time, in such manner, and upon such terms as he may deem for the best interests of the United States, and cause to be erected upon the site thereof a suitable building, including fireproof vaults, heating and ventilating apparatus, elevators, and approaches, complete, for the use of the United States post-office, courts, and other governmental offices in said city, at a limit of cost for said building of not to exceed $450,000, and in case of the sale of the old building the limit of cost hereinbefore fixed for said new building is hereby increased by a sum equal to the net proceeds derived from said sale.

Mr. BURROWS. I ask that the amendment may be passed over.

The VICE-PRESIDENT. In the absence of objection, it will be passed over.

The next amendment was, on page 37, line 14, to change the number of the section from 14 to 15.

The amendment was agreed to.

The next amendment was, on page 38, line 7, to change the number of the section from 15 to 16.

The amendment was agreed to.

The next amenment was, on page 39, line 10, to change the number of the section from 16 to 17.

The amendment was agreed to.

The next amendment was, on page 39, line 24, to change the number of the section from 17 to 18.

The amendment was agreed to.

The next amendment was, on page 40, after line 9, to strike out:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That $50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma.

Mr. LONG. I ask that the amendment may go over.

The VICE-PRESIDENT. Without objection, it will be passed over.

The next amendment was, on page 41, line 5, before the word "thousand," to strike out "three hundred and fifty" and insert "four hundred;" so as to make the section read:

SEC. 19. That for the purpose of beginning the construction of a suitable and commodious fireproof building for the accommodation of United States post-office, United States courts, and other governmental offices at Houston, Tex., $100,000: *Provided*, That this authorization shall not be construed as fixing the limit of cost of said building at the sum hereby named, but the building hereby provided for shall not be constructed or planned so as to cost complete, including fireproof vaults, heating and ventilating apparatus, and approaches complete, but exclusive of site, exceeding $400,000.

The amendment was agreed to.

The next amendment was, on page 43, line 8, after the word "Columbia," to insert "the condemnation proceedings to be had under subchapter 1 of chapter 15 of the Code of Law for the District of Columbia;" and in line 16, after the word "reservations," to insert "and a sufficient sum to pay the amount of the damages awarded for and in respect of the said lands to be condemned, and the costs of the condemnation proceedings, is hereby appropriated out of the revenues of the United States;" so as to make the section read:

SEC. 21. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to acquire by condemnation, for the purpose of providing reservations for the United States Government, the several parcels of ground in the District of Columbia included in the triangles or parts of triangles herein mentioned, as follows: Part of the triangle situated at the east side of Sixteenth street and north of Columbia road which lies north of a line commencing at the southwest corner of lot 154 and extending east at right angles to Sixteenth street to the west line of Fifteenth street. Also all of the triangle situated at the east side of Sixteenth street at the intersection of that street with Piney Branch road and consisting of part of original lot No. 8, in the subdivision of "Argyle," as recorded in the office of the surveyor of the District of Columbia, the condemnation proceedings to be had under subchapter 1 of chapter 15 of the Code of Law for the District of Columbia: *Provided, however*, That the entire amount found to be due and awarded by the jury as damages for and in respect of the land condemned, plus the costs and expenses of the proceedings, shall be assessed by the jury as benefits, and to the extent of such benefits, against those pieces or parcels of land which will be benefited by the condemnation of said triangles for Government reservations; and a sufficient sum to pay the amount of the damages awarded for and in respect of the said lands to be condemned, and the costs of the condemnation proceedings, is hereby appropriated out of the revenues of the United States.

The amendment was agreed to.

The next amendment was, on page 44, line 5, after the words "Secretary of War," to insert "And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated;" so as to make the section read:

SEC. 22. That the Secretary of War be, and he is hereby, authorized and directed to permit the erection of a monument, which shall cost not less than $5,000, in honor of the heroes of peace, by the volunteer firemen of the United States, under such rules and regulations as he may prescribe, on reservation No. 29, being bounded on the south by Pennsylvania avenue, on the east by Twentieth street west, and on the north by I street north, in the city of Washington, D. C.: *Provided*, That the design for the proposed monument shall be approved by the Secretary of War. And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 45, line 1, after the word "provided," to insert "And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated;" so as to make the section read:

SEC. 23. That the Secretary of the Treasury shall require all owners or agents of sites in each city mentioned in this act, where sites or additions to sites are to be purchased, to submit offers of sale in writing. And in case a site or addition to a site acquired under the provisions of this act contains a building or buildings the Secretary of the Treasury is hereby authorized, in his discretion, to rent until their removal becomes necessary such of said buildings as may be purchased by the Government, or the land on which the same may be located, where the buildings are reserved by the venders, at a fair rental value, the net proceeds thereof to be deposited in the Treasury of the United States, and a report of the proceedings to be submitted to Congress annually: *Provided*, That each site selected under the provisions of this act shall be bounded upon at least two sides by streets, unless otherwise specifically provided. And a sufficient sum to pay the amounts awarded for and in respect of the said lands, together with the costs and expenses of the condemnation proceedings, is hereby appropriated, out of any money in the Treasury of the United States not otherwise appropriated.

The amendment was agreed to.

The next amendment was, on page 45, after line 5, to insert as a new section the following:

SEC. 24. That the Secretary of the Treasury is hereby authorized, in his discretion, to acquire by purchase, condemnation, or otherwise, the whole of squares Nos. 226, 227, 228, 229, and 230, in the city of Washington, and the sum of $3,000,000 to pay for the land so acquired and toward the erection of one or two buildings thereon is hereby appropriated out of any money in the Treasury not otherwise appropriated. That part of C street, Ohio avenue, D street, and E street lying between the squares named herein is hereby made a part of the site authorized by this act. That should the Secretary of the Treasury decide to institute condemnation proceedings in order to secure any or all of the land herein authorized to be acquired, such proceedings shall be in accordance with the provisions of the act of Congress approved August 13, 1890, providing a site for the enlargement of the Government Printing Office (U. S. Stat. L., vol. 26, chap. 837.)

That a commission, to be composed of the Secretary of State, the Secretary of the Treasury, the Attorney-General, the Secretary of Commerce and Labor, and the Superintendent of the Capitol Building and Grounds, which is hereby created, shall report to Congress preliminary plans and an estimate of cost for one or two buildings to be erected on said site for the use of the Departments of State, Justice, and Commerce and Labor, and for other governmental purposes, said preliminary plans and estimate of cost to be paid for out of the appropriation herein made.

The amendment was agreed to.

The next amendment was on page 46, after line 10, to insert as a new section the following:

SEC. 25. That a committee consisting of three Senators, named by the President of the Senate, and three Members of the House of Representatives, named by the Speaker of the House, be appointed, whose duty it shall be to investigate the proposed addition to Rock Creek Park, the so-called "Meridian Hill" site for a park, and the so-called "Carpenter" tract for a park, and which said tracts of land are located in the District of Columbia, with a view of purchasing the same, and to report their findings to Congress at the commencement of the second session of the Fifty-ninth Congress.

Mr. SCOTT. I offer what I send to the desk as a substitute for section 25.

The SECRETARY. It is proposed to strike out all of section 25 and insert in lieu thereof the following:

SEC. 25. That a committee of three Senators, to be appointed by the President of the Senate, and three Members of the House of Representatives, to be appointed by the Speaker of the House, be constituted to take into consideration the advisability of purchasing the proposed addition to Rock Creek Park, the so-called "Meridian Hill" site and the so-called "Carpenter" and "Pennsylvania Avenue Heights" tracts for parks, located in the District of Columbia, and to report their conclusions to the Congress at the commencement of the second session of the Fifty-ninth Congress.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 46, line 21, to change the number of the section from 24 to 26; and in line 26, after the word "sites," to strike out "or additions to sites," so as to read:

SEC. 26. That proposals for the sale of land suitable for all sites provided for in this act, respectively, shall be invited by public advertisement in one of the newspapers of said cities, respectively, of largest circulation for at least twenty days prior to the date specified in said advertisement for the opening of said proposals.

The amendment was agreed to.

The next amendment was, on page 47, line 12, to change the number of the section from 25 to 27.

The amendment was agreed to.

The next amendment was, on page 47, line 20, to change the number of the section from 26 to 28.

The amendment was agreed to.

The next amendment was, on page 47, line 22, to change the number of the section from 27 to 29.

The amendment was agreed to.

The reading of the bill was concluded.

Mr. SCOTT. I ask that the committee amendment on page 6, lines 5 and 6, may go over with the other amendments.

The VICE-PRESIDENT. It will be passed over in the absence of objection.

Mr. CULLOM. Has the reading of the bill been concluded?

The VICE-PRESIDENT. The formal reading of the bill has been concluded.

Mr. KEAN. Are amendments now in order?

The VICE-PRESIDENT. They are in order.

Mr. KEAN. I offer the amendment I send to the desk.

Mr. SCOTT. Would it not be the proper thing to take up the committee amendments which have been passed over before individual amendments are offered?

The VICE-PRESIDENT. The Secretary will report the first committee amendment passed over.

Mr. CULLOM. All I desired was to inquire of the chairman the course he wished to have pursued.

Mr. SCOTT. I ask that the committee amendments which have been passed over may be taken up.

Mr. CULLOM. Does the Senator propose to have them acted upon now?

Mr. SCOTT. And acted upon.

Mr. CULLOM. All right.

Mr. KEAN. I have an amendment to come in at the end of the bill. I do not think it will take any time.

Mr. CULBERSON. I think we had better have the regular order.

Mr. KEAN. I withdraw the amendment.

Mr. SCOTT. Let the first passed-over committee amendment be stated.

Mr. FULTON. I wish to ask the Senator in charge of the bill a question for information. On page 7, beginning in line 3, there is an appropriation for Salem, Oreg., of $15,000. It reads:

United States post-office at Salem, Oreg., $15,000.

Mr. SCOTT. I wish the Senator would wait until we come to the amendment in its regular order.

Mr. FULTON. I wish to be informed whether or not that does not require amendment. The appropriation is for the purpose of improving the grounds and building approaches; and should not that be specified? I simply call the attention of the Senator to it.

The VICE-PRESIDENT. The Secretary will report the first amendment which has been passed over.

Mr. BRANDEGEE. I ask that the committee amendment in line 8, page 26, be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over. The first committee amendment which has been passed over will be stated.

The SECRETARY. On line 22, page 4, strike out "one hundred" and insert "seventy-five;" so as to read:

United States post-office, court-house, and custom-house at Spokane, Wash., $75,000.

Mr. PILES. Mr. President, I dislike very much to interpose any objection to the report of the committee, and I would not do so were it not for the fact that I have information in reference to the city of Spokane and also the city of Tacoma which the committee may not have had. I may as well say what I have to say about Spokane and Tacoma at the same time, and later on I shall briefly refer to Bellingham and North Yakima.

Mr. President, Spokane is a city of about 75,000 people, situated in the eastern part of the State of Washington. It is the center of a great mining and agricultural country. It is one of the most beautiful as well as one of the most progressive cities in the United States. I take it that no man who has ever visited that city failed to be impressed with its charm as well as with its business aspect and its undoubted future. While that city has to-day a population of some 75,000, those who are familiar with it will not hesitate to say that in the next seven or eight years it will have a population of 150,000.

Mr. President, the committee in the House, after thoroughly investigating this question and having before it the estimates of the Department recommending an addition of $300,000 for that city, concluded that it could not afford at the present time, notwithstanding that recommendation, to give more than $100,000, although the committee realized, I take it, that that sum was inadequate. The post-office receipts at Spokane within the last calendar year exceeded $200,000. It is the seat of the United States district court. There are located there the various officials connected with that court, United States inspectors, deputy collectors, and other Government officials, also the United States land offices. It is safe to say that the business of that community demands a large Government building, and that if the Government shall fail to appropriate the amount inserted in this bill a building totally inadequate to the wants of that community will be constructed.

The Senate itself a few years ago passed a bill carrying $700,000 for the construction of a building at that city, and while the House no doubt appreciated the necessity for a large building at Spokane, it evidently concluded that it was impossible for one at all suitable to be constructed there for less than $500,000. If this were a case where we could come back to a subsequent Congress and get an increase it would be an entirely different proposition; but what is done now is final and conclusive.

The same may be said with reference to the city of Tacoma. It is the headquarters of the internal-revenue collection district for the State of Washington and the Territory of Alaska. The United States court is held there, and it is the home of many public officials of the United States. It is one of the greatest commercial cities on the Pacific coast, and is destined to stand in the fore rank of any. It has a population now of something like 75,000, and will within a few years more than double that population. I think it would be unfair to that city, growing as rapidly as it is, to reduce the appropriation from $100,000 to $75,000.

The Department, I understand, has refrained from entering into contracts for the construction of the buildings at Tacoma and Spokane because it considered the sums heretofore appropriated insufficient for a public building in either city.

I do not believe, Mr. President, that Congress can afford to leave that section of the country without buildings sufficiently large to accommodate the demands of the Government business.

Therefore I hope the chairman of this committee, who is familiar with that section of the country, and who, I dare say, can substantiate what I have said with reference to the cities of which I have spoken, and I hope he will see that the amount appropriated by the House be retained in the bill.

I may say, in conclusion upon this proposition, that our delegation got together, and we came to the conclusion that we would not undertake to burden this bill with numerous appropriations for the various towns and cities in our State, but that we would confine ourselves for the present to carrying out the plan for constructing a Government building in the city of Tacoma and one in the city of Spokane sufficient to meet the needs of the people; also the purchase of sites at North Yakima and Bellingham.

When this bill came to the Senate, I conferred, as did my colleague, with our Congressmen in the House as to the advisability of proposing amendments for several other cities in the State. It was concluded on reflection that we would not vex the Senate or the committee with questions of that character; that while we felt that the House had not given us what we were justly entitled to receive, we concluded that we would nevertheless be content with the appropriation there made, feeling that the Senate would without question concur in the action of the House.

Mr. SCOTT. Mr. President, the Senator from Washington has certainly presented his case in the most favorable light. As the Senate will notice, the committee has cut the appropriation at Tacoma and Spokane only $25,000. In place of $100,000 the committee report $75,000.

In the report from the Treasury Department we find that at the Spokane office there have already been appropriated $100,000 for a site and $500,000 for a building. We find that $100,000 for the site and $500,000 for the building at Tacoma have been appropriated. Knowing that section of the country as I do, I think that the appropriation, with the addition of this $75,000, is a very liberal and ample one.

I further have to disagree with my good friend the Senator from Washington when he says that this is a mere trifling appropriation. There is a difference of only $25,000 at either place. The appropriation made by the House is $100,000, and we cut it to $75,000.

Now, Mr. President, I call your attention to one of the other points, North Yakima. The population of North Yakima is 3,154, and the postal receipts are only $21,000. They asked for an appropriation of $20,000 for a site in that village. Your committee thought that $10,000 would be ample to buy the very best site possible in the village, and, therefore, we cut that appropriation to $10,000.

In the other place, if you will notice in the Washington appropriation, there is no population given at all, and we did not know what the site would cost. The postal receipts there are $38,000, and we gave them $15,000 for a site.

Mr. President, I think we acted very generously with Washington; much more so than we have done with some other States, and I hope the Senate will stand by the committee.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee in line 22, page 4.

Mr. PILES. I do not understand that the question of North Yakima and Dillingham is before the Senate at present.

Mr. SCOTT. If the Senator will allow me, he referred to both places, and he said at the proper time he would take them up, and I thought what the Senator said warranted me in referring to them now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee in line 22, page 4. [Putting the question.] The amendment is agreed to.

Mr. PILES. I misunderstood the motion. I understood that the question was on disagreeing to the amendment. I ask that the question be put again.

Mr. SCOTT. Will the President of the Senate kindly announce in voting on these amendments the vote sustaining the

committee and the vote opposite, so that Senators may vote knowingly?

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. WARREN. Mr. President, if the Senator from Washington will allow me, when the Senator was talking and appealing very eloquently and strongly to us for his two magnificent cities I did not understand that he made any motion. I understood him, and I thought he was taking a very wise course, to only advise the committee, and through the committee its conferees, of the importance of the places he talked about—Spokane and Tacoma—and the necessity of enlarging the appropriation, but without asking the Senate to disagree with the committee amendment.

I wish to say just a word to my fellow-Senators and let them judge whether that word or suggestion is a good one or not. Where the House has appropriated an amount larger than the Senate Committee on Public Buildings and Grounds have consented to, and where the Senate limit or cut is substituted, and Senators see that it must go to conference for final adjustment, had not all Senators better strengthen the hands of the conferees and strengthen the situation as between the House and the Senate by first stating their necessities and then allow the matter to pass on to the conferees?

I wish to say, Mr. President, that I have served on every one of the conferences since the omnibus style of public-building bills was inaugurated. The President of this body served as chairman of that committee, and I know he will understand, as others who have served on it do, the many perplexities which surround the conduct of an omnibus bill where every Senator is looking, as he should, after his own particular State, and where the interests are sometimes adverse.

I do not know who will be the conferees upon this bill, but if you take these items up and each man insists on what he wants in each case and ask the whole Senate, as a body, to act separately on each item, there is no necessity of having a conference, and you deprive the conferees of having anything to confer about.

It is perfectly obvious, if we are going to have a conference at all, that the best course for this body to pursue would be to leave the conferees with some strength. So I would suggest, and I can only make the suggestion, of course, that those Senators who feel aggrieved at the action of the committee in cutting down items make their statements and their arguments here, and then relegate the matter to the conference so far as it concerns the Senate cuts made in House amounts.

Of course, if a new amount has been put in by the Senate that is too low and should be raised, or if there is a new item needed, that is on an entirely different basis. But I do believe we will have a much better bill if each Senator leaves the conferees with something in their hands to confer about or agree to with the House.

The VICE-PRESIDENT. The Chair will state the question.

Mr. PILES. Before it is stated I wish to make one remark to the chairman of the committee. His statement is that $500,000 has been appropriated for a building at Spokane and a similar amount for one at Tacoma. I have a statement here from the Congressman from that district showing that a site has already been purchased at Tacoma and Spokane; that there has been appropriated for the building in each place $400,000; that the Treasury Department recommended $300,000 additional for a building in each city.

I do not know just what is the proper procedure in cases of this character. I wish to do whatever is good practice in such matters, and I hope Senators will not reduce the appropriation made by the House.

Mr. CARTER. The suggestion of the Senator from Wyoming [Mr. WARREN] would lead us to pursue a course entirely at variance with the parliamentary usage of this body. It must not be forgotten that an agreement to an amendment unsatisfactory to a majority of the Senate is a misrepresentation of the views of the majority. The mere fact that the committee has made a report does not put the Senate in a position to become merely advisory to that committee.

I understand very clearly the position of the committee. I think it is understood that this bill having been materially increased in some particulars, it has been decreased in other respects, so as to make a nice balance of it all and give the committee something upon which to trade in conference. That is the plain English of the proposition.

Mr. President, the Senate must express its actual views and not the views of the committee upon particular items in the bill. It does seem to me a useless waste of time to place observations in the RECORD which will not be read by the conferees, and to pass over the Senate's inherent right to cast a vote upon the merits of the pending proposition.

The committee, it is true, performed their service under great difficulties and great pressure. They are entitled to the thanks of the Senate for the industrious and assiduous manner in which they have addressed themselves to the task. Their completed work comes here for the Senate's approval or disapproval. In the main the Senate has indicated approval of the work, but certain reservations have been made as the reading of the bill has progressed.

Now, it is suggested that we merely express our views concerning these reservations, but refrain from recording our judgment in the RECORD. I, for one, if voting alone, will vote upon the merits of the proposition upon my convictions with reference to it. I do not understand that, by virtue of insisting upon a plain parliamentary right, any reflection whatever is cast upon the committee reporting the bill.

Mr. SCOTT. Will the Senator allow me?

Mr. CARTER. I am glad to hear the Senator.

HOURS OF LABOR OF RAILWAY EMPLOYEES.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Mr. President——

Mr. SCOTT. I ask that the unfinished business may go over until we are through with the discussion of the public buildings bill.

Mr. LA FOLLETTE. I can not consent to that.

The VICE-PRESIDENT. Objection is made.

Mr. SCOTT. Then I move that the unfinished business be laid aside until the completion of the public buildings bill.

Mr. TILLMAN. Let me suggest to the Senator from West Virginia that perhaps the unfinished business can be disposed of by a vote. It has been debated here for several days, and unless some Senator wants to talk on it the matter can be ended and no further time consumed in its consideration.

Mr. SCOTT. My motion is that the unfinished business be laid aside and the Senate proceed with the consideration of the public buildings bill.

The VICE-PRESIDENT. Until what time?

Mr. SCOTT. Until the public buildings bill is concluded.

Mr. WARREN. Mr. President, I wish to make a parliamentary inquiry. If the Senator from Wisconsin will consent to laying aside the unfinished business without prejudice, it will then remain, I understand, as the unfinished business. If a motion is made and carried to take up the public buildings bill and proceed with it, does it not displace the other bill as the unfinished business?

The VICE-PRESIDENT. The Chair is of the opinion that it does.

Mr. WARREN. I suggest to the Senator from Wisconsin that he would effect what he wants very much quicker and in a better way to consent to set the unfinished business aside under an arrangement than to have it displaced by a motion, if the motion should carry.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I yield to the Senator.

Mr. FORAKER. Answering the suggestion of the Senator from South Carolina, I notice in the RECORD this morning that the Senator from Wisconsin yesterday offered six amendments to his bill. I intended as soon as I reached the Senate this morning to ascertain what those amendments were, but I have not had a minute in which to do it, because of the public-buildings bill being under consideration. The Senator offered six amendments yesterday. I remember that I offered six the day before, and the Senator from New Hampshire [Mr. GALLINGER] offered one or more amendments. I do not know how many amendments there are. I wish we could have a reprint of the bill and amendments. There is at least one other amendment that I want to offer.

Mr. SCOTT. I shall insist upon the consideration of the public-buildings bill.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside temporarily, that it be taken up after the public-buildings bill is disposed of, and that a vote be taken to-morrow at 4 o'clock upon the pending amendments and the bill.

The VICE-PRESIDENT. The Senator from Wisconsin asks

unanimous consent that the unfinished business be laid aside until after the completion of the consideration of the public-buildings bill, and that a vote be taken upon the unfinished business and pending amendments thereto at 4 o'clock to-morrow.

Mr. CULLOM. The unfinished business is the bill in charge of the Senator from Wisconsin?

The VICE-PRESIDENT. It is the bill in charge of the Senator from Wisconsin. Is there objection?

Mr. HEYBURN. I should not object if the Senator would amend his unanimous consent so as to except the consideration of conference reports.

Mr. KEAN. And appropriation bills.

The VICE-PRESIDENT. The unanimous-consent agreement not to affect the presentation and consideration of conference reports.

Mr. WARREN. And appropriation bills.

Mr. GALLINGER. Mr. President, I object to the request for unanimous consent.

The VICE-PRESIDENT. Objection is made.

Mr. WARREN. Will not the Senator divide the question? He submitted two propositions.

Mr. LA FOLLETTE. I would rather submit another request. I ask unanimous consent that the unfinished business be laid aside temporarily, because I well understand that the bill being a measure only in the interest of public safety it would be displaced by the public-buildings bill.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be temporarily laid aside. Is there objection?

Mr. FORAKER. I suggest to the Senator from Wisconsin that while we are finishing the appropriation bill there might be a reprint, if he would ask for it, of his bill, showing all the amendments. That would help us very materially.

Mr. LA FOLLETTE. I will do that.

The VICE-PRESIDENT. Is there objection to a reprint of the bill, showing the amendments?

Mr. GALLINGER. I suggested certain amendments yesterday which will be found in the RECORD. I will ask that those amendments be printed as having been proposed by me.

Mr. BEVERIDGE. In view of the night session, I suggest that the printing be done at once, so that the bill with the amendments will be on the desks of Senators immediately.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. WARREN. Mr. President, just a word.

The VICE-PRESIDENT. The Chair will put the question for unanimous consent. Is there objection? The Chair hears none, and it is so ordered. The Senator from Wyoming.

Mr. WARREN. I shall take no exception to the remarks made by the Senator from Montana [Mr. CARTER]. I was only suggesting a way out of confusion and delay, as I thought, because while it is true that only a part of these differences were passed, for the Senate to turn back and pick up again, yet other items not excepted to were equally meritorious, and Senators who did not object as the bill was read will expect to have the same opportunity with their amendments as those who made the exceptions when we went along.

Now, I suggest to the Senator from Montana and other Senators that if you bring any one of these matters up for a vote and test of strength, it would be rather unfair to leave out Senators who said nothing at the time, but were willing to leave the matters to the conference. That is all I have to suggest.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 1862. An act for the relief of Joshua T. Reynolds;

S. 1864. An act for the relief of James H. Oliver, a commander on the retired list of the United States Navy;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy; and

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army.

The message further requested the Senate to furnish the House with a duplicate engrossed copy of the bill (S 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast under State authority, the original having been lost or mislaid.

The message further returned to the Senate, in compliance with its request, the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR. I wish to submit a report from the committee of conference on the agricultural appropriation bill.

The VICE-PRESIDENT. The Senator from Vermont submits a conference report, which will be read.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 17, 18, 36, 38, 39, 54, 56, 58, 74, 78, 81, 90, 91, 92, 94, 95, 96, 97, 131, 137, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 37, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79, 80, 82, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 136, 138, 139, 140, 142, 143, 144, 148, 149, 151, 154, and 155, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "$89,760;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "$23,440;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment, as follows: In lieu of the amount proposed in said amendment insert "$113,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$163,060;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$495,260;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 51, after the word "grades," in line 6, strike out the remainder of the amendment and insert "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$919,740;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 17, after the word "advisable," insert the following: "*Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food or as to false labeling or branding;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out and insert, after the word "necessary," in line 4, the following: "to ascertain the purity of food products and determine what

are regarded as adulterations therein;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$221,460;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 19 strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$2,400;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$19,610;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$75,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$94,610;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$803,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$803,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$974,860;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$57,660;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "$82,500;" and in line 25, on page 90, strike out the words "sixty-five thousand" and in lieu of the same insert the words "eighty-two thousand five hundred;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following: "The Secretary of Agriculture may authorize the Forester to expend from the funds herein appropriated for 'General expenses, Forest Service,' a sum not to exceed two thousand five hundred dollars in the construction of a permanent station building on the Dismal River Forest Reserve, Nebraska;" and the Senate agree to the same.

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

Mr. PROCTOR. Mr. President, I think I can in a very few minutes explain the points that Senators will be glad to know about in the report.

Taking up the items in order from which the Senate conferees receded, Nos. 7, 8, 10, 36, and 38 were merely slight increases that we made in mechanics, and we found that the House had also increased them. We did not think two increases on the same bill advisable.

We receded from Nos. 17 and 18, "For the purchase of scientific and other publications" for the Weather Bureau, because we thonght those should be purchased by the Library.

We receded from No. 54, an increase of $5,000 for experiments in the cultivation of matting grass, because it was not in the proper place, and we added it to No. 47, for the general expenses of the Bureau of Plant Industry. The $25,000 asked for by the fruit interests of California was also added to that appropriation, making a total of $495,000, the whole amount that the Senate asked for.

The Senate conferees receded from No. 74, the amendment offered by the senior Senator from New Hampshire [Mr. GALLINGER] in regard to undrawn poultry.

We also recede from No. 78, the amendment offered by the Senator from Idaho [Mr. DUBOIS] in regard to experiments in the cultivation of plants in the irrigated districts, because we deemed that it was covered by other provisions.

Th Senate recedes from No. 90, the addition of one clerk in the Bureau of Biological Survey, and also from the addition of $5,000 to the general appropriation for that Bureau.

The Senate recedes from No. 96, an increase of $200 in the salary of the cashier in the Division of Accounts.

It also recedes from No. 137, an increase of $500 in the salary of the Director of the Office of Public Roads, because that officer had only been there a short time. He is a very competent man, but we thought that perhaps it is too early to make an increase.

The items to which the House agrees with an amendment are as follows:

No. 47 I have already stated.

No. 52 the House agrees to with an amendment striking out, after the word "grades," the rest of the paragraph, and inserting as follows: "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce."

The House also agrees to amendment No. 68, with an amendment adding a proviso which had been in previous laws and was inadvertently omitted.

The Senate recedes from its amendment No. 69, and agrees to it with an amendment as follows:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein.

This is a provision which has been in previous laws for a number of years.

Amendment No. 84 is a compromise between "one clerk," as the House had it, and "three clerks," as the Senate amended it, making it "two clerks."

No. 87 (Bureau of Entomology), the House made the general appropriation $68,000 and the Senate $80,000. It was compromised to $75,000.

In No. 126 the Senate yielded $8,620 in the appropriation for experiment stations. In the item for public roads the House gave $60,000, the Senate $80,000, and the conference report makes it $70,000.

As to amendment No. 152, "For the extension of forest planting," the planting part was omitted, but the provision for building a permanent station on the Dismal River Forest Reserve, Nebr., $2,500, was retained, and the balance was yielded by the Senate, as it is sufficiently provided for under the general forestry appropriation.

In regard to amendment No. 150, the committee of conference was confronted by a peculiar situation and departed from the ordinary and proper province of a conference committee. That was the appropriation of $65,000 in regard to the gipsy and brown-tail moths, which was increased by the Senate to $100,000. The conferees on the part of the House claimed that there was an understanding in their committee, or in the House, that it should stand the same as the appropriation in the clause following on page 90, for eradicating the ticks transmitting southern cattle fever. Your conferees claimed that they were not parties to any such understanding, that they had never heard of it, and could not consider it; that the appropriation must stand on its own merits, and that it was very important that the whole amount should be given. Though the Senate were not in any wise a party to that understanding, we thought it would avoid friction and promote harmony if they were continued the same. The conference committee, therefore, recommends that the increase of $35,000 made by the Senate to the gipsy-moth item be divided; that it stand at $82,500; and that one-half be added to the appropriation for eradicating

the cattle tick, leaving both appropriations at $82,500. We submit this, stating its irregularity, but recommending that the action of the conferees be approved by the Senate. It is not a very important matter.

I should like to say that the conferees have agreed to the amendment of the Senate in regard to the examination of food products, and I call the attention of the Senator from Wisconsin [Mr. SPOONER] to this. The pure-food bill has been recently before the House of Representative, and the House conferees insisted that there was nothing in the provision that was in conflict with the pure-food bill. I also called up the Secretary of Agriculture and the solicitor of that Department. The Secretary said that some days ago he had submitted this matter to the solicitor, who said there would be no conflict, and no harm could arise from retaining the provision of the Senate, and the House conferees therefore receded.

This leaves, Mr. President, nothing disagreed to except amendment No. 29, in regard to cattle inspection, and four amendments that are contingent upon that.

I move that the report of the committee of conference be agreed to.

The motion was agreed to.

Mr. PROCTOR. I now move that the Senate still further insist upon its amendments disagreed to by the House of Representatives, and ask for a further conference with the House, the conferees on the part of the Senate to be appointed by the Chair.

The motion was agreed to; and Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS were appointed as the conferees on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 1211. An act to correct the military record of John Alspaugh;

S. 4197. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

S. 6004. An act to provide an American register for the steam yacht *Waturus;*

S. 6463. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson; and

S. 6365. An act granting a pension to Edward S. Bragg.

The message also announced that the House had passed the bill (S. 1725) granting certain lands to the Missionary Baptist Church, of Rock Sink, Fla., with amendments in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the amendment of the Senate to the concurrent resolution of the House relative to the appointment of a joint special committee to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

CODE PREPARED BY THE STATUTORY REVISION COMMISSION.

The VICE-PRESIDENT. The Chair appoints the Senator from Oregon [Mr. FULTON], the Senator from Minnesota [Mr. CLAPP], the Senator from Utah [Mr. SUTHERLAND], the Senator from Virginia [Mr. MARTIN], and the Senator from North Carolina [Mr. OVERMAN] as the members of the joint committee on the part of the Senate under the concurrent resolution of the House of Representatives to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

CHANNELS ON NEW JERSEY COAST.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. KEAN. Will the Senator from West Virginia yield to me for a moment?

Mr. SCOTT. I yield to the Senator from New Jersey.

Mr. KEAN. I ask that there may be laid before the Senate a resolution from the House of Representatives.

Mr. SCOTT. I yield to the Senator.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. The Senator from South Carolina first rose, and the Chair asked the Senator from West Virginia if he would yield to the Senator from South Carolina.

Mr. TILLMAN. I understood I had the floor in my own right.

Mr. SCOTT. Does the Senator desire to address the Senate for some length of time?

Mr. TILLMAN. Yes; I desire to address the Senate.

Mr. KEAN. I will say to the Senator from South Carolina that I wish merely to secure concurrence in a resolution from the House of Representatives requesting that there be sent to the House a copy of a Senate bill which has been lost or mislaid.

The VICE-PRESIDENT. The Chair will recognize the Senator from New Jersey [Mr. KEAN] and then the Senator from South Carolina [Mr. TILLMAN].

Mr. KEAN. Will the Chair kindly lay before the Senate the resolution from the House of Representatives to which I have referred?

The VICE-PRESIDENT laid before the Senate the following resolution of the House of Representatives; which, on motion of Mr. KEAN, was considered by unanimous consent, and agreed to:

Resolved, That the Senate be requested to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast, under State authority, the original having been lost or mislaid.

PURE-FOOD BILL.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. SCOTT. Mr. President, I was not aware of the fact that the Senator from South Carolina desired to make a speech. I thought he wanted to submit a report from a conference committee, or I should have asked him to allow the pending public buildings bill to be proceeded with until we have disposed of the amendments.

Mr. TILLMAN. I may just as well speak to one of these amendments as to any other thing around here, feeling that there will be enough to consume the balance of to-day and possibly to-morrow. I have been waiting for several days. I was too ill to speak yesterday or the day before, and I want to speak now.

Mr. SCOTT. I will yield to the Senator from South Carolina if he will yield to the Senator from Idaho [Mr. HEYBURN] to make a conference report.

Mr. TILLMAN. Certainly; I will do that with pleasure.

Mr. HEYBURN submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment.

Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court."

"SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or

misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"SEC. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"SEC. 7. That for the purposes of this act an article shall be deemed to be adulterated:

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contains terra alba barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purpose of this act an article shall also be deemed to be misbranded:

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if

the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"SEC. 12. That the term 'Territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"SEC. 13. That this act be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. B. HEYBURN,
P. J. MCCUMBER,
A. C. LATIMER,
Managers on the part of the Senate.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

Mr. HEYBURN. Mr. President, I would say that the conference report was withdrawn this morning merely for the purpose of transposing and correcting certain language in it that was found to be duplicated in two sections. It is now in correct form. I ask that the Senate agree to the report.

Mr. BAILEY. Mr. President, I did not understand the motion or request of the Senator from Idaho.

Mr. HEYBURN. It was that the Senate agree to the report of the committee of conference.

Mr. BAILEY. And that passes the bill?

Mr. HEYBURN. Yes.

Mr. BAILEY. Mr. President, that bill has not been printed yet, I understand, as it has been agreed upon by the conference committee.

Mr. HEYBURN. It has been printed, I will say to the Senator, with the exception that it was found upon examination this morning that a certain provision had been duplicated in section 2, which was in section 1. We merely cut it out of the section where it was duplicated. The bill is already printed.

Mr. BAILEY. I tried to get a copy of that bill yesterday.

Mr. HEYBURN. It has been printed and placed on the desks of Senators this morning.

Mr. BAILEY. I will ask the Senator to let the conference report lie over.

Mr. HEYBURN. Let it lie over for the present?

Mr. BAILEY. Yes. I would like to have an opportunity to look at it.

Mr. HEYBURN. Very well. I will call it up later.

IMMUNITY OF WITNESSES.

Mr. CLARK of Wyoming submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

JOHN J. JENKINS,
DAVID A. DE ARMOND,
Managers on the part of the House.

The report was agreed to.

UNITED STATES COURTS IN CHINA.

Mr. SPOONER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments: Insert at the end of section 2 as follows:

"The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall, as additional effects come from time to time into his possession, immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule, under oath, of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise, within ten days after any such sale, report the fact of such sale to said court and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require, where it may be necessary, a special bond for the faithful performance of his duty, to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come, in such amount and with such sureties as may be deemed necessary; and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof."

And the Senate agree to the same.

In section 5, line 4, strike out the words "section four thousand and eighty-six of;" and the Senate agree to the same.

JOHN C. SPOONER,
JOHN KEAN,
A. O. BACON,
Managers on the part of the Senate.

J. B. PERKINS,
EDWIN DENBY,
WM. M. HOWARD,
Managers on the part of the House.

The report was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. PERKINS. I ask the Senator from South Carolina to yield to me for a moment.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from South Carolina yield to the Senator from California?

Mr. TILLMAN. Certainly.

Mr. PERKINS. Mr. President, at the request of the Senate, the House of Representatives has returned the conference report on the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes. I ask that the report may be temporarily withdrawn from the Senate and recommitted to the committee of conference.

The PRESIDING OFFICER. Is there objection to the request of the Senator from California? The Chair hears none, and that order is made.

PUBLIC BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. TILLMAN. Mr. President——

Mr. SCOTT. Will the Senator from South Carolina yield to me for one moment?

Mr. TILLMAN. With pleasure.

Mr. SCOTT. I want to call the attention of the Senate, and especially the attention of the Senator from South Carolina—for he has been engaged on conference committees for the last two weeks—to the fact that this public buildings bill, after we are through with it here, will have to be reprinted and go to conference, as a matter of course. I understand we are trying to wind up this session by Saturday next. If that is the case, I want to call the attention of the Senate to the fact that if this bill fails, it will not be my fault.

Mr. TILLMAN. Mr. President, I feel like apologizing to the Senate for going counter to the current of feeling and desire here. I have never obstructed public business that I am aware of, certainly not intentionally, and I do not intend to obstruct it this evening. I am sorry to have to speak on the subject which I will disucss at this time and in this way, but it is very evident, under the pressure which is in this Chamber and in the Capitol, hurrying and rushing, trying to get through with the matters that have been mapped out by the leaders or bosses, that if I do not break in and speak anyway, the opportunity, in an orderly manner and under the regular course of procedure, will never come.

I do not intend to discuss this bill at all in any of its features or phases. I have had nothing to do with it in any shape, form, or fashion, and I have not been near the committee to ask any favors in regard to public buildings. My State is fairly well treated through the work of my colleagues in the other end of the Capitol and of my colleague at this end. I have had other things to do. But it is probably as appropriate for me to discuss the question which I shall discuss on the public-building bill as it would be in any other way or at any other time, because the occurrence which is the cause of my speaking took place in a public building and in the public grounds of the United States.

My efforts to have the facts brought out with regard to that occurrence have been pushed aside or turned down by the majority in this Chamber. While I have no complaint to make, I still feel the obligation of duty to present some of the facts that are now allowed to come to light that the public has never yet had an opportunity to know.

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from California?

Mr. FLINT. I want to ask the Senator if he would yield to me for a moment for the consideration of a House bill?

Mr. TILLMAN. If I yield to one Senator I will have to yield to twenty Senators. There are Senators all around me desiring to do something. We are all under whip and spur. I am under whip and spur myself, because I want to get away from here. I think if I stay in this city forty-eight hours longer I will be sick abed. I want to go home, and I will quit whether this Congress quits or not.

It will be recalled, Mr. President, that on the 17th of January last I made a speech in this Chamber in which I discussed the transactions under the orders of the President in Santo Domingo, and in criticising the acts of the President, among other things, I brought up as a matter that appeared to me of very serious moment, the expulsion from the Executive Offices of an elderly lady, a woman turned 50, under such brutal and cruel circumstances and with, as I thought, such uncalled-for exercise of authority that I went very far, perhaps, in criticising the present incumbent of the White House.

In that speech matters were brought up by a Senator that need not have been injected. I was charged with gratifying my personal hatred and with dealing with a delicate question in an undignified way. Taunted with speaking from hearsay and not being able to prove what I asserted, I asked for a committee of inquiry. The next morning, when the resolution which I offered came up, the Senate, as was its right, and probably as it was its duty under the circumstances, voted down and laid on the table the resolution of inquiry. I did not feel aggrieved. I realized that there was a difference of opinion, perhaps, against my view of it as to the propriety of the Senate taking cognizance of and investigating by a committee acts done in the White House, or in one of the offices of the White House, though the most brutal part had taken place out of doors in the public ground; but the Senate refused to order an investigation.

Things went on. I had wiped my hands of the occurrence. I had been criticised severely and held up to scorn by certain

men and certain newspapers for having presumed to express my honest feeling in regard to what had occurred, but I went on my way, as I have always done since I came here, without parade or bravado or endeavoring to advertise myself, if I may use the phrase; and I never would have broached the subject again or taken any action concerning it but for the fact that in April—I think it was about the 1st of April, the name of the man who must be held responsible until the facts are brought out and some one else shown to be responsible, if that ever occurs—the name of this man was sent to the Senate to fill one of the most important and lucrative offices in the gift of the Executive. His nomination to the position of postmaster of Washington was thrown in the teeth, at least of myself, certainly of the Senate, though the Senate has not shown its teeth in connection with it. Then the question arose as to whether this man was qualified or fitted by training and character to hold this high office. When this nomination was sent in I went to the chairman of the Committee on Post-Offices and Post-Roads and requested that a subcommittee of that committee be appointed to consider and report on the nomination. Having been asked to state in writing what my objections were, I prepared and sent to the chairman of the subcommittee a letter, which I ask to have read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

No. 1.

UNITED STATES SENATE,
Washington, D. C., April 18, 1906.

Hon. THOMAS H. CARTER,
Chairman of Subcommittee on Post-Offices and Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges, showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.

2. That having issued the order he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policemen to drag and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices, at the western end of the White House, to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

(1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
(2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
(3) Mr. I. C. Norwood, the Star office, Washington, D. C.
(4) Mr. James H. Price, the Times office, Washington, D. C.
(5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
(6) Mr. Elmer E. Payne, Associated Press, Washington, D. C.
(7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

Mr. TILLMAN. Mr. President, I presented the statement of facts I felt able to prove; the subcommittee met, considered the charges which I had presented, and talked over the situation. They were informed that it was my desire to have the matter over with as soon as possible, and in the secrecy of the executive session, and that I had no purpose or desire to reopen in public or to bring to the attention of the country this unfortunate transaction; that I wanted the facts brought out and let the Senate, having possession of the facts, determine once for all whether to confirm this man; that a vote might be had at any time, and I would not obstruct. The subcommittee agreed—at least I understood them to agree—that they would grant the investigation, but that in order to go about it in the lawful way and have power to send for persons and papers it would be necessary to have a resolution passed by the Senate giving such authority.

The chairman of the committee, the Senator from Pennsylvania [Mr. PENROSE], was away. It was two or three days before he returned, and when he returned from Pennsylvania I was informed that an investigation would not be had; that the resolution empowering the committee to send for persons and papers would not be offered, and that there would be no chance for me to prove the facts which I have asserted in the Senate, first in January, as to what took place, and, secondly, the charges that I had made to the committee in writing, which have just been read.

When the matter was brought up in executive session, which was shortly afterward, arguments were made pro and con, reasons were given for and against an investigation, and the matter was never determined finally until a few days ago, when the Senate, by a vote of all the Republican Senators but two, voted against having an investigation.

Having been informed that the defense of Mr. Barnes would be along the line of contention that his ordering Mrs. Morris arrested and expelled from the Executive Office might have been an error of judgment, might have been excusable somewhat, and that therefore the investigation, if one were had, should be of the action of the police outside of the Executive Office, I had prepared and offered in the open Senate, on May 1, the resolution which I send to the desk.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

Mr. TILLMAN. Most Senators have read it. I do not object to having it go into the RECORD without being read, because I do not care to consume any more time than I am compelled to.

The PRESIDING OFFICER. It will be printed in the RECORD without being read.

The resolution referred to is as follows:

Resolved, That the Committee on Public Buildings and Grounds be directed to investigate the circumstances of the arrest in the city of Washington, January 4, 1906, by the Metropolitan police, of Mrs. Minor Morris, and her carriage, attended by indignity and cruelty, through the grounds and basement of one of the public buildings and thence, after being thrown violently into a cab, to the House of Detention, and her incarceration for four hours on a charge of disorderly conduct, and later of insanity.

And also to investigate the manner and result of an inquiry made by Maj. Richard Sylvester, superintendent of Metropolitan police, into the facts of the case; and to inquire whether said investigation was fair and unprejudiced and all the impartial and available witnesses examined.

Whether said superintendent undertook to make an investigation by the use of detectives and secret-service men concerning the previous life and reputation of Mrs. Morris.

Whether he procured and made use of a statement of one H. B. Weaver, doctor of medicine, who falsely pretended that Mrs. Morris had been a patient of his in Asheville, N. C., two years ago.

Whether there is any police regulation in the city of Washington which requires that any person arrested shall not be released until taken to police headquarters and there detained until a police inquiry is instituted and ended.

And especially to inquire whether the said superintendent of police, and one of the chief witnesses against Mrs. Morris, have since received recognition by the appointment of near relatives to office; and whether any laws should be adopted by Congress for the better regulation and improvement of the police force of the city of Washington.

Mr. TILLMAN. If it had passed the Senate and an investigation had been ordered, it would have been a searching one and would have gone into the various matters which I shall discuss as I go along.

It seems to me nothing but just and right that the defense or explanation of Mr. Barnes should now be read, in order that those who have never seen it, because it has only recently been released from the secrecy of executive session, may hear for themselves his explanation and defense.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

No. 3.

THE WHITE HOUSE,
Washington, April 20, 1906.

MY DEAR SENATOR CARTER: Replying to your note of the 20th instant in connection with the proposed inquiry by the subcommittee of the Senate Committee on Post-Offices and Post-Roads into the matter of my nomination to be postmaster of Washington:

(1) I was born at Yarmouth, Nova Scotia, December 3, 1868. My father was born in the State of New York, my mother in the State of Maine. Their ancestors, back to a time preceding the Revolution, were natives of either New York or Massachusetts. My father was temporarily engaged in business in Nova Scotia at the time of my birth, and my parents remained there until I was about 7 years old, when they returned to the United States, going to New Jersey, where my father lived until the time of his death, in 1891. My parents never at any time relinquished their American citizenship nor took the slightest step in that direction.

(2) My present legal residence is in the State of New Jersey, and that has been my legal residence ever since I was old enough to vote. I desire to add that I have had no other ties in New Jersey since 1892, when the surviving members of my family removed to Washington, where they now reside.

(3) Mrs. Minor Morris called at the Executive Office on January 4, 1906, at about 1 o'clock and asked to be allowed to see the President. At the time, Secretary Loeb was engaged with the President, and I saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done. She was informed that the President could not give personal attention to such a matter and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question she asserted in boisterous manner that she would not be prevented from seeing him and that she would remain where she was for a month, if need be, unless she saw him sooner. She was allowed to remain for some moments. When I returned to the reception room shortly after, I found her pacing excitedly up and down the room, and informed her

as quietly as possible that she could not see the President and that it would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and to go away quietly. This, in still louder tones, she refused to do.

She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this *she shrieked at the top of her voice*, "I will not be put out," rushed to a chair, threw herself into it, and shouted, "Don't you have any hands laid on me; I am going to stay here until I see the President." Mrs. Morris's piercing shrieks were heard throughout the building, and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer who had witnessed the whole affair. He asked her to go with him quietly. She refused, and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her *three times* to leave the office quietly. She *shrieked her refusal* to each request, and was then led from the room. She struggled violently with two officers (all the way from the office building to the eastern entrance of the White House). As soon as she was outside of the office building she threw herself on the ground, and it became necessary to carry her.

The above facts, with the exception of the part in parentheses, came under my personal observation. They were made public by the Executive Office in my name on the next morning, together with the following statements, based on the first reports of the police officers who took part in the affair:

"The officers repeatedly asked her to stand up and walk quietly with them so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House. She was finally removed to police headquarters, where she was charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past. There is no truth whatever in the statement made by many of the papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles; but there was no other foundation whatever for the statement."

It will be noticed that the last two sentences are somewhat at variance with statements made later by Officers Frech and Murphy to Major Sylvester and recently submitted to your committee through Senator BURROWS. These officers explained to me afterwards that their attention had been so fully occupied by Mrs. Morris herself at the time that they had had little if any opportunity for *accurate* observation of any other features of the matter.

(4) In causing Mrs. Morris's removal from the Executive Office I acted under general instructions. I know you will appreciate the difficulty of stating specifically the substance of the instructions and by whom issued when I say that the reception and disposition of callers has been a part of my duties for four or five years, and that during that time cases of eccentricity, dementia, and insanity of various degrees had been encountered by me almost every day among the callers at the Executive Office. My general instructions were necessarily made up from innumerable experiences and countless directions given from time to time by the two Secretaries to the President under whom I have served in such capacity.

Very truly, yours,

B. F. BARNES.

Hon. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

Mr. TILLMAN. I will comment later on some of the language which Mr. Barnes uses. At the present time I want to put in the RECORD, because I desire to be entirely fair and not garble this testimony or use special pleading in dealing with it—and I doubt whether anybody else will ever take the trouble to present it to the Senate or to discuss it—the voluntary statement of Elmer E. Paine, made to the President, without dating it, shortly after the occurrence, I suppose, in the form of "a memorandum." I will state that Mr. Paine is one of the witnesses whom I asked to have summoned. He was one of the six newspaper men who were in and around the Executive Offices when the Morris incident took place, and one of the remarkable things about it is that he is the only one who ever had anything to say about it outside of his own newspaper or in private conversation, because while an investigation, or a pretense of an investigation, was ordered by the superintendent and chief of police at the command of the President, this newspaper man, one among six, was the only one who was permitted to give any statement or was asked to give any statement.

Before sending Mr. Paine's memorandum up, I wish to call attention to some things that are in it. I will not have it read, but will ask to have it printed. I presume some of the newspapers will probably print this whole record. The Evening Star, of this city, for instance, has been very earnest and zealous in trying to see justice done in this case, and therefore the citizens of Washington will probably have the opportunity to read in that paper everything in the shape of new testimnoy, at least that I shall present. But in order not to consume too much time—and there is so much of this material that it will take a long time—I wish to call attention to some things in Mr. Paine's statement. Speaking of Mrs. Morris and her action before she was arrested or just after she was arrested, he said:

> Finally, however, she dropped to the pavement, in a sitting posture.

Then he goes on to say:

> Seemingly, they—
>
> The policemen—
>
> did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

Further on he volunteers the opinion, which was an act of temerity on his part, I presume:

> My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices, but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

At the close he says:

> Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

After reading those little extracts, I simply ask that the letter be inserted in its proper place in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter is as follows:

[Memorandum for the President.]

UNITED STATES SENATE,
Washington, D. C.

Re the incident of Mrs. Minor Morris.

About 1 o'clock on the afternoon of Thursday, January 4, 1906, a distressing scene was enacted in and near the Executive Offices of the White House. A woman of mature years—a lady in appearance—was ejected forcibly from the offices and subsequently was taken to the house of detention. Investigation afterwards disclosed certain facts concerning her.

She was Mrs. Minor Morris, a woman 50 years of age, and the wife of Dr. Minor Morris, who, some time ago, was separated from his employment by the Government. He had been connected with the Army Medical Museum, and his services had been dispensed with for reasons of which I have no knowledge.

Mrs. Morris, who was gowned handsomely and was a woman of impressive appearance, entered the Executive Offices of the White House just about 1 o'clock p. m. It happened that I was conversing with a friend in the reception room of the Executive building at the moment of her entrance. Being a woman of somewhat striking appearance, Mrs. Morris drew the attention of the gentleman with whom I was talking, and he asked me if I knew who she was.

Then for the first time I noted her particularly. She had asked to see Secretary Loeb, and, when directed to Mr. Loeb's doorkeeper, had given him her card with a request for a brief interview. The doorkeeper took the card into Secretary Loeb's office. A few minutes later he returned to the reception room and communicated some response to her. She turned from the doorkeeper and began restlessly to pace up and down the reception room. She appeared to me to be laboring under some suppressed excitement, but, at the moment, although I was sitting so that I looked in her general direction, I paid little heed to her. I attributed her evident nervousness, without thinking very much about it, to the feeling many people have who come to the White House for the first time.

In a few minutes Mr. Barnes, Secretary Loeb's first assistant, came out of Mr. Loeb's office and asked the doorkeeper for Mrs. Morris. I paid very little attention to the conversation—none at all, in fact—as it happens several times every day that Mr. Barnes is requested by Secretary Loeb to see callers whom he can not see by reason of pressure of business.

My recollection is that after Mr. Barnes had talked briefly to Mrs. Morris he returned to Secretary Loeb's office, and that, meantime, Mrs. Morris continued to pace nervously up and down the reception room.

At any rate, Mr. Barnes resumed his conversation with Mrs. Morris in a brief time. Both he and she were very earnest in their talk. Evidently in response to a request that she be accorded an interview with the President, Mr. Barnes—I happened to overhear—informed her that she could not see the President on that matter; that he had nothing to do with it, as it related to a departmental question, about which she would have to see the Secretary—what Secretary I did not know at that moment.

Mrs. Morris's response instantly attracted my attention to her particularly. She declared in a loud tone—almost, if not quite, loud enough to be heard in the office of the President—that she had come to the White House to see the President and proposed to see him, even if she had to camp out there a month. Her tone of voice and manner drew the attention of the three or four people in the reception room. Mrs. Morris and Mr. Barnes were standing at the time near the table in the center of the room, on the side nearest to the fireplace. Officer Frech, one of the doorkeepers, evidently noting the manner of Mrs. Morris, moved from the door to a point near the table.

Realizing that a scene probably was impending, I paid close heed to that which followed. Although I was within 12 or 15 feet of Mrs. Morris and Mr. Barnes, I could not distinguish all that he said. He spoke with evident firmness, but in a low tone of voice. I did hear him say, however, that such an interview as Mrs. Morris desired with the President was not possible of arrangement. He reminded her, too, that she was making a scene and begged her not to pursue the matter further. Following a further insistence by Mrs. Morris that she be permitted to talk to the President, Mr. Barnes requested her to leave the offices, assuring her again that she could not see the President.

At this Mrs. Morris became perfectly white. I thought it was the whiteness of anger, for, as I viewed her, she had manifested no symptoms of insanity. She declared that she would not leave the Executive Office; that it was a public building and she had a right to be there; and she dared Mr. Barnes or anybody else to try to make her leave.

Her tone of voice at this time was loud, and she was making, both in manner and tone, an ugly scene. Officer Frech approached her and, leaning toward her, admonished her to be quiet. Turning on him, Mrs. Morris exclaimed: "Don't touch me. I'll sit down, but I won't go away."

Although Officer Frech, up to this time, had not attempted to lay

hands on her, Mrs. Morris backed away and finally sat down in a chair on the west side of the room, near the entrance to the clerical office. She continued to talk and gesticulate. Officer Frech approached her and requested her to leave the office. As he leaned toward her she cried, in a loud tone:

"Don't you touch me; don't you dare to touch me. I'm 50 years old, and I never had an officer's hands laid on me. I want to see the President—that is all."

Officer Frech tried to induce her to leave the room, but as she refused to move from the chair in which she was sitting he took her by the left arm.

Mrs. Morris is a woman of generous build, and it would not be an easy matter to move her if she resisted. She weighs, I should say, about 170 pounds, although, of course, my opinion is a mere guess.

As Officer Frech could not induce her quietly to leave the Executive Office, James Sloan, one of the secret-service operatives stationed at the White House, stepped forward and together they took hold of Mrs. Morris, practically lifted her from the chair, and urged her forcibly toward the door. Then it was that Mrs. Morris began to scream. She hung back and gave both officers serious trouble in getting her to the door. She screamed so loud that her cries could be heard all over the Executive Offices. She kicked at the officers, tried to get her arms loose in an effort to strike, and seemed to be trying to bite at their hands.

The scene was a most distressing one. Mrs. Morris cried as she was carried through the door, "Oh, my God, will nobody help me?"

The plaza in front of the Executive Offices was wet and muddy. After the officers had gotten Mrs. Morris outside of the doors and perhaps 15 feet from the entrance, Sloan relinquished his hold, his place being taken by a police officer stationed outside.

Until this time Mrs. Morris had remained on her feet, resisting the officers with all her strength. Finally, however, she dropped to the pavement, in a sitting posture, refusing to go farther. Thereupon the officers picked her up bodily and carried her along the driveway which leads under the porte-cochère of the White House. Seemingly they did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

I did not see Mrs. Morris afterwards, not being present when she was put into the cab and sent to the house of detention.

As to her ejectment from the Executive Office, I am quite sure that no more force was used than was absolutely necessary. Had a man acted as she acted he would have been treated, probably, summarily. I did not hear Mr. Barnes order her put out of the offices. My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices, but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

Very respectfully submitted.

E. E. PAINE.

The PRESIDENT.

Mr. TILLMAN. The statement of Mr. Barnes is the White House statement—in effect, the President's statement—because the last letter from him, which I just had read, was written in April, after his nomination, and when it was understood at the White House that the man was on trial or that there might be a trial of him. Therefore it was made as plausible as possible, and the defense was presented in the best possible light.

Mr. President, having given what is the version of the occurrence of the people of the White House, substantiated by Mr. Paine, who was in the office when the occurrence took place, I want to show what actually took place, as I have claimed from the first, which I have always said on my responsibility as a man and a Senator I would prove, and which I am still ready to prove by as reputable men as there are in this city, and disinterested men rather than interested men.

I send to the desk and ask to have read a statement furnished me a few days after this unfortunate occurrence by one of the newspaper correspondents who was in the Executive Offices at the time, and which I would have proved and can yet prove to be absolutely correct by at least three other newspaper men. I will state here that the young man's name (he did not sign the paper then, because he did not feel that it was worth while, but he was always ready to respond to a subpœna to testify) is James H. Price, of the Times, Washington, D. C., and I ask that his statement may be read in order that we may have the other side of the story. It is Exhibit C.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

EXHIBIT C.

Statement proposed to be proved by Senator Tillman, and is apparently that of one of the witnesses he asks to have examined.

Coming in from lunch at 1 o'clock, I noticed in the general lobby, near Mr. Loeb's door, a lady, whom I afterwards found out to be Mrs. Minor Morris, sitting very quietly, evidently waiting to see one of the secretaries. I entered the press room and engaged in a general conversation with three newspaper men who were in there. The door to the press room is always open, and as the hour was near the President's lunch hour everything was unusually quiet in the lobby. Very suddenly we heard a loud exclamation which sounded like "Oh, no, no; don't do that." All of us jumped to the door and entered the main room, where we found a secret-service officer and Officer Frech in the act of pulling the woman out of the chair in which she was sitting. Prior to this we had heard no loud voice, and I am positive there was no boisterous conduct. A word spoken above an ordinary tone would have reached our ears very easily. Then men pulled the woman to the door, where Officer Murphy relieved the secret-service man. Their object was to get her to the guardroom, just opposite the Treasury building. To do this they had to carry her down the path leading to the basement of the White House and through the long corridor used during the receptions. Before going 20 feet Mrs. Morris fell to her knees, but was jerked to her feet and dragged on. Before they disappeared from sight she must have fallen six or eight times. Just before disappearing through the archway leading to the basement, I saw a negro man, Charlie Reeder, the President's footman, rush out and pick her up by the heels. The last I saw of Mrs. Morris she was being carried off like a sack of salt, with the negro at her feet and her dress hanging above her knees. I went around to the guardroom and saw Mrs. Morris literally thrown into an awaiting cab.

Mr. TILLMAN. Mr. President, I wish to call attention to some statements which have been made in the so-called "investigation" ordered, as I said a little while ago, by the President and performed by Major Sylvester. Commencing with the memorandum I have here, I call attention to the fact that Mr. Barnes three times, in the statement read a little while ago, speaks of Mrs. Morris as having shrieked; "shrieked at the top of her voice;" "shrieked her refusal." "As soon as she was on the outside of the office building she threw herself on the ground." And again he repeats the denial that a negro had anything to do with it. He does say that he did not see the finality before the woman was carried into the driveway under the White House, but that the two officers who were carrying her, or dragging her, had told him that they did not have time for "accurate" observation. Yet whether or not there was a negro mixed up with it or participating in it could have been found out in ten minutes by asking either one of the three newspaper men beside Paine, who stood in front of the Executive Office and watched the cruel and miserable performance.

Mr. Paine says her "tone of voice and manner drew the attention of the people in the reception room." Mrs. Morris did not scream until after they took hold of her. Mr. Barnes says she had shrieked three times, twice before they took hold of her. So there is a contradiction here among the witnesses for the defense.

Mr. Paine says: "After getting outdoors she dropped to the pavement in a sitting posture. Seemingly they tried to protect her clothing." C. H. Murphy, the man who helped Frech carry her—or drag her, as I will prove—after they had gotten her to the doorstep, says: "She sat down in the mud." And he states a fact which Mr. Barnes could have found out about without going any further, that the "negro draped her clothing around her feet;" that "her clothes were ruined, caused by sitting down in the mud," says Murphy. The negro was there. They did not deem it worth while to ask him whether or not he had caught hold of her ankles; nor did they dare ask. Mr. Barnes says they picked up her purse and back comb, or something like that. Did he ask what became of the money in her purse? She told me she had $7 or $8 in it, and that when she got to the house of detention it was gone.

Mr. Sloan says she "stood on the sidewalk." Stephen A. Connell—these two are Secret Service men—says "she stood on the sidewalk." Bramlett, a policeman, who was looking on or taking some part in it—I have not time to read all the various so-called "affidavits" of these policemen who were evidently endeavoring to shield each other and make the best of a bad case—says the "negro draped her feet," or covered her feet with her clothes. One of these policemen, or two of them, said she tried to "bite and scratch."

Another one said "she tried to claw Mr. Frech in the face." Mr. Frech himself says that she had gloves on, as any well-dressed woman would have in such a place. Her scratching or "clawing" was therefore impossible.

Mr. Gifford Pinchot, junior, I reckon, or senior, I do not know which, who was in one of the offices with somebody, came to the door when the shrieking began and in his statement says she "was not dragged." Major Sylvester states, upon the authority, of course, of his men, that she "was not dragged," and that she "sat down."

Mr. President, I call attention now to the only witness who was produced, or rather the only person who sent in any evidence whatever. It was not sworn to, in fact none of these statements were ever sworn to. The chief of police called on various men who had to do with it or saw it and they made statements, but they were not sworn. There was no evidence of any kind worth while ever shown the President, and he seems to have been very indifferent as to whether he had the facts or not, because he must have known that these newspaper men were there, and he had no good reason to single out Paine and ask him for his memorandum or statement and leave the other four or five unquestioned. I do not mean, of course, to say that he had no right, but he did not seem to care to arrive at the truth.

In regard to the dragging and the sitting down, Major Sylvester, in a letter which he sent to Mr. Loeb or to the President, I do not recollect which, states that Mrs. Morris called him up over the telephone the next morning after she had escaped from the clutches of his tender and kind officers and told him that she fainted when she got to the doorstep.

With the woman fainting and limp and so heavy to carry, in the performance of this duty she was carried out in an indecent and brutal way. Was it possible that men with mothers were so little thoughtful of a woman well dressed and to every appearance a lady, and who, as I am prepared to prove, is a good woman as far as any woman can be proved good? At least no one has proved her to be bad, and they tried hard to do so. I say, should not those men have taken cognizance of the fact that she had lost consciousness and was not able to stand up or walk even with their help?

Moreover, Mr. President, it is repeated in two or three of these statements, and Mr. Frech, the policeman, Barnes's brother-in-law, who had arrested her and afterwards lodged a charge of insanity against her, made a statement. I will send to the desk and have incorporated the official copy sent to me from police headquarters.

The VICE-PRESIDENT. Without objection, the paper will be printed in the RECORD.

The paper referred to is as follows:

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT
DISTRICT OF COLUMBIA,
Washington, May 2, 1906.

Hon. B. R. TILLMAN,
United States Senate.

DEAR SIR: Inclosed herewith please find copies of certificates filed with the sanitary officer of this department, in conformity with your request of this date.

Very truly,
RICH'D SYLVESTER,
Major and Superintendent.

AFFIDAVIT OF LUNACY.

HEADQUARTERS METROPOLITAN POLICE DEPARTMENT,
SANITARY OFFICE,
Washington, D. C., January 4, 1906.

I, the undersigned, being an officer duly authorized to make arrests in the District of Columbia, do certify under oath that I have apprehended and detained Alice Hull Morris, and from what I know and have seen of her I believe her to be insane or of unsound mind, incapable of taking care of herself or her property, and if permitted to remain at large or go unrestrained in the District of Columbia the rights of persons and property will be jeopardized or the preservation of public peace imperiled and the commission of crime rendered probable.

JACOB P. FRECH, M. P.,
719 C street NE.

Subscribed and sworn to before me, this 4th day of January, 1906.
[SEAL.] JAMES A. KEMP,
Notary Public, District of Columbia.

I hereby certify that the foregoing is a true copy.
JAMES A. KEMP,
Chief Clerk Metropolitan Police Department,
District of Columbia.

[Copy.]

JANUARY 4, 1906.

This is to certify that I have this day examined Mrs. Alice Hull Morris, and do not believe her at this time to be of unsound mind.

J. S. WALL, M. D.
W. THOMPSON BURCH, M. D.

I hereby certify that the foregoing is a true copy.
JAMES A. KEMP,
Chief Clerk, Metropolitan Police Department,
District of Columbia.

Mr. TILLMAN. Frech, as I said, either thought then, or he very soon afterwards thought, because some one suggested it to him, that the woman was insane. Frech saw Seventeenth street less than 30 yards away on his left as he went out of the room with this woman. He could just as easily have stopped and held on to her, to comply with this bogus or imaginary rule of the police department which compels a policeman once he has put his hands on a person to complete the arrest and file charges. Frech could have called for a cab by telephone to come to that place, as well as over at the other end on Madison place next the Treasury, 200 yards away, and he could have performed his duty just as effectually and more in accord with decency and the rules of civilized society and of law and order. Among civilized people insane persons are treated with more kindness and consideration than others who are sane. Why was this lady treated so brutally?

But I want to get back to the question of the "dragging." I have pointed out extracts from the statements showing the repetition by one man after another, both inside of the house and outside, that she was not dragged. The only witness who had anything to the contrary to say was Mrs. Thornburgh, the matron of the house of detention, who says in her statement that "her dress was very much torn;" that it was "torn from dragging and being ground out on the pavement."

And, Mr. President, I have Mrs. Morris's skirt, a black silk dress, which she furnished me to use before the committee. In that skirt there are half a dozen or more rents, some of them across whole widths, some of them up and down, and some of them crosswise. But one of them is a round hole, about 4 inches in diameter, with the jagged, finely cut edges across the bias, as well as up and down the threads, which will prove beyond all possibility of dispute that they had dragged her along on that knee at least until, as Mrs. Thornburgh says, the clothing had been worn out—not only the silk, but the underclothing as well.

The skirt would prove every man in Washington who wanted to undertake to say she was not "dragged" the most arrant liar, to say nothing of the newspaper men who stood looking at the pitiful spectacle, who have been prepared, when summoned authoritatively, to bear witness to it, but who have not been asked or permitted to give their evidence under oath, and all of them are gentlemen.

Mr. President, there are other features of this unfortunate, disgraceful transaction to which I will now pass.

Mr. President, this woman, Mrs. Thornburgh, the matron, has a long story here sent from the White House as a part of the exhibit in the defense of Mr. Barnes's action, and among other things she said this:

Q. Did she leave you under the impression that she was demented?—A. Yes, sir. A great many demented people will drop down on their knees and pray, and before she would leave the office she dropped on her knees by the desk and sent up a petition for guidance and asked that her enemies be confounded, and that the President be brought to view the case of her husband; that it was a just and Christian act to do, and that he was influenced by people who had a grudge, or spite, against her—not her—but us. Afterwards she went upstairs and prayed again for support and the confounding of her enemies, which, to my mind, in the place where she was, was what a person in their right mind would not do. She prayed twice in my room.

Well, Mr. President, it is not for me to comment on what Mrs. Thornburgh's opinion in regard to these prayers was. I am not a praying man myself, at least I pray very seldom, and mostly my prayers are voiceless, but it is a strange proposition that because a woman under the conditions which surrounded Mrs. Morris prayed she should be regarded as demented.

I want to pass on to the action of the President. The day after I made my speech in the Senate on the 17th day of January—I presume it was the next day, because this letter is dated Washington, January 19—the following was written by Major Sylvester to Mr. Loeb:

[Confidential and personal.]

HEADQUARTERS OF THE METROPOLITAN
POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 19, 1906.

Hon. WILLIAM LOEB, Jr.,
Secretary to the President, White House, Washington, D. C.

MY DEAR SIR: I have your reference of the 18th instant respecting inquiries you desired should be made of certain persons to whom you refer concerning Mrs. Minor Morris, and I beg leave to respectfully inform you that Dr. J. Wesley Bovee has for a number of years been intimately acquainted with Mrs. Morris's relatives, and he stated that from the history of her case and judging from reports he was of the opinion that her mind is not right, and that he would be pleased to confer with you on the subject if you so desire.

As directed by you, through Assistant Secretary Barnes, I have written the Hon. Thomas S. Rollins, at Asheville, N. C., in regard to information given you concerning the deposition of the physician in that city.

As to Mr. Stokes, that gentleman was not seen, as I was informed he had made a statement to you.

Mr. Jacobs, of Woodward & Lothrop's, was not disposed to give a written statement with respect to that firm's experience with Mrs. Morris, which was her excitement over delay in passing upon her check and certain matters in trade.

Mr. Boxer, at Kann's, stated there was nothing in the case there; that there was nothing to be said.

Mrs. Dunlap stated that Mrs. Morris had upbraided her for having placed her own name as chairman of the committee on a letter head and omitting the names of other members of the committee, a work which she had done at personal expense, and that the experience was very unpleasant.

I inclose herewith report of females taken up at the White House by the service there since 1903, as requested by you.

Very truly,
RICHD. SYLVESTER,
Major and Superintendent.

Then follows a letter addressed to Mr. Loeb, which I will have printed without reading, from Hon. Thomas S. Rollins, of Asheville, N. C., who, by the way, is a Republican State chairman of North Carolina, and he forwarded it as an exhibit in the Morris case; and a letter from one H. Bascom Weaver, M. D. I will not read it, but will have it printed. In it Doctor Weaver, if he is worthy of the name of "doctor," which I very much doubt, stated that he had treated Mrs. Minor Morris two years ago on her way from Florida to the North, and that she was "a crank and unbalanced." As soon as this became known—and I let Doctor and Mrs. Morris know it—they furnished me an affidavit, sworn to here by a notary public, that neither of them

had ever been in the city of Asheville at all, two years ago or at any other time.

And later on this doctor did not scruple—his instincts and his code of medical ethics permitted him to write a letter in connection with one of his patients and not make it public, because he did not expect it to be made public—but he lent himself to the dirtiest conspiracy, the effort to convict this woman of being crazy. They had failed through Frech on the charge of insanity, sworn to the evening of her arrest; and that was long after her friend Mr. Guthridge had gone and deposited the $5 required in an ordinary case of disorderly conduct. They had kept her there in the hope, I suppose, that the two physicians whose duty it is to pass upon such cases would adjudge her insane and hustle her off to St. Elizabeth's. But the two doctors, Wall and Burch, would not sign any such certificates, although Doctor Burch did say in his statement given to Major Sylvester later that he thought there was something wrong with her. "She was hysterical." Of course she was crying. She was outraged. She had been brutalized or had been cruelly treated. And who would not? What woman, whether gentle-born or not, would not have exhibited those ordinary attributes of the female sex under such circumstances?

The letters referred to are as follows:

ASHEVILLE, N. C., *January 20, 1906.*

Hon. WM. LOEB, *Washington, D. C.*

MY DEAR SIR: I have this day mailed to Major Sylvester a statement from Dr. H. B. Weaver in regard to Mrs. Minor Morris, which I trust will be of some service and information. Doctor Weaver is ex-president of the North Carolina Medical Association, and is one of the leading physicians in this State. If I can be of any further service to you in regard to this or any other matter, don't hesitate to call on me. With kindest regards and best wishes, I am,

Very truly, THOMAS S. ROLLINS.

P. S.—I inclose a copy of Doctor Weaver's letter for your information, but he prefers that his statement be not made public unless necessary.

ASHEVILLE, N. C., *January 20, 1906.*

Maj. RICHARD SYLVESTER, *Washington, D. C.*

DEAR SIR: Mr. Rollins has just shown me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper under the circumstances to state frankly as a physician my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence she came to Asheville and became my patient, or rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, M. D.

Mr. TILLMAN. I shall have incorporated, but will not read, the statement of Sergeant Gallaher as to what transpired when she was brought to the house of detention, and about what charges were filed or made against her, and why she was held.

Mr. Guthridge found he could not get her released by depositing the ordinary amount, because the sergeant had telephoned somewhere, and I afterwards find the testimony here that he had telephoned to Barnes, and Barnes refused to have her released. So that Barnes was easily responsible, not only for her first arrest, but her continued incarceration under the circumstances I have mentioned.

IN CHARGE HOUSE OF DETENTION.

WASHINGTON, *D. C., January 12, 1906.*

Statement made by Acting Sergt. John Gallagher, superintendent of the house of detention, to the major and superintendent of police.

I am the superintendent of the house of detention. On the 4th of January, I think it was, about 1 o'clock, a call came from the White House for the house of detention cab. The clerk gave me the message, and I went along in the cab to the guardroom, where I saw this lady—Mrs. Morris. Officers Frech and Brown and Mr. Stone, the head usher, brought her out and put her in the cab. I did not assist in bringing her out. As soon as I got there they brought her out.

The lady was very much excited, did not want to go, and fought the officers all she could; but it was not more than a second before she was in the cab. She did not fall down, but she tried to throw herself back. The officers had hold of her arms, one on each side, and Mr. Stone also helped put her in the cab. I did not see a black boy there; but there were eight, ten, or a dozen people around. She was crying out loud and screaming. She did not use any profanity. She did not bite the officers. The officers had to force her in the vehicle; they pushed her in, and she was resisting all the time. The officers did not use any more force than they had to to get her in. Her clothes were torn when I got there. I don't know who tore them. Officers Frech, Brown, and myself accompanied her to the house of detention. She made so much noise I said we would have to take her to No. 1; that we could not take her to the house of detention. She wanted to know where she was going, and I said to the house of detention. When I said that she slapped me in the face with her hand. I did not touch her. She did not seem to have all her faculties. When we got to the house of detention I took her to the clerk's office. When we got to the house of detention she got out of the cab and walked in the house without anybody putting hands on her. Officer Frech charged her with disorderly conduct. Afterwards the charge of insanity was made against her by Officer Frech.

When we got in the house she said she wanted to telephone to Mr. Guthridge, who is on Fourteenth street, and also wanted to telephone to Mr. Warner. She telephoned to Mr. Warner, and he was just going to leave town; and she telephoned to Mr. Guthridge, and he said he would be over as soon as he could. Doctor Burch was there at the time, had been there to examine an insane woman, and I telephoned to him from the White House to wait until I got there, which he did. I did that because I thought they were going to put the charge of insanity against this woman. When I got there Doctor Burch said: "There is no charge of insanity against this woman." I said to Officer Frech: "Aren't you going to put some charge against her? He said: "I will make the charge of disorderly against her; I can sustain that charge." I said: "You had better call up the station you belong to." He did so. I said: "What collateral do you want for her in case a friend comes and puts up collateral?" He telephoned to the fifth precinct, and said $5. I said to him: "If anybody comes and puts up collateral, shall we let her go?" He said, "Yes." I thought, to hurry up the matter, I would go over and see Mr. Guthridge. When I got there they said he had gone over to the house of detention. I telephoned to the clerk and asked if he was there, and he said he was, and wanted to put up $5. I said: "Take it and let her go." On my way back I stopped at the White House and saw Frech and said: "I suppose she has gone. A friend has put up $5 for her." He said: "No; I have put the charge of insanity against her." He said he had put the charge of insanity against her and he was the officer and complainant. I don't know why he put that charge. I went back to the house then and found Mr. Guthridge, her friend, there, and did the best I could until the doctors came to pacify her. She was in charge of Matron Thornburgh. When she went away she said she had been treated very nicely and shook hands with me.

But, Mr. President, returning to Doctor Weaver, I could not restrain my indignation a little while ago, thinking about a man, a southern man at that—I do not say that in any derogatory way of northern men not being just as chivalrous as we are—but the idea is incomprehensible to me that a man of the South, who occupies a position which they say this man has held, should undertake to help out a political ally or friend by sending that statement; but he afterwards, when the facts were brought out, crawfished out of it, and said he had been betrayed or tricked by having a letter, which he had given in confidence, made public. I send to the Reporter, and ask to have it inserted without reading, a clipping from the Asheville Gazette-News of Saturday, June 2, 1906, in which an interview is had with this pink of medical propriety, in which he says that he attended a Mrs. Morris, but was not prepared to say that it was this Mrs. Minor Morris; that in fact he had forgotten what her given name was. The only pity is that he had not stated that at first, instead of committing himself unequivocally and in direct terms to the statement that he had attended Dr. Minor Morris's wife, or words to that effect.

The statement referred to is as follows:

[The Asheville Gazette-News, Saturday, June 2, 1906.]

STATEMENT MADE BY DR. H. B. WEAVER—HE COULD NOT IDENTIFY THE "MRS. MORRIS" WHO WAS FORMERLY HIS PATIENT.

In view of the publication of his letter written Maj. Richard Sylvester, in response to a request to tell what he knew of the mental condition of Mrs. Minor Morris, and of the controversy which has raged in regard to the letter and his motives in writing it, Dr. H. Bascom Weaver, of this city, has finally consented to make a statement relative to the matter. Following is the letter:

ASHEVILLE, N. C., *January 20, 1906.*

Maj. RICHARD SYLVESTER, *Washington, D. C.*

DEAR SIR: Mr. Rollins has just showed me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper, under the circumstances, to state frankly, as a physician, my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence, she came to Asheville and became my patient, or, rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, *M. D.*

When shown the above, Doctor Weaver stated that, as indicated in the letter, he had acted only through patriotic motives, and with no other idea than to give any assistance in his power to the President. "I was not," he said, "the one to make the advances, and when writing it supposed and was assured it would be respected as confidential. I was not consciously a party to any muck-raking performance, and I desire that to be clearly understood."

In reply to the question of whether he had ever treated Mrs. Minor Morris he stated that all he knew of the matter was that he had

treated a Mrs. Morris, the wife of a physician, and a woman whom he believed at the time of writing the letter to Major Sylvester to be Mrs. Minor Morris. He was led to believe this by the similarity of the names, the fact that both were wives of physicians, from the published descriptions of Mrs. Minor Morris, and from the published accounts of her eccentricity and general conduct.

"No, sir," said Doctor Weaver, in response to a query, "I could not identify my patient of two or three years ago should I now see her. Should Mrs. Minor Morris be shown me I could not swear that I had ever treated her, or that she was my former patient to whom I refer. I was led to entertain that belief at one time, but in view of the denial of Mrs. Morris and her husband that the lady was ever in Asheville I am not prepared to dispute their assertions."

Doctor Weaver can not recall the initials or given name of the Mrs. Morris whom he formerly treated, for since she represented herself as being the wife of a physician he entered no accounts against her on his books, and any other records he might have had have been lost.

The significance of this statement is easily seen. It wholly destroys the value of such evidence as Doctor Weaver may have given and which is being used to secure the confirmation of B. F. Barnes, the hero of the drag out. Doctor Weaver stated in his letter he treated "Mrs. Morris," but he is not now prepared to identify Mrs. Minor Morris as the woman "in common parlance called a crank."

Mr. TILLMAN. Now, I want to get back to Major Sylvester. I want to say here that I have absolutely no feeling whatever against that officer. I have only met him once or twice, and then pleasantly. In what he did in this case I do not hold him responsible, because he did it at the command of the President of the United States.

Major Sylvester, having been given the job by Loeb, put the muck rake at work up and down by the police and the secret-service men through the streets and highways and the byways of Washington, of North Carolina, and everywhere else, and sending in reports, using the guardians of peace and order, the men paid out of the Public Treasury to keep track of counterfeiters and those who are evading the revenue and other laws of the United States, he makes this pitiful showing. He furnishes one or two letters, one being from this man Stokes, who kept the Portner.

The point I want to present is, what shall we think and where lodge the responsibility, and how shall we prevent a recurrence of this kind of thing, unless the American people can be made to understand the enormity of it and the outrage of it, that a respectable woman going to the Executive Offices in a legitimate way and behaving herself, possibly with some little lack of discretion and good sense, but still there were policemen and barred doors between the President and any harm; there was no danger to the President; she was there seeking to get an audience, to present her petition. It has been recognized, oh, so far back that I can not even recall the first time, that the right of petition, even to royalty, is a sacred right. This woman called to present her petition, and, because she did not behave just exactly according to the ethics and the code of Mr. Barnes, was arrested in this manner, dragged out, brutalized, every possible indignity put upon her, carried off, hustled to the house of detention, and charged with insanity; and when the request is made of the great and honorable Senate of the United States to investigate these facts in the privacy of executive session, to ascertain whether this man is fit to be or ought to be confirmed as postmaster of the city where he had performed this piece of cruelty, that great Senate felt unwilling or did not dare—I will not say that, but somehow or other it appears that way to me—that great Senate would not grant the pitiful little plea of this woman and those who tried to befriend her to let her show how she had been treated.

Major Sylvester's muck rake—I will call it—with the handle in the White House, had scratched about in Washington and got together a few pitiful stories of Mrs. Morris's eccentricities or excitability and hysteria, and one thing or another, and through other instrumentalities—I do not know where to locate them—all through this city and in this Senate, and I have heard whispered about for the last two months the most damaging stories about her past life. The effort has been made to blacken her reputation and to destroy all sympathy for her.

The chief of police was told to investigate, and though knowing there were five other men there besides the one who had written this statement—Paine—he never went to one of them, and Paine himself—and I will state that I would prove it if I had a chance—the evening of the occurrence was as indignant as anybody else that evening, and so expressed himself to his brother correspondents; but never a word of protest the next morning, when he changed his views and began to talk and say that Barnes was justified, and that everything that had been done was proper and could not be helped.

But, Mr. President, there is another phase of this situation right here, which I want to mention lest I forget it, and that is that just one month after Sylvester's pretended investigation—for it was only a pretense; probably he had an intimation that he must not make it thorough, that he must convict Mrs. Morris; I do not charge it—but just one month after this transaction, Mrs. Morris having been arrested on the 4th of January—on the 6th day of February a cadetship at Annapolis was given to the son of Richard Sylvester, a civilian, and a cadetship at Annapolis to the son of Elmer E. Paine, by Theodore Roosevelt, the only man who can give those favors.

I have been informed—I do not know, for I have not asked for any of these things during my years of service here—but I have been told that the cadetships which the President is allowed to distribute, as a perquisite of his office, are sacredly reserved for the sons of Army and Navy officers, who can not get into either of the academies because they have no Congressional district or State from which to obtain the appointment. Yet after this, probably unpleasant, certainly dirty work, by Major Sylvester, and after this remarkable transformation in the opinions and feelings of Mr. Elmer E. Paine, Paine's and Sylvester's sons are given recognition in a most remarkable and unusual way.

Mr. President, while it may be merely a coincidence—and I have been told that it was promised long before the occurrence—it is an unfortunate coincidence that the appointments should have been made just following the connection of these men with the effort to destroy Mrs. Morris's case.

I want to put into the RECORD—I shall not read it—the poem "Insomnia," which was designated as evidence of this woman's insanity. I do not understand all of it, but there are a great many hundreds of pages in Browning, in Kipling, in Ossian, and of some other men,

Whose names the world will not willingly let die,

that I do not entirely comprehend or sympathize with; but I will venture to say that these lines will strike some people as showing remarkable skill in making sentences and giving expression to thoughts that no ordinary mind ever had. I want to insert this in the RECORD, with the permission of the Senate.

The VICE-PRESIDENT. In the absence of objection, permission will be granted.

The poem referred to is as follows:

INSOMNIA.

Eyelids drawn by hand of fiend;
A thousand terrors, as of noisome things!
Of reptiles sleek and sinuous,
Spitting the poison from their gums,
Of beetles, wasps and asps, and nameless little things
That with a dot do sting the body to a pulp.
Legions of devils laughing
While their imps the heartstrings pull.
Roar of lions, screech of tiger cat
All habiting the brain,—busy too, as devils in their hell.
Pulses running burning lava,
Eyes surcharged with brine, hidden in their sockets,
Or puffing orbs to bursting,
That run down furrows that once were cheeks of snowy roundness
Eagles, and birds of prey, long beaked sit,
And from the heart do peck an atom every hour;
And chatter, while they make their feast.
For what man, all this?
Mayhap for nerves o'er wrought in Music's realm
Or for the mission to the sick
A life to others given;
Or book of sunny thoughts to gladden all who read
Writ by midnight oil, too long, too ceaselessly;
A fair star beckoning over there, a magnet to the man,
Or bird of beauty perched to lure by song so sweet,
That song and plumage are too fair and beautiful.
Mayhap a poem, of so rare a worth,
So wondrous in its prophecies
And yet its beauty digging entrails out of him who writ;
A painting, too, a story tells of tortures of the damned,
Extremes which méet in fervid heat
Turned, by excess, to bitter gall.
The receding or passing of the goal as he approached it.
The small, mean, little thing compared with what he felt,
And what his soul could feel.
So a statue; cold, unyielding,
Which should have breath, but would not,
Should speak; but silent and disdainful
Because it can not feel the lava in
Its author's burning veins.
And so the bard has writ of the torments of success.
Each wrought as best he could, and not in vain,
If but to know man's impotence.
And each a great truth tried to tell,
And oft with wizened visage
Comes foul-tongued Calumny,
And sears whate'er it looks upon
With deadlier poison than the nightshade's breath.
Another and a briefer yet,
The miser's gold to count, until hands palsy by the act.
A poor, mean quality, that makes men
Knaves and fools, forgetting God and all most dear
To hoard and worship for a few brief years,
In getting, hastening for themselves their end,
That they who follow them the gift may dissipate.
And what the meaning of all this?
How with devils laughing in his ears
And wild cats hissing,
Torrid heats and thirsts unsatisfied,
The Nemesis of overstriving, colossal, nebulous, yet real,
Can man his lesson find of patience for the end?
To trust and wait on promises of longer life, and larger,
For the breath into his statue,

Sweet charity returns unto his soul,
The truth within his story or his song?
Yet it is writ, and so ordained that man must work
That the spirit shall be tempered like the steel,
That the flesh shall be aweary, that all shall be a burden
That men shall turn to heaven for his goal.
The laborer shall toil and sweat,
His night's relief engaging,
For toilers of the brain and heart,
Ambitions weary slaving,
Each earns his modicum of rest
And wits upon the morrow
Eager for the promises, and morning light to come.
(Laura Hull Morris.)

Mr. TILLMAN. One final exhibit, and then I am through. On the 16th of February Doctor Morris wrote a manly and respectful letter to the President calling attention to the manner in which his wife had been treated, and asking for an apology or for some reparation by the Executive of the wrong that had been done to her. I will not read that, but I want it printed, and I ask permission that it be printed.

The VICE-PRESIDENT. In the absence of objection, it will be printed.

The letter referred to is as follows:

THE NEW WILLARD,
Washington, D. C., February 16, 1906.

The PRESIDENT OF THE UNITED STATES.

SIR: Having waited patiently a number of weeks that you might have ample time to ascertain all the circumstances connected with the insult recently offered my wife at the White House, and that you might make some expression of deprecation which would naturally be expected, it is now incumbent upon me as husband and citizen to demand a public apology for this outrage on womanhood and common decency.

It is unthinkable that such brutality would be tolerated anywhere in this country, but above all in the White House.

That my wife has been confined to her bed six weeks from the shock and injuries of this damnable treatment is bad enough, but I can say to you in all calmness that had the original orders from the White House been carried out as to her longer incarceration her life would have been sacrificed. It is therefore incumbent upon me to repeat my urgent request that you take action at once suitable to the circumstances which have shocked the entire nation.

Respectfully,
MINOR MORRIS.

Mr. TILLMAN. Then followed the letter of Mr. Loeb, dated February 19. On that date Mr. Loeb, by instruction of the President, wrote the following letter in reply to the letter of Doctor Morris:

No. 15.

THE WHITE HOUSE,
Washington, February 19, 1906.

SIR: In reply to your letter of the 16th instant, the President directs me to state to you that he had the superintendent of police of the District of Columbia, Major Sylvester, make a careful investigation of the circumstances connected with the arrest of Mrs. Morris for disorderly conduct at the Executive Office, and the superintendent submitted to the President all the affidavits of the persons whom he had examined. The President carefully went over Major Sylvester's report and *the affidavits*, and also personally saw Major Sylvester and some of the persons making *the affidavits*. He came to the conclusion that the arrest was justified, and that the force used in making the arrest was caused by the resistance offered by Mrs. Morris to the officers in the discharge of their duty, and was no greater than was necessary to make the arrest effective.

Under these circumstances the President does not consider that the officers are properly subject to blame. He was also satisfied that the kindest thing that could be done to Mrs. Morris and her kinsfolk was to refrain from giving any additional publicity to the circumstances surrounding the case.

Yours, truly,
WM. LOEB, Jr.,
Secretary to the President.

Dr. MINOR MORRIS.
The New Willard, Washington, D. C.

In other words, you think you have been wronged; you think you have been outraged; you think your wife has been treated cruelly, but I do not think so. I have examined—what? "Affidavits?" Not an affidavit was ever made in the case. It is another instance of the President's careless use of words. No person has ever made a sworn statement. I examined every paper as it came from the White House before being sent to the Printing Office, and made careful note of them, and had my secretary take a memorandum of them. I have got the memorandum in my office now, and I say there never was an affidavit made by anybody in the case.

There ought to be an investigation of this case in connection with some other matters. I am not the prosecutor of the Washington police. It is not my business; I do not concern myself about it; I am not on the District Committee; I take no interest in it; but since I have come to investigate and look into this Morris transaction I have had my attention called to certain things. One of them I saw mentioned in the papers. There are a large number of policemen stationed in and around the White House grounds, while large areas of the city are unprotected, and all manner of cutpurses and purse snatchers and thieves are running loose, and felonious assaults are being made on white women and white men, and especially on white women.

I do not want the President left unprotected. I think we might put a company of soldiers around the White House, if we are going so far along imperial lines, and let the police attend to their legitimate duties. Our young lady who was recently married and has gone across the water is heralded even now in the papers as "Princess Alice." I do not hold the President responsible for that, because he can not prevent a lot of fools on the headline department of the various papers, who see fit to do so, exploiting and hurrahing over and making news out of this young lady's visit over there. I am sure it is very obnoxious to her. But I say if this imperialistic programme of issuing orders to the Senate and the House is going to keep up, we may as well have a company or regiment of soldiers around there, and get ourselves adjusted by degrees to the transition from the simple republican manners of our fathers. If the country wants to go to the dogs or go to the devil along the lines of changing the form of the Government and surrendering the rights of the people into the keeping of one man, I suppose I will have to stand it.

But here is something that is really worth while, and to it I ask the attention of the Senator from New Hampshire [Mr. GALLINGER], the chairman of the Committee on the District of Columbia. Some one told me—I can not recall who—that the police were very negligent in dealing with liquor sellers in the District. Upon inquiry—official, of course—I discovered this: I wrote to Mr. Darneille, the assessor of the District of Columbia, and asked him to give me the name and address of each one of the persons in this District who have paid for retail liquor licenses for the year ending June 30, 1906. He very kindly sent the list to me, and I have it in my hand. I have had the number counted and there are 540. I then asked the Commissioner of Internal Revenue to have sent to me a report of the number of persons in this District who have taken out and paid for the permits to retail liquor, which permits, everyone familiar with the statute knows, are required before a man can safely retail liquor. He said it would take a considerable time; but the names were on file and any citizen who saw fit could go and look at it. He asked if I wanted the names. I told him, "No; I wanted the number," and I received a letter signed "Robert Williams, Acting Commissioner," which I will have printed. It is under date of June 11, 1906. His statement is to the effect that the persons who paid the United States for the privilege of retailing whisky are 865, showing that there are 325 illicit liquor dealers in this District. I will ask to have the letter of Mr. Williams printed in this connection.

The VICE-PRESIDENT. In the absence of objection, the letter will be printed in the RECORD.

The letter referred to is as follows:

TREASURY DEPARTMENT,
Washington, June 11, 1906.

Hon. B. R. TILLMAN,
United States Senate, Washington, D. C.

SIR: Referring again to your letter of this date and my reply thereto, concerning your request for list of pensons who are authorized to retail liquors in the District of Columbia, I have to state that after dictating my reply to your letter I called you up by telephone and made inquiry as to whether you desired the names of the dealers or only the number thereof in the District of Columbia.

You answered that what you desired in the premises was the number of dealers and that the names of the dealers and their places of business was not required.

Upon receipt of this information I directed James T. Worthington, stenographer to the Acting Commissioner, to proceed to the office of the stamp deputy in this city and make a count of the names of persons to whom special-tax stamps as retail liquor dealers had been issued from the 1st day of July, 1905, to the present date, and I have now to report that the record shows that 865 special-tax stamps have been issued to persons to carry on the business of retail liquor dealer in the District of Columbia.

Respectfully,
ROBT. WILLIAMS, Jr.,
Acting Commissioner.

Mr. TILLMAN. Here is something that your police might legitimately and properly exercise their energies upon, and the secret-service men, I think, might better be exercising their talents and using some of their labor to hunt up this lawless element. The law requires that every one of those permits shall be framed or hung in a public place or in an open place where they are easily seen; so, with the internal-revenue office permitting access to their books and records and with the chance to investigate by domiciliary visits that such a condition exists is a disgrace.

Mr. President, I have done. I apologize to the Senate again for having trespassed so long on its time and patience. I am sorry I had to do it. But I felt it my duty to do it. I tried to get an investigation last January; I tried to get an investigation in secret session without any hurrah or exposure of anything or anybody.

I was not given either, and I felt some sense of obligation to myself as a truthful man to make a showing as to the basis upon which I had charged in the open Senate and charged in the secret session that Mrs. Morris had been dragged on the

ground after she had been arrested, and without proper reason, treated worse than a dog, and that the President of the United States had indorsed that treatment by appointing Barnes to the position of postmaster in the District where the women of this city will have to come in contact with him. Not having been able to get anything in the shape of redress or reasonable treatment, I have felt constrained to do what I have done, and I have no apology to make for it. [Applause in the galleries.]

The VICE-PRESIDENT. The Chair must inform occupants of the galleries that applause is not permitted under the rules of the Senate.

Mr. HANSBROUGH subsequently said: I desire to ask the Senator from South Carolina whether the names of those holding bar licenses are to appear in the RECORD?

Mr. TILLMAN. I did not ask that they be printed, although I am perfectly willing that they shall be. I have the names of those sent by the District officers.

Mr. HANSBROUGH. I hope the Senator will ask to have them printed.

Mr. TILLMAN. All right; I ask that the names be printed. I will say to the Senator from North Dakota that the other names can be obtained by anybody, the police or anyone else. The clerk of his committee can go to the office of the collector of internal revenue and get the name and domicile of everyone who pays $25 per annum.

The VICE-PRESIDENT. Without objection, the names will also be published in the RECORD.

APPENDIX.

List of bar licenses for the year ending June 30, 1906.

Alman, Daniel J., 243 Fourteenth street SW.
Aman, Sebastian, 316 Ninth street NW.
Alschwee, Henry, 512 Twelfth street NW.
Appich, John, 1309 Eleventh street SE.
Albrecht, Frederick, 219 Pennsylvania avenue SE.
Atzel, Elizabeth, 1219 New York avenue NW.
Allen, William P., 426 Tenth street NW.
Allen, Robert, 1917 Fourteenth street NW.
Army and Navy Club, 1622 I street NW.
Achterkirchen, William H., Tenleytown, D. C.
Appler, Annie C., 3219 M street NW.
Achterkirchen, Henry, 207 Seventh street NW.
Allen, John J., 807 North Capitol street.
Atkinson, Marvin, 831 Seventh street NW.
Brosnan, John J., 500 Four-and-a-half street SW.
Brahler, Gustave W., 419 E street NE.
Bieligk, John G., 1148 Seventh street NW.
Bessler, George J., 922 Pennsylvania avenue NW.
Bucheler, Nannette F., Bladensburg road.
Bonseigneur, Pierre, 1327 E street NW.
Babbington, Thomas A., 34 H street NE.
Beck, Theodore, 631 Louisiana avenue NW.
Burdine, William T., 107 Sixth street NW.
Bloss, Henry, 908 First street NE.
Bartenders' Union Club, 903–905 E street NW.
Bronson, Simon D., 1942 Fourteenth street NW.
Bruegger, Jacob, 214 Ninth street NW.
Buckley, Daniel T., 1001 Sixth street SW.
Burke, Martin, 301 First street SW.
Brandt, Louis, 400 New Jersey avenue NW.
Buckley, K. A., 702 E street NW.
Burdine, James W., 310 Seventh street SW.
Burke, Patrick H., 2328 H street NW.
Brown, Mary S., 103–105 Sixth street NW.
Birkle, Leopold, 522 Eighth street SE.
Burke, Hester A., 530 Twenty-sixth NW.
Becker, John M., 1120 Eighth street SE.
Barry, William D., 1300 D street SE.
Bryan, James B., 102 First street NW.
Buckley, John B., 1836 T street NW.
Brown, William J., 709 O street NW.
Bonini, John E., 727 North Capitol street.
Buckley, John P., 1304 Wisconsin avenue.
Burch, Henry C., manager, The Ebbitt House.
Baker, William H., 931 Louisiana avenue NW.
Burke, Matthew J., 33 H street NE.
Burch, Henry C., lessee New Willard Hotel.
Bauman John C., 301 H street NW.
Bush, Tobias, 1110 E street NW.
Brown, Myron O. and Williard W., Dewey Hotel, L street NW.
Beschert, John L., 623 Pennsylvania avenue SE.
Buegeholz, George, 1139 Seventh street NW.
Brightwood Driving Club, Fourteenth street road.
Bush, Louis, 1305–1309 E street NW.
Bush, George, 701 Fourth street NW.
Bradley, Charles F., 602 Pennsylvania avenue NW.
Bradley, Thomas, and Timothy Hanlon, 1004 Pennsylvania avenue.
Burke, Mary J., 2328 H street NW.
Behrens, Herman, 904 Four-and-a-half street SW.
Carroll, John T., 201 C street SW.
Costello, Robert F., 45 H street NE.
Cullinane, Roger J., 3015 K street NW.
Cosmos Club, 1520 H street NW.
Carroll, Mary F., 348 Pennsylvania avenue NW.
Cannon, James B., 936 Pennsylvania avenue NW.
Clarke, Michael, 1100 Twenty-first street NW.
Cannon, William, 1225 Seventh street NW.
Creghan, Luke J., 717 Fourth street NW.
Connor, John, 628 New Jersey avenue NW.
Colton, Bruce M., 304 Indiana avenue NW.
Collins, William J., 300 Second street SW.
Cannon, Patrick, 1004 Pennsylvania avenue NW.
Collins, Patrick J., 1300 Fifth street NW.
Costley, Louis P., 1310 E street NW.
Callaghan, Ferdinand W., 625–627 Seventh street NW.
Cannon, Michael J., 2010 K street NW.
Cunningham, Thomas J., 2500 I street NW.
Casey, John, 316 H street NW.
Crimmins, John P., 1011 C street SE.
Cohen, Abraham, 414–416 Twelfth street NW.
Conroy, Bernard, and Peter A. Drury, executors, 1421 and 1421½ P street NW.
Casey, Aeneas D., 604 Second street NW.
Crowley, James J., 831 Fourteenth street NW.
Collins, Maurice J., 1435 H street NE.
Cochran, Eugene S., Fourteenth and K streets NW.
Carroll, Robert F., 1427 H street NE.
Callahan, Robert, jr., Metropolitan Hotel, Pennsylvania avenue.
Coxen, Millard F., 468 Pennsylvania avenue NW.
Coale, John H., 243 New Jersey avenue NW.
Cake, Horace M., manager Hotel Normandie.
Cox, Frank C., 1492 H street NE.
Clark, Charles H., 111 Sixth street NW.
Costello, Jeremiah, 14 G street NW.
Chamberlain Club, 821 Fifteenth street NW.
Connell, John J., 318 Fourteenth street NW.
Curtin, Martin A., 739 North Capitol street.
Curtin, Katherine C., 3258 M street NW.
Crowley, John, 731 Third street SW.
Connors, James F., 345 Pennsylvania avenue NW.
Century Club, 815 Vermont avenue NW.
Collier, John W., 3270 M street NW.
Coldenstroth, George W., 216 Sixth street NW.
Cook, Patrick J., 3214 M street NW.
Costello, Walter J., and Jeremiah A., 604–610 G street NW.
Carley, John T., 1301 Seventh street NW.
Cullinane, Timothy J., 731 Third street SW.
Clarke, John J., 502 Delaware avenue SW.
Cannon, Patrick, 936 Pennsylvania avenue.
Dugan, John F., 935 Second street SW.
Daly, Bartholomew, 1318 B street NE.
Dugan, Jeremiah J., 400 K street NW.
Danhakl, John, 1370 C street SE.
Danhakl, Joseph, 52 L street NW.
Donovan, William J., 1528 Seventh street NW.
Drury, William M., 1100 Twentieth street NW.
Daly, Patrick J., 600 Four-and-a-half street SW.
Daiker, Hermann, 477 H street NW.
Dahle, Ernest C., 1429 North Capitol street.
Dunworth, Timothy W., 1002 Pennsylvania avenue NW.
Dismer, Charles H., 708 K street NW.
Donahue, Matthew E., 3345 P street NW.
Dugen, John J., 1200 Eleventh street SE.
Dittes, Phillipp, 900 Four-and-a-half street SW.
Dietz, Charles, 907 Seventh street NW.
Driscoll, Daniel F., 107 H street NW.
Dugan, James S., 719 North Capitol street.
Diemer, Jacob, 625 D street NW.
De Atley, John H., 1222 Pennsylvania avenue NW.
Doody, Daniel, 1304 North Capitol street.
Downey, Mary A., 326 G street SW.
Duffy, James A., 802–804 Thirteenth street NE.
Daly, Patrick E., 1126 Seventh street NW.
Donovan, Jeremiah H., 2003 Fourteenth street NW.
Dietz, Elizabeth, 239 New Jersey avenue NW.
Dean, James P., 1316 E street NW.
Driscoll, Richard A., 2 G street NW.
Devine, John T., The Shoreham.
Dorsey, Michael F., 1213 Seventh street NW.
Engel, William A., 248 New Jersey avenue NW.
Ehrmantraut, Joseph B., 1115 E street NW.
Enright, James, 306 Four-and-a-half street SW.
Egloff, Leonhard, 200 Third street SE.
Evans, Roland, 1103 Eighteenth street NW.
Eckstein, Chas. A., 1412 New York avenue NW.
Ellier, John, 21 O street NW.
Eisenbeiss, Harry J., 1416 E street NW.
Endres, Frank, 1015–1017 I street NW.
Engels, Chas. E., 415 East Capitol street.
Farrell, James J., 701 Second street NE.
Frawley, Michael J., 233 Virginia avenue SW.
Fischer, Hermann, Twining City, D. C.
Fegan, Terence, 937–939 Fourth street NW.
Finlay, Wm. J., 1331 C street SW.
Flaherty, Batholomew, 1250 Eleventh street SE.
Frass, John, east end of Benning Bridge.
Folliard, Nora, 1101 Fourth street NE.
Folliard, Edward P., 2229 K street NW.
Fegan, Joseph, and Martin J. McHugh, 1201 K street NE.
Felter, Charles T., 511 Seventh street NW.
Flynn, James D., 516 M street SE.
Frank, Victor A., 1001 E street NW.
Fleming, Thomas T., 1530 New Jersey avenue NW.
Freitag, Henry C., 218 Ninth street NW.
Flynn, James D., 514–516 M street SE.
Flannagan, John J., 439 New Jersey avenue SE.
Fay, Thomas F., 729 Ninth street SW.
Flaherty, John, 1017 Seventh street NW.
Fahey, William, 1201 Twentieth street NW.
Fitzmorris, John, 640 Pennsylvania avenue NW.
Finucane, Daniel F., 1227 Twentieth street NW.
Folliard, Thomas, 1228 D street NW.
Flanigan, Michael A., 1316 E street NW.
Fox, Mary A., 1743 Pennsylvania avenue NW.
Fogel, George F., 206 Seventh street SW.
Frank, Edward J., 711 O street NW.
Flaherty, Bridget, 1300 Delaware avenue SW.
Geiger, Anna B., 102–104 Indiana avenue NW.
Gray, James W., 1313 E street NW.
Gain, Carl, 1916 M street NW.
Guggenheim, Simon, 3033 M street NW.
Groener, George C., 1109 E street NW.
Gallagher, James, 1205 Thirty-second street NW.
Gleeson, John A., 335 I street NE.
Gallagher, John D., 3328 M street NW.
Ganey, Maurice, 615 Seventh street NW.

Gilmore, Thos. F., 901 Twenty-sixth street NW.
Graves, Andrew R., 729 Eighth street SE.
Gordon, John H., 407 Q street NW.
Grieb, Conrad F., Hotel Montrose, Fourteenth and H streets NW.
Gates, John H., 1225 Eleventh street SE.
Griev, William E., 920 Eighth street SE.
Geyer, Frederick H., 1827 Fourteenth street NW.
Gardiner, Edward J., 1400 Pennsylvania avenue NW.
Gaskins & Gaines, 320 Eighth street NW.
Garrick Club, 1347 E street NW.
Gerstenberg, Ernst, 1343 E street NW.
Greene, Michael T., 1301 Seventh street NW.
Gantz, Geo. M., 1200 D street NW.
Henley, Dennis J., 921 D street NW.
Hendricks, Mary A., 1358 H street NE.
Hauer, William, 1421–1423 H street NE.
Hennessey, Michael, 216 Ninth street NW.
Herbel, John, 825 F street NE.
Huiney, Michael J., 1001 Third street NE.
Hammer, Kate E., 1343 South Capitol street.
Heare, Johnson P., 801 D street NW.
Holmes, James O., 333 Virginia avenue SW.
Hall, George W., 623 Eighth street SW.
Hohmann, Frederick, 475 L street NW.
Hayden, Michael, 315 Fourteenth street NW.
Hammel, Carl, 2500 G street NW.
Hettinger, William A., 415 H street NE.
Hellwig, Charles, 1400 Maryland avenue NE.
Herr, Karoline, 439 K street NW.
Heurich, Karl, Wisconsin avenue extended.
Hogan, Martin, 401 Four-and-a-half street SW.
Hennige, Henry and Karl, 1300 Sixth street SW.
Home Club, 1006 E street NW.
Holmes, Frederick, 636 D street NW.
Hohmann, John P., 302 Fourteenth street NW.
Holohan, Martin C., 3400 M street NW.
Hurdle, Charles H., 329 Pennsylvania avenue NW.
Hagerty, Frank V., 740 Fifteenth street NW.
Harten, Hugh, Brightwood avenue.
Hodges, Louis, 627 E street NW.
Hall, Henry F. W., 1430 E street NW.
Hannan, Ellen T., 701 F street SW.
Haight, Harry S., 1008 E street NW.
Hoy, Robert, Sixth street and Louisiana avenue NW.
Hall, Frank P., 1000 Seventh street SW.
Hense, Wilhelmine, 1031 Eighteenth street NW.
Hohmann, John C., 3236 M street NW.
Hiss, J. Frank, 415 Thirteenth street NW.
Hancock, Andrew W., 1234 Pennsylvania avenue NW.
Hallinan Michael, 1250 Seventh street NW.
Higgins, Patrick, 735 Delaware avenue SW.
Hiss, Benjamin F., 480 Louisiana avenue NW.
Herzog, Fritz, 2035 K street NW.
Harvey, William T., 2025 Virginia avenue NW.
Hofmann, Elizabeth, 409 Ninth street SE.
Hossler, Catherine, 1017 E street NW.
Harvey, George W., 1016 Pennsylvania NW.
Harvey, Hugh F., 2006 I street NW.
Jolly Fat Men's Club, 933 D street NW.
Kearney, Luke J., 1811 L street NW.
Kramm, Gregor, 224 Fourteenth street SW.
Keliher, Thos. F., 1514 Thirty-second street NW.
Keane, Maurice, 632 Delaware avenue SW.
Kessel, John C., 209 Seventh street NW.
Klotz, Henry E., 1706 G street NW.
Kenny, John J., 620 Eleventh street SW.
Kronheim, Jacob, 123 Pennsylvania avenue NW.
Keyser, Peter L., Eighth and E streets NW.
Kernan, Eugene, 1014 Pennsylvania avenue NW.
Kraft, John A., 900 H street SE.
Kelliher, Patrick, 3605 M street NW.
Kenny, William P., Hotel Gordon, Sixteenth street NW.
Klausman, William, 310 Sixth street NW.
Keane, Bernard E., Fifth and K streets NW.
Kelly, Joseph J., 3294 M street NW.
Kettner, James D., 719 Four-and-a-half street SW.
Kennington, J. Patrick, 104 E street SW.
Kraemer, Charles, 735 Seventh street NW.
Keady, Dennis T., 3314 M street NW.
Kelly, Patrick J., 1002 Four-and-a-half street SW.
Killeen, John F., 1314 Wisconsin avenue.
Loftus, Austin, 302 N street NW.
Lane, Joseph, 902 First street SE.
Lynn, Rose A., 482 Pennsylvania avenue NW.
Lynagh, Peter J., 1200 Third street SW.
Long, Patrick D., 202 L street NW.
Leonard, Restie M., 1319 Seventh street NW.
Loftus, Peter, 1324 D street NW.
Lynch, John, 404 Ninth street NW.
Long, Denis J., 215 Pennsylvania avenue NW.
Lyons, Michael M., 906 Pennsylvania avenue NW.
Linkins, George E., 101 H street SE.
Lawler, Jerome B., 2100 E street NW.
Leonard, James C., 45 Harrison street, Anacostia, D. C.
Leary, Joseph J., 1134 Twenty-sixth street NW.
Leech, Michael, 1847 L street NW.
Linkins, John H., 1258 Water street SW.
Loffler, Ernst, 1908 Pennsylvania avenue NW.
Loehl, Adolph, Fifteenth and G streets NW.
Lewis, John G., 109 Pennsylvania avenue NW.
Leary, John F., 148 M street SE.
Lewis, Clifford M., The Richmond, Seventeenth and H streets NW.
Le Cuyer, Thomas B., 1413 Pennsylvania avenue NW.
Martin, Bernard J., 1259 Third street SW.
Morris, John, 1610 U street NW.
Morris, Michael, 3004 M street NW.
Morris, William, 301 G street SW.
Mergner, John E., and Lorenz Mack, 1425 H street NE.
McInerney, Michael, 1226 Seventh street NW.
McCarthy, Richard D., 472 K street NW.
McDonald, Patrick J., 731 H street SE.
McEwan, Walter, 709 H street SE.
Mensh, Simon, 456 Louisiana avenue NW.
Metropolitan Club, 1519 to 1523 H street NW.
Minahan, John J., 301 Q street NW.
Matthews, Charles, and William F. Braund, 305 Four-and-a-half street SW.
McMillen, Luther H., 405 Tenth street NW.
Morgan, Richard W., 1218 Thirty-second street NW.
Molloy, Joseph, 332 M street SW.
Mormann, Edwin, 809 Fifth street NW.
McNamara, Daniel, 522 Eighth street SE.
McCarthy, James J., 1402 H street NE.
Miller, John H., and Fred. W., 502 Ninth street NW.
Massino, Angelo A., and Frank S., 335 Pennsylvania avenue NW.
Mullany, Dennis, 500 Fourteenth street NW.
McDevitt, Harry F., 444 N street NW.
Meenehan, John F., 1338 Fourteenth street NW.
Mades, Charles, 300 Pennsylvania avenue NW.
Morgenweck, Lina, 12 Fourth street NE.
Meehan, Thos. F., 2441 I street NW.
Mantegari, Constantina, 911 D street NW.
Meehan, John J., 1203 Pennsylvania avenue NW.
McGlue, George R., 1706 Pennsylvania avenue NW.
McInerney, Morgan, 2332 G street NW.
Meehan, Patrick, 726 Seventh street SW.
Mannix, Chas., 960 Twenty-sixth street NW.
Moran, Michael V., 3011 M street NW.
McGrath, Patrick J., 2700 K street NW.
Murphy, Katherine, 350 Pennsylvania avenue NW.
McCarthy, Patrick, 635 L street NW.
McCarthy, Jas. J., 1402 H street NE.
Mullin, William J., 407 Ninth street NW.
McKain, Michael J., 436 L street NW.
Mahoney, John L., 600 K street SE.
Mountcastle, George C., Brightwood Hotel, Brightwood, D. C.
McCann, Hugh, 509 Ninth street NW.
Manuel, Silas A., New Jersey avenue and C street SE.
Morgan, James R., 301 Fourteenth street NW.
McDonald, Martin, 3316 M street NW.
McHugh, Annie A., 238 Second street NW.
Mannix, Edward, 3059 M street NW.
Madden, John J., 1006 Sixth street SW.
Mills, Harrington, The Grafton, Connecticut avenue.
Mulroe, Martin, 310 Tenth street NW.
Magruder, James L., 942 Twenty-second street NW.
McGuire, J. Charles, 515 Ninth street NW.
Moore, James R., and John Prileau, 1216 Pennsylvania avenue NW.
Myerstein, Harry H., 1000 E street NW.
McGrann, James P., 1704 Pennsylvania avenue.
McDonald, John J., 1019 Seventh street NW.
Murphy, Robert P., Hotel Regent, Fifteenth and Pennsylvania avenue.
McCarthy, Dennis L., 906 D street NW.
Mulloy, James E., 831 Seventh street NW.
McCullough, Thomas, 1332 Wisconsin avenue.
Marshall, Thomas R., 1323 F street NW.
McErney, Joseph, 643 D street NW.
Neligan, Patrick F., 2024 Fourteenth street NW.
Nesline, John W., 1501 Seventh street NW.
Nofsinger, Asher H., 807 North Capitol street.
Nix, Theodore, 1326 Sixth street SW.
Neuland, William, 727 H street NE.
Nau, Christina A., 1202 Seventh street NW.
Nix, Gregor M., 114 H street NW.
Neuland, Andreas, 719 H street SE.
Norris, George W., 1200 E street NW.
Neitzey, George W., 1106 Water street SW.
Nash, Harry D., Four-and-a-half and K streets SW.
Noack, August, president, The Shoemaker Co., 1331 G street NW.
Naughton, Cornelius H., 1926 Fourteenth street NW.
Nelson, Annie E., 452 D street NW.
O'Connor, Jeremiah, 113 Four-and-a-half street NW.
O'Connor, Patrick F., 617 D street NW.
O'Keefe, Patrick J., 904 Pennsylvania avenue NW.
O'Connor, Jeremiah E., 1230 Seventh street NW.
O'Connor, John B., 1500 Seventh street NW.
O'Connor, Michael, 2626 Pennsylvania avenue NW.
O'Donnell, James J., 153 H street SE.
O'Donoghue, Patrick, 908 Fourth street NW.
Oedekoven, Leo, 801 Thirteenth street NW.
O'Donoghue, Michael J., 829 Seventh street SW.
O'Hanlon, Roger & James Murray, 1519 Seventh street NW.
O'Donoghue, John, 1400 First street NW.
O'Hanlon, Michael, 1325 Seventh Street NW.
O'Leary, William J., 733 North Capitol street.
O'Donnell, Denis J., 443 First street SW.
O'Connor, Timothy H., 1217 E street NW.
O'Connor, John J., 1225 E street NW.
O'Day, John T. & Ward Savage, 444 Ninth street NW.
O'Brien, John, 537 New Jersey avenue NW.
O'Keefe, John J., 1124 Seventh street NW.
O'Brien, Michael T., 1300 H street NE.
Ockershausen, Christine, 515 Seventh street SW.
O'Neill, John, 3057 K street NW.
O'Connor, John J. G., 800 Twenty-sixth street NW.
O'Hanlon, Patrick, 1230 Seventh street NW.
Perreard, John M., 1206 E. street NW.
Potter, Charles E., 605 Fifteenth street NW.
Plitt, William, and Theo. jr., 521 Q street NW.
Potts, Frederick H., 1003 Seventh street NW.
Peirce, Frank M., Hotel Vendome, Third street and Pennsylvania avenue NW.
Portner, Robert, 1453 U street NW.
Quinn, Edward J., 604 Pensylvania avenue NW.
Quigley, Augustus H., 406 Ninth street NW.
Reuth, John B., 729 Virginia avenue SE.
Rosenthal, Benjamin E., 247 K street SW.
Riordan, David, 203 L street NW.
Regan, John E., 635 H street NE.
Roth, Martin, 901 A street NE.
Richardson, James, 218 Twelfth street NW.
Rice, Edward V., 145 B street SE.
Roots, James, & Myer Fischer, New Jersey avenue and C street NW.
Rickles, John, 300 Sixth street NW.
Ryan, Jack M., 619 B street NW.
Reiter, Henry, 306 Sixth street NW.

Ryan, Richard, 1202 Second street SW.
Reagan, Catherine, 945 B street NW.
Rafafty, Patrick, 1101 C street NE.
Riordan, Patrick 1355 Four and a half street SW.
Raftery, Thomas and Michael, 234 C street NE.
Riordan, D. Emmett, 225 Seventh street SW.
Ruppert, Matthew F., 1303 Seventh street NW.
Rupertus, J. Frederick, 1418 P street NW.
Ruppert, Ernest C. E., 1716 Pennsylvania avenue NW.
Reed, Owen E., 2401 I street NW.
Roche, Margaret, 1009 Eleventh street SE.
Roche, Edward V., 304 Fourteenth street NW.
Ryan, William, 221 Third street SW.
Reed, George F., 929 Twenty-second street NW.
Rafferty, Nora, 100 F street NW.
Reid, Henry W., 600 North Capitol street.
Roessler, Frederick, 483 C street NW.
Roche, Philip J., 1335 E street NW.
Rosenfield, Aaron, 417 Eleventh street NW.
Roddy, Bartholomew, 1001 C street NW.
Reed, Mary A., 3300 M street NW.
Roche, James J., 603 B street NW.
Reuter, Frederick W., Pennsylvania avenue and John Marshall place.
Smyth, Patrick, 101 D street SW.
Shea, James, 333 Pennsylvania avenue NW.
Schleuter, William H., 930 Fifth street NW.
Scott, Charles W., 631 Pennsylvania avenue SE.
Stevens, James 430 Eighth street NW.
Smith, Rodney N., 520 Four-and-a-half street SW.
Simi, Lorenzo, 1289 New Jersey avenue SE.
Schlosser, John G., 661 Pennsylvania avenue SE.
Sheehan, Maurice J., 736 Second street NE.
Sullivan, John J., 1331 Thirty-fifth street NW.
Sullivan, Daniel F., 1400 North Capitol street.
Sheehan, John J., 304 Q street NW.
Savoy, Walter, and Shedrick D. Brown, 18 C street NW.
Schwarz, August, 827 Seventh street NW.
Stack, John, 201 G street NW.
Staples, Oren G., National Hotel.
Sheehan, John P., 701 North Capitol street.
Sullivan, Florence A., 1016 First street NE.
Solon, Frank J., Benning, D. C.
Shelton, Charles F., 202 Third street SE.
Stoner, Theodore G., 605 Pennsylvania avenue NW.
Stern, Meyer N., 601 Seventh street NW.
Scanlon, Michael B., 408 Ninth street NW.
Sweeney, Eugene F., 900 Half street SE.
Sullivan, Katherine B., 314 C street NE.
Stewart, Samuel G., 1141 Seventh street NW.
Sparta Club, 340 Pennsylvania avenue NW.
Senebel, Louis, 533 Eighth street SE.
Schlotterbeck, John, 800 L street SE.
Schladt, Joseph, 1236 Thirty-second street NW.
Schultz, Mary T., 607 G street NW.
Sullivan, Mary, 73 I street SE.
Snock, Robert N., 709 D street NW.
Schriner, John F., 730 Fourteenth street NW.
Sullivan, Catherine, 726 Second street NW.
Schmidt, Louis, 702 Seventh street NW.
Schneider, Martin, Eighth and L streets SE.
Sullivan, John J., 206 Ninth street NW.
Schubert, Martin, 502 Delaware avenue SW.
Sullivan, Thomas F., 472 Pennsylvania avenue NW.
Schroeter, Conrad, 3326 M street NW.
Scanlon, Daniel, 201 K street NW.
Smith, George E., The Cairo, Q street NW.
Savage, Edward H., 107 G street NW.
Stewart, Samuel, 311 Pennsylvania avenue NW.
Stephan, David, manager, Stoneleigh Court, Connecticut avenue NW.
South Washington Business Men's Bowling Club, 902 Four-and-a-half street SW.
Sullivan, Cornelius, 613 I street SW.
Stonestreet, Francis X., 1213 Pennsylvania avenue NW.
Solomon, Samuel, 639 D street SW.
Sparrough, Henry M., 421 Tenth street NW.
Sweeney, John F., 1749 E street NW.
Seitz, Christian, 610 Louisiana avenue NW.
Tharp's, James, Sons, 812 F street NW.
Tramt, John M., 200 E street SW.
Trometer, Peter, 907 Twenty-first street NW.
Toussaint, Otto, 1249 Seventh street NW.
Thurm, Gustav A., Goodhope, D. C.
Thomas, James E., steward, Baltimore and Potomac station.
Taylor, William C., 212 Ninth street NW.
Talty, Theobold J., manager, The Raleigh, Pennsylvania avenue NW.
Taylor, Peter, jr., manager, The Arlington, Vermont Avenue NW.
Utterback, Ernest, 3285 M street NW.
University Club, 930 Sixteenth street NW.
Villa Flora Club, Brightwood, D. C.
Voigt, Therse, 809 Seventh street NW.
Van Riswick, Leander, 118 First street NW.
Vonderheide, William J., 604 Ninth street NW.
Wagner, Emil, 210 Ninth street NW.
Wardell, James W., 3603 M street NW.
Woodbury, Levi, St. James Hotel.
Washington Jockey Club, Bennings Race Track.
Willers, William, 1226 Pennsylvania avenue NW.
Widmayer, John J., 483 Pennsylvania avenue NW.
Wassman, Henry, 737 Seventh street NW.
Walter, Theodore, 237 New Jersey avenue NW.
Washington Saengerbund, 314 C street NW.
Walsh, Edmund E., 309 G street NW.
Warner, Benjamin F., 1219 E street NW.
Willard, Henry A., the Occidental, 1411 Pennsylvania avenue NW.
Winston, John, 200 B street NW.
Walsh, Thomas, 407 Tenth street NW.
Walsh, Patrick, 233 Four-and-a-half street SW.
Welch, Thomas D., 241 C street SW.
Wright, Irving M., 211 Seventh street NW.
Wineview Pleasure Club, Brentwood Road, D. C.
Xander, Henry, 103 H street NW.
Xander, Albert, and August H. Plugge, 1317 Seventh street NW.
Xander, Karl, 1530 Seventh street NW.
Zimmerman, William C., 507 Q street NW.
Zwissler, Leo F., 942 Louisiana avenue.
Ziemann, Lizzie W., 531 Tenth street.

The VICE-PRESIDENT. What disposition does the Senator from South Carolina desire made of his resolution?

Mr. TILLMAN. If I can get it passed I shall be very glad, but I did not know the resolution was up. It is not up under the rules, but if the Senate will give unanimous consent to have the resolution laid before the Senate and passed I shall be very glad.

Mr. KEAN. Let us have the regular order.

Mr. TILLMAN. I knew the resolution would not be allowed to be voted upon.

Mr. SCOTT obtained the floor.

Mr. CARTER. Mr. President, I ask the Senator to yield to me.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Montana?

Mr. SCOTT. I yield to the Senator for a moment.

Mr. CARTER. Mr. President, the subject to which the Senator from South Carolina [Mr. TILLMAN] has addressed himself has been twice disposed of by the Senate. For the purpose of having the entire record upon which the Senate acted appear in the proceedings of the Senate I ask that the record from which the injunction of secrecy has been removed be published in the CONGRESSIONAL RECORD.

Mr. TILLMAN. I join the Senator in asking that it be printed in the CONGRESSIONAL RECORD and as a document, too.

Mr. CARTER. I will say to the Senator that this embraces the letter read in the course of executive session from Mr. Barnes and also a letter from Mrs. Morris to the President, dated March 5, 1905.

The VICE-PRESIDENT. Without objection, the document will be printed in the RECORD.

The matter referred to is as follows:

[Executive Document No. 6, Fifty-ninth Congress, first session.]

[*Nomination of Benjamin F. Barnes to be postmaster at Washington, D. C.*]

MAJORITY REPORT.

WASHINGTON, D. C., *April 24, 1906.*

Hon. BOIES PENROSE,
Chairman Committee on Post-Offices and Post-Roads,
United States Senate.

SIR: A majority of the subcommittee to whom was referred the nomination of Benjamin F. Barnes for postmaster at Washington, D. C., having had the case under consideration, respectfully report as follows:

That on the date therein stated Senator TILLMAN filed with the subcommittee the only charge presented against the nominee, which charge is hereunto annexed, marked "No. 1."

Thereafter, properly taking notice of a question raised by current rumor concerning the citizenship of the appointee and his alleged connection with the removal of Mrs. Minor Morris from the Executive Office, Mr. CULBERSON addressed to the chairman of the subcommittee a letter bearing upon the points indicated, which letter is hereunto attached, marked "No. 2."

The foregoing letter having been referred to Mr. Barnes, that gentleman promptly delivered to the subcommittee his answer in writing, which is hereunto annexed, marked "No. 3."

Upon inquiry Mr. BURROWS, of the subcommittee, ascertained that the President of the United States had promptly after the Morris incident, caused an investigation to be made concerning the same, the results of which investigation are herewith filed. These exhibits consist of:

A statement by E. E. Paine, a representative of the Associated Press, who was present and witnessed the occurrences preceding, incident to, and following the removal of Mrs. Morris from the White House on January 4, 1906, about 1.30 p. m. The Paine statement is marked "No. 4."

A statement by John Haas, an usher, marked "No. 5."

A statement by Jacob P. Frech, a private of the Metropolitan police force; statement of C. H. Murphy, a private of the Metropolitan police force; statement of Private A. E. Brown, of the Metropolitan police force; statement of Acting Sergt. John Gallaher, superintendent of the house of detention; statement of Mrs. Marilla Thornburgh, matron at the house of detention; statement of W. B. Edmonston, guard at the house of detention; statement of J. S. Wall, M. D., surgeon, police and fire departments; statement of W. Thompson Burch, M. D., surgeon, police and fire departments; statement of Private J. M. Bramlett. All of these statements, bound together, are marked "No. 6."

Additional statements by Privates Brown, Murphy, and Frech, of the Metropolitan police force, and also a statement by Mr. Charles Haas, doing business in the Kellogg Building with John S. Blair, esq., are bound together and marked "No. 7."

Statement of Secret Service Agent James Sloan, jr., marked "No. 8."

Statement of Secret Service Agent Stephen A. Connell, "No. 9."

Statement of Sergt. R. Bryan, of the Metropolitan police force, "No. 10."

Statement of Richard Sylvester, major and superintendent of police, "No. 11."

Letter of Major Sylvester to William Loeb, jr., "No. 12."

Statement of H. Bascom Weaver, M. D., "No. 13."

Copy of a poem by Mrs. Morris sent to the President, "No. 13½."

Letter of Minor Morris to the President of the United States, marked "No. 14."

Letter of William Loeb, jr., Secretary to the President, to Minor Morris, "No. 15."

Letter of Mrs. Morris to the President, "No. 16."

Statement by A. H. Feathers, messenger, "No. 17."

Statement by Stone, chief usher, "No. 18."

Statement of John H. Stokes and also statement of George Gray Knowles, of the Portner Flats, "No. 19."

Letter of Gifford Pinchot, "No. 20."

Memorandum of statement of Mr. Price, of the Washington Star, marked "No. 21."

Letter of Richard Sylvester, major and superintendent, to the President, "No. 22."

Memorandum of arrests made at divers time at the White House, marked "No. 23."

Statement of J. Ellen Foster, "No. 24."

In addition to the foregoing, the subcommittee examined Richard Sylvester, major and superintendent of the Metropolitan police, with reference to the relations of the officers to the preservation of order and the protection of persons and property in and about the White House buildings and premises.

Being informed by Mr. TILLMAN that Mrs. Minor Morris was in the city and desirous of being heard, the subcommittee met at 10.30 on Saturday morning, the 21st instant, in the room of the Committee on Post-Offices and Post-Roads, having notified Mr. TILLMAN that the statement of Mrs. Morris would be heard at that place and time. Mr. TILLMAN declined to have Mrs. Morris appear to make a statement before the subcommittee, alleging that it was his desire that she be heard by the full committee or else that a stenographer should be present to take down her testimony, if given.

Mr. TILLMAN did not file any statement, nor did any witnesses appear to support the allegations he had made. He informed the subcommittee that his witnesses would not appear unless compelled to do so through proper process.

The subcommittee is therefore called upon to report the case on the records hereinbefore referred to, supplemented by the oral statement of Major Sylvester.

From these statements it appears that on Thursday, January 4, about 1 p. m., Mrs. Minor Morris entered the Executive Offices west of the White House and went to the doorkeeper stationed at Secretary Loeb's door, presented a card, and then sat down in the office. Mr. Loeb, Secretary to the President, being engaged with him at that time, Mr. Barnes, the Assistant Secretary, promptly appeared and entered into conversation with Mrs. Morris. She reluctantly disclosed to him her business, finally announcing that her husband had been discharged from some position in the War Department some time in the past and she wanted to see the President in regard to his restoration. Mr. Barnes, in a moderate and respectful way, advised her that that would be impossible, that she must see the Secretary of War in regard to the matter. She thereupon became somewhat excited, and in a very decisive tone of voice said: "I have come here to see the President, and I will remain a month but what I see him." After some further remark, which was not overheard, Mr. Barnes returned to his office and remained therein for some minutes. When he appeared Mrs. Morris was pacing up and down the room, evidently much agitated and muttering to herself.

The conversation with Mr. Barnes was resumed, and in reply to his statement that it would be impossible for her to see the President she became very much excited and insisted she would see him before she left the building. Thereupon Mr. Barnes advised her that she must leave the building without seeing the President, and upon her refusal to do so he requested Officer Frech, who was standing by, to see that she did leave the building. The officer requested her quietly, three different times, to leave the office without creating a scene, but she grew more and more excited, and finally began to scream and dared anyone to lay hands upon her. At this time her screams could be heard throughout the building, and the officers at once led her from the room and outside of the front door. Officer Murphy was then called, and inquired if it was the desire to arrest the woman, to which Officer Frech replied, "Yes." Thereupon she was taken into custody by Officers Frech and Murphy, of the Metropolitan police force. She almost immediately threw herself upon the ground, having previously notified the officers that they would be compelled to drag her. Officer Murphy says that he thought she was an insane person, from her wild and violent demonstrations.

The facts as herein stated are substantially corroborated by all the persons who were present during the transaction. The first interview between Barnes and Mrs. Morris was not attended by the violent demonstration and loud and boisterous talk which characterized Mrs. Morris at the second interview. She became agitated after the first interview, but confined her actions during the time of Mr. Barnes's absence to walking up and down the floor in an agitated manner. Her loud declamation during the second interview must have challenged the attention of persons in the adjoining room, and all those who are alleged to have been thus attracted seem to concur in the statement that she was violent and demonstrative and loud-voiced while being led from the room.

The subcommittee is agreed upon the following propositions to wit:

1. That Mr. Barnes was acting clearly within legitimate authority—yes, imperative duty—in declining to recognize the imperative demand of Mrs. Morris to see the President regardless of his engagements.

2. That it was the duty of Mr. Barnes, as well as the duty of other officers present, to preserve order within the Executive Offices and to eject obstreperous and disorderly persons therefrom.

3. That when Mrs. Morris absolutely refused to leave the premises, and by boisterous language and excited demonstration was disturbing peace and good order, Mr. Barnes was justified in requesting the officers present to remove her from the building.

4. That Officers Frech and Sloan used only such force as was unavoidably necessary to remove her from the room or to accomplish that object.

5. That when outside of the building Officers Frech and Murphy were under laws, rules, and regulations of the Metropolitan police department of the city of Washington and not under the control of Mr. Barnes.

6. That having made the arrest, the officers named were bound by the rules and regulations of the police department to use all necessary force to maintain the arrest, and the officers themselves were the judges of the force necessary to accomplish that end, subject only to accountability to their superiors in the police department. In our judgment, Mr. Barnes's relation to this incident must be judged wholly and solely upon what occurred within the Executive Offices, and as to such occurrences there is in our opinion no material conflict between the statements submitted and the published statements of the newspaper correspondent who was in the room only at the end of the scene.

7. That Mr. Barnes is a citizen of the United States and has been an actual resident of the District of Columbia since 1892, although he returns to New Jersey to vote, having merely a voting residence in that State.

Nothing appears in the record before the subcommittee tending in any manner to reflect upon the moral character, the integrity, or the ability of Mr. Barnes to efficiently discharge the duties of the office of postmaster.

Respectfully submitted.

THOS. H. CARTER.
J. C. BURROWS.

No. 1.

UNITED STATES SENATE,
Washington, D. C., April 13, 1906.

Hon. THOMAS H. CARTER,
Chairman of Subcommittee on Post-Offices and Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges, showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.

2. That having issued the order he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policemen to drag and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices, at the western end of the White House, to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

(1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
(2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
(3) Mr. I. C. Norwood, the Star office, Washington, D. C.
(4) Mr. James H. Price, the Times office, Washington, D. C.
(5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
(6) Mr. Elmer E. Payne, Associated Press, Washington, D. C.
(7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

No. 2.

UNITED STATES SENATE,
Washington, D. C., April 20, 1906.

Hon. THOS. H. CARTER,
Chairman Subcommittee.

DEAR SENATOR: Referring to the proposed inquiry by the subcommittee in the matter of the nomination of Mr. B. F. Barnes to be postmaster of this city, I beg to ask that you secure a written statement from Mr. Barnes, or have him appear before the subcommittee, on the following points:

1. The place of his birth and the nationality and citizenship of his parents at that time.

2. His present legal residence and such residence for the past ten years.

3. A full statement by him of the occurrences at the Executive Offices when Mrs. Minor Morris was removed therefrom.

4. Whether in causing her removal he was acting under general or specific instructions, and in either case give the substance of the instructions and by whom they were issued.

Very truly, yours,

C. A. CULBERSON.

No. 3.

THE WHITE HOUSE,
Washington, April 20, 1906.

MY DEAR SENATOR CARTER: Replying to your note of the 20th instant in connection with the proposed inquiry by the subcommittee of the Senate Committee on Post-Offices and Post-Roads into the matter of my nomination to be postmaster of Washington:

(1) I was born at Yarmouth, Nova Scotia, December 3, 1868. My father was born in the State of New York, my mother in the State of Maine. Their ancestors, back to a time preceding the Revolution, were natives of either New York or Massachusetts. My father was temporarily engaged in business in Nova Scotia at the time of my birth, and my parents remained there until I was about 7 years old, when they returned to the United States, going to New Jersey, where my father lived until the time of his death, in 1891. My parents never at any time relinquished their American citizenship nor took the slightest step in that direction.

(2) My present legal residence is in the State of New Jersey, and that has been my legal residence ever since I was old enough to vote. I desire to add that I have had no other ties in New Jersey since 1892, when the surviving members of my family removed to Washington, where they now reside.

(3) Mrs. Minor Morris called at the Executive Office on January 4, 1906, at about 1 o'clock, and asked to be allowed to see the President. At the time Secretary Loeb was engaged with the President, and I saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done. She was informed that the President could not give personal attention to such a matter and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question she asserted in boisterous manner that she would not be prevented from seeing him and that she would remain where she was for a month, if need be, unless she saw him sooner. She was allowed to remain for some moments. When I returned to the reception room shortly after, I found her pacing excitedly up and down the room, and informed her as quietly as possible that she could not see the President and that it

would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and to go away quietly. This, in still louder tones, she refused to do.

She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice: "I will not be put out," rushed to a chair, threw herself into it and shouted: "Don't you have any hands laid on me; I am going to stay here until I see the President." Mrs. Morris's piercing shrieks were heard throughout the building and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer who had witnessed the whole affair. He asked her to go with him quietly. She refused, and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request and was then led from the room. She struggled violently with two officers (all the way from the office building to the eastern entrance of the White House). As soon as she was outside of the office building she threw herself on the ground and it became necessary to carry her.

The above facts, with the exception of the part in parenthesis, came under my personal observation. They were made public by the Executive Office in my name on the next morning, together with the following statements, based on the first reports of the police officers who took part in the affair:

"The officers repeatedly asked her to stand up and walk quietly with them so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House. She was finally removed to police headquarters, where she was charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past. There is no truth whatever in the statement made by many of the papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles; but here was no other foundation whatever for the statement."

It will be noticed that the last two sentences are somewhat at variance with statements made later by Officers Frech and Murphy to Major Sylvester and recently submitted to your committee through Senator BURROWS. These officers explained to me afterwards that their attention had been so fully occupied by Mrs. Morris herself at the time that they had had little if any opportunity for accurate observation of any other features of the matter.

(4) In causing Mrs. Morris's removal from the Executive Office I acted under general instructions. I know you will appreciate the difficulty of stating specifically the substance of the instructions and by whom issued when I say that the reception and disposition of callers has been a part of my duties for four or five years, and that during that time cases of eccentricity, dementia, and insanity of various degrees had been encountered by me almost every day among the callers at the Executive Office. My general instructions were necessarily made up from innumerable experiences and countless directions given from time to time by the two Secretaries to the President under whom I have served in such capacity.

Very truly, yours,

B. F. BARNES.

Hon. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

No. 3½.

THE WHITE HOUSE,
Washington, June 7, 1906.

MY DEAR SENATOR CARTER: In view of several stories which have been published tending to discredit a written statement made by Doctor Weaver, of Asheville, N. C., concerning Mrs. Minor Morris, the last of which stories appeared yesterday, I have thought it might be well to advise you that the information contained in Doctor Weaver's letter (which was sent by the President to your committee some time ago, with numerous other papers in connection with the subject of my nomination to be postmaster at Washington) was volunteered through Mr. Rollins, chairman of the Republican State committee of North Carolina, who called at the Executive Office, told of Doctor Weaver's experience with Mrs. Morris, and said that he would be glad to furnish a statement from Doctor Weaver concerning the matter, if desired; that several days later it was decided to ask Mr. Rollins for such statement, and it was promptly furnished.

I understand that some importance is attached by Senator CULBERSON, of the subcommittee which considered my nomination, to the fact that I have made no answer to the accusation that I lodged or had lodged a charge of insanity against Mrs. Minor Morris. No answer has been made by me for the reason that I have not attempted to answer any of the charges in connection with the Morris incident, and have had no occasion to do so, except in so far as the questions asked by Senator CULBERSON, in his letter to you of April 20, 1906, related to those charges. The basis for this accusation was merely one of a large number of falsehoods which have been published by certain newspapers from time to time, concerning what is known as the "Morris incident," and I have heretofore seen no more reason for answering to it than to any other of their numerous misstatements. Inasmuch as I now understand that Senator CULBERSON attaches weight to the absence of any statement from me on this point (although no reference whatever was made to it in his letter), I will say that I lodged no charge of insanity against Mrs. Morris, and that I had nothing whatever to do with the lodging of any charge of any kind against her.

Very truly, yours,

B. F. BARNES.

Hon. THOMAS H. CARTER,
Committee on Post-Offices and Post-Roads,
United States Senate.

No. 4.

[Memorandum for the President.]

UNITED STATES SENATE,
Washington, D. C.

Re the incident of Mrs. Minor Morris.

About 1 o'clock on the afternoon of Thursday, January 4, 1906, a distressing scene was enacted in and near the Executive Offices of the White House. A woman of mature years—a lady in appearance—was ejected forcibly from the offices and subsequently was taken to the house of detention. Investigation afterwards disclosed certain facts concerning her.

She was Mrs. Minor Morris, a woman 50 years of age, and the wife of Dr. Minor Morris, who some time ago was separated from his employment by the Government. He had been connected with the Army Medical Museum, and his services had been dispensed with for reasons of which I have no knowledge.

Mrs. Morris, who was gowned handsomely and was a woman of impressive appearance, entered the Executive Offices of the White House just about 1 o'clock p. m. It happened that I was conversing with a friend in the reception room of the Executive building at the moment of her entrance. Being a woman of somewhat striking appearance, Mrs. Morris drew the attention of the gentleman with whom I was talking, and he asked me if I knew who she was.

Then for the first time I noted her particularly. She had asked to see Secretary Loeb, and when directed to Mr. Loeb's doorkeeper had given him her card with a request for a brief interview. The doorkeeper took the card into Secretary Loeb's office. A few minutes later he returned to the reception room and communicated some response to her. She turned from the doorkeeper and began restlessly to pace up and down the reception room. She appeared to me to be laboring under some suppressed excitement, but at the moment, although I was sitting so that I looked in her general direction, I paid little heed to her. I attributed her evident nervousness, without thinking very much about it, to the feeling many people have who come to the White House for the first time.

In a few minutes Mr. Barnes, Secretary Loeb's first assistant, came out of Mr. Loeb's office and asked the doorkeeper for Mrs. Morris. I paid very little attention to the conversation—none at all, in fact—as it happens several times every day that Mr. Barnes is requested by Secretary Loeb to see callers whom he can not see by reason of pressure of business.

My recollection is that after Mr. Barnes had talked briefly to Mrs. Morris he returned to Secretary Loeb's office, and that, meantime, Mrs. Morris continued to pace nervously up and down the reception room.

At any rate, Mr. Barnes resumed his conversation with Mrs. Morris in a brief time. Both he and she were very earnest in their talk. Evidently in response to a request that she be accorded an interview with the President, Mr. Barnes—I happened to overhear—informed her that she could not see the President on that matter; that he had nothing to do with it, as it related to a departmental question, about which she would have to see the Secretary—what Secretary I did not know at that moment.

Mrs. Morris's response instantly attracted my attention to her particularly. She declared in a loud tone—almost, if not quite, loud enough to be heard in the office of the President—that she had come to the White House to see the President and proposed to see him, even if she had to camp out there a month. Her tone of voice and manner drew the attention of the three or four people in the reception room. Mrs. Morris and Mr. Barnes were standing at the time near the table in the center of the room, on the side nearest to the fireplace. Officer Frech, one of the doorkeepers, evidently noting the manner of Mrs. Morris, moved from the door to a point near the table.

Realizing that a scene probably was impending, I paid close heed to that which followed. Although I was within 12 or 15 feet of Mrs. Morris and Mr. Barnes, I could not distinguish all that he said. He spoke with evident firmness, but in a low tone of voice. I did hear him say, however, that such an interview as Mrs. Morris desired with the President was not possible of arrangement. He reminded her, too, that she was making a scene, and begged her not to pursue the matter further. Following a further insistence by Mrs. Morris that she be permitted to talk to the President, Mr. Barnes requested her to leave the offices, assuring her again that she could not see the President.

At this Mrs. Morris became perfectly white. I thought it was the whiteness of anger, for, as I viewed her, she had manifested no symptoms of insanity. She declared that she would not leave the Executive Office; that it was a public building and she had a right to be there; and she dared Mr. Barnes or anybody else to try to make her leave.

Her tone of voice at this time was loud, and she was making, both in manner and tone, an ugly scene. Officer Frech approached her, and, leaning toward her, admonished her to be quiet. Turning on him, Mrs. Morris exclaimed: "Don't touch me. I'll sit down, but I won't go away."

Although Officer Frech, up to this time, had not attempted to lay hands on her, Mrs. Morris backed away and finally sat down in a chair on the west side of the room, near the entrance to the clerical office. She continued to talk and gesticulate. Officer Frech approached her and requested her to leave the office. As he leaned toward her she cried, in a loud tone:

"Don't you touch me; don't you dare to touch me. I'm 50 years old, and I never had an officer's hands laid on me. I want to see the President—that is all."

Officer Frech tried to induce her to leave the room, but as she refused to move from the chair in which she was sitting he took her by the left arm.

Mrs. Morris is a woman of generous build, and it would not be an easy matter to move her if she resisted. She weighs, I should say, about 170 pounds, although, of course, my opinion is a mere guess.

As Officer Frech could not induce her quietly to leave the Executive Office, James Sloan, one of the secret-service operatives stationed at the White House, stepped forward, and together they took hold of Mrs. Morris, practically lifted her from the chair and urged her forcibly toward the door. Then it was that Mrs. Morris began to scream. She hung back and gave both officers serious trouble in getting her to the door. She screamed so loud that her cries could be heard all over the Executive Offices. She kicked at the officers, tried to get her arms loose in an effort to strike, and seemed to be trying to bite at their hands.

The scene was a most distressing one. Mrs. Morris cried as she was carried through the door: "Oh, my God, will nobody help me?"

The plaza in front of the Executive Offices was wet and muddy. After the officers had gotten Mrs. Morris outside of the doors and perhaps 15 feet from the entrance, Sloan relinquished his hold, his place being taken by a police officer stationed outside.

Until this time Mrs. Morris had remained on her feet, resisting the officers with all her strength. Finally, however, she dropped to the pavement, in a sitting posture, refusing to go farther. Thereupon the officers picked her up bodily and carried her along the driveway which leads under the porte-cochère of the White House. Seemingly they did their best to protect her clothing from the mud and water, but, in the circumstances, that was not entirely possible.

I did not see Mrs. Morris afterwards, not being present when she was put into the cab and sent to the house of detention.

As to her ejectment from the Executive Office, I am quite sure that no more force was used than was absolutely necessary. Had a man acted as she acted, he would have been treated, probably, summarily. I did not hear Mr. Barnes order her put out of the offices. My opinion is that she ought to have been released when the officers got her outside of the entrance to the offices; but I understand that the police regulations provide for the action of officers in such cases, and had they released her they would have laid themselves liable to a suit for assault, once having placed their hands upon her.

Mr. Barnes did all that he could have been expected to do to avert a scene. He treated Mrs. Morris in a quiet and dignified manner, time and again urging her not to make any trouble. He might have permitted her to retain her seat in the Executive Office reception room, but, in my judgment, his action in that regard was purely a matter of opinion. He thought Mrs. Morris was insane, as I have learned since, and her action and manner, it is only just to say, probably warranted such an assumption on his part.

Very respectfully submitted.

E. E. PAINE.

The PRESIDENT.

No. 5.

Statement of John Hans.

On Thursday, January 4, 1906, Mrs. Morris entered the lobby of the Executive Office and handed me her card, and at the same time asked me if she could see the President's Secretary. I then took her card in to him. He told me to have Secretary Barnes see her. After I'd given Secretary Barnes her card I went out in the lobby and I had another card in my hand, and Mrs. Morris asked me why I didn't give her card to the Secretary. I said "Madam, the Secretary has your card," and then she said to me, "I beg your pardon," and I walked away.

Secretary Barnes sees Mrs. Morris and tells her Secretary Loeb is busy and asked him to see her, and then he asked her what she wanted. I didn't hear what she had to say, with the exception of hearing a few words now and then. I heard Mrs. Morris say something about reinstatement, and Secretary Barnes told her the President could do nothing for her, and referred her to the Secretary of War. Secretary Barnes got up then and said something to Mrs. Morris, which I did not hear, but I did hear him address her as "madam," and she said, "You need not call me madam, as I am going to see the President if I have to wait a month." in a loud and boisterous tone and manner.

As Secretary Barnes was leaving she yelled out, "You people in politics have run this thing long enough." She stayed, sitting a moment or two, then got up and walked across the floor several times, muttering something which I could not hear, and while she was walking Secretary Barnes came out in the lobby to talk to a gentleman by the name of Mr. Corbett, and when Secretary Barnes finished speaking to Mr. Corbett he then spoke to Mrs. Morris in a gentle way, telling her it would be impossible for her to see the President, and that she would have to leave the building. She then said to him, "You don't say so. If I do not see him to-day I will come back to-morrow, the next day, and the next day, until I do see him," in a loud tone, so that it could be heard throughout the building.

Then Officer Frech walked over to her and spoke to her in a very gentle manner, asking her to leave the building. He then asked her twice after that, and then she walked over and threw herself down in a chair. She then said, "I won't leave this building," and commenced fighting the officer, and saying in a loud tone that she was 50 years old and no one ever laid a hand on her. And then Officer Frech asked her to go along with him, which she refused to do. He then forced her out of the seat, with the assistance of Secret Service Officer Sloan. And in the meantime I had opened the doors so they could take her out. When she reached the pavement which leads to the laundry and the kitchen of the White House, she threw herself on the ground and had to be carried.

No. 6.

WASHINGTON, D. C., *January 13, 1906.*

Statement made by Private Jacob P. Frech, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being duly sworn.

Well, this happened January 4, about 1.30 p. m. Mrs. Morris came to the White House office door and asked to see the Secretary. I directed her to the doorkeeper of the Secretary's room, and a few minutes afterwards Mr. Barnes waited on her. The conversation between them I could not hear, only after a while I heard her say she demanded an interview with the President. I was in the same room with her. The doorkeeper to the Secretary, a newspaper man by the name of Paine, two or three men who were strangers, and Messrs. Connell and Sloan, secret-service men, were in the same room—not in Mr. Barnes's room, but in the lobby. Mr. Barnes said something else. I could not hear what he said on account of the low voice Mr. Barnes was speaking in. I then heard her say she demanded an interview with the President. She said it a little louder than she had before. Mr. Barnes told her she could not have an interview with the President. She said, "I will have an interview with the President, and I will stay until I do have it if it takes a month." Then Mr. Connell got on the right-hand side of her and Mr. Sloan on the left, standing against the Secretary's door. Mr. Barnes said something else I could not hear—I had stepped within a few feet of them, too, but I could not hear it. She said, "I demand an interview with the President. If I can not see him to-day, I will come to-morrow, and if not then, the next day and the next." This was in a loud tone of voice. Mr. Barnes said something else and went into his office, and Mr. Sloan went into the room with him.

As they were going through the door she got up and said, "You can have me arrested if you want to, but I will not leave this office." That was not said to anyone in particular, but we heard it in the office. Then Mr. Sloan came out and told me they were going to have trouble, and Mr. Barnes was going to order her out, and if he did and she did not go I was to arrest her. I stepped closer, so I could hear the conversation. Mr. Barnes said to her it was impossible for her to see the Pressident, and to drop the matter. Before Mr. Barnes came out again she walked up and down the office floor three or four times and said, "This is a pretty state of affairs, that an American lady can not see the President. I will see him. I will go above him and I will demand an interview." At that time she reached the chair, and Mr. Barnes came out again. Mr. Barnes spoke to her again, and she said, "I will not leave this office. I intend to stay until I can see him." Mr. Barnes made another request and she made a similar remark, and then Mr. Barnes called me over and told me to arrest her. I walked over to her and she began to holler not to lay my hands on her, and dared anyone to lay hands on her. I asked her in a low tone of voice to leave the office with me, and she hollered out she would not. I asked her again to leave the office without creating a scene, and she said, "No; I will not leave the office." This was in a loud voice—screeching. I said, "Lady, you have got to leave the office, and I want you to leave it quietly; if not, I will have to use force." She said, "You can use all the force you want to, but you will have to drag me all the way." I asked her again to do so, and she said she would not. I took hold of her with my right hand and put my left hand on her shoulder, and she would not move. I lifted her out of the chair and Mr. Sloan took hold of her right arm and we led her to the door. All this time she was screaming and throwing herself back.

We then called Mr. Murphy—I think his name is—the outside officer, to help us. When we got her out on the walk leading to the lower part of the house she threw herself on the ground. I asked her to get up and walk and not to create a scene like this there. She said, "I won't go. I want you to drag me every step of the way, and I want the press to see it." We then picked her up and carried her the best we could. Each took hold of an arm. She was not doing anything more than hollering, and was saying, "Isn't there anyone to help an American woman?" I did not see a black man on the scene until we got very near to the basement door; then I saw a colored man, and he picked up a back comb and a hairpin. I did not see him put his hands on her. We had to carry her until we got her through the corridor, and we closed the door and then went from the view of the public. We took her to the office and she sat there for a few minutes. I then asked her to get up and walk, and she got up and walked around to the south of the house and to the guard-room. That is a little more than twice the distance we had to carry her. All this time she was hollering very loudly. When we got her into the guard-room we gave her a chair and allowed Sergeant Bryan to take charge of her, as it seemed the presence of us two men who handled her made her more hysterical. When the wagon came she refused to get into it. She walked out to the wagon, but refused to get in, and caught hold of each side of the wagon and propped herself against the door of the cab. I had to get inside and take hold of her hands to prevent her taking hold of anything, and had to lift her in the wagon bodily.

When we got her in the wagon she insisted we should take her to the Post Building; that she wanted the press to know the whole occurrence. Officer Brown got inside of the cab when we put her in and lifted her over so we could close the door. We then went to the house of detention. In the wagon there was nothing out of the ordinary except she asked us where we were going to take her, and I made no reply, and Sergeant Gallaher answered for me, and she slapped him in the face. Sergeant Gallaher was in citizens' clothes. At the house of detention I preferred the charge of disorderly conduct against her. I gave no instructions at all at the time, but on account of her hysterical condition when she was ready to put up the required collateral I told them they had better hold her for examination as to her mental condition. I had no instructions from anyone to do that. I went to court the next morning, and she forfeited collateral. I am detailed to the Secretary to the President, in the Executive Offices, and have an inside detail at the White House. I am subject, I understand, to the orders of the Secretary and his assistants. The chief usher is in charge there.

WASHINGTON, D. C., *January 13, 1906.*

Statement made by Private C. H. Murphy, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being sworn.

I was detailed at the White House from last Thursday week until the following Saturday, in place of Private Ogle. I assisted in taking Mrs. Morris from outside of the Executive Offices to the police office in the White House. I was doing duty on No. 2 beat outside and was about 50 feet away when I heard a commotion inside and walked toward it. I heard a woman say, "I won't get out; don't you force me out." The voice was very loud. Before I got to the door Officer Frech brought Mrs. Morris out and asked me to assist him. I went over and asked if he was going to arrest her. He said, "Yes." I thought she was crazy from the way she acted. I took hold of her arm, but not hard enough to bruise it, and she sat down in the mud. I said, "Madam, you will ruin your dress; the streets are muddy." She said, "I will not walk; you will have to drag me." I said, "You will have to go; you had better walk; we will have to take you if we drag you." She is a very large woman, and she kicked me on the shin, and I have a mark there now. She sat down and stuck her feet in the ground, and we had a time with her. She stuck her feet in the ground so that we had to push her. I had my arm back of her, and so did Mr. Frech, and we finally got her to the basement entrance—a distance of fully 100 feet. I noticed a colored attendant there. He draped her clothing around her feet so as to prevent exposure of her limbs, and picked up her pocketbook. She said to us, "You will have to drag me." I said we did not like to do that. I said, "You will ruin your clothes sitting down in the mud. You will have to go." She said she would not. Other officers came to our assistance finally, but she was going along all right then, and my duty ended after she had gone in the office. I am certain that, situated as we were, we did nothing more than was necessary to maintain the arrest. We used as little force as possible. It was her fault her clothes were ruined; that was caused by her sitting down in the mud.

WASHINGTON, D. C., *January 13, 1906.*

Statement made by Private A. E. Brown, of the Metropolitan police force, District of Columbia, to the major and superintendent of police, after being sworn.

I was at the Executive avenue entrance to the White House the day Mrs. Morris was taken to the house of detention, and was at the guardroom when she was taken out and put in the cab. I did not know how she came there; when I saw her she was in the guardroom. She was hysterical in there and wanted to break out, and Sergeant Bryan had to hold the door several times to keep her in. When the cab came from the house of detention, she walked out to the cab without assistance, but refused to get in. Sergeant Bryan had hold of her arm guiding her, and Mr. Stone, the chief usher at the White House, opened the folding doors for them and then stepped out to the cab. Myself, Private Frech, Mr. Stone, and Sergeant Bryan were there. She refused to get in the cab and grabbed hold of each side of the cab door and commenced screaming, and she tried to slap and kick and screech. I never touched her until I saw that Mr. Stone and the other two could not very well handle her, so I started in myself then. I

got Frech to get inside of the cab and take hold of her two hands, and I took hold of her waist and lifted her in and stepped up on the step with her. She propped herself against the cab door and tried to get out by throwing herself back. I tried to close the door after I got her in and she tried to back out, and she tried to claw Mr. Frech in the face and I grabbed her around the waist and held her.

I did not see any of the trouble until she was in the guardroom. I am on duty around the White House and look after the President. I went to the house of detention with her, and on the way up there she slapped Sergeant Gallaher very severely in the face and tried to claw other people. I had hold of her arm, and as soon as I let go of it she slapped Sergeant Gallaher in the face. She said she was being brutally treated and all that, and that we would hear from it. When we got to the house of detention, I said: "Now, madam, if you want to be quiet and go in the house of detention, all right; but if you act in a violent manner we will have to take you down to the first precinct and put you in a padded cell." She said she would do so, and she got out without any assistance. She was very hysterical. I could not say she appeared like a crazy woman, but she acted wild and out of her senses for the time being. She was handled as courteously in my presence as possible. When I had hold of her, I only used sufficient strength to keep her from injuring herself or anyone else.

IN CHARGE HOUSE OF DETENTION.

WASHINGTON, D. C., *January 12, 1906.*

Statement made by Acting Sergt. John Gallaher, superintendent of the house of detention, to the major and superintendent of police.

I am the superintendent of the house of detention. On the 4th of January, I think it was, about 1 o'clock, a call came from the White House for the house of detention cab. The clerk gave me the message, and I went alone in the cab to the guardroom, where I saw this lady—Mrs. Morris. Officers Frech and Brown and Mr. Stone, the head usher, brought her out and put her in the cab. I did not assist in bringing her out. As soon as I got there they brought her out. The lady was very much excited, did not want to go, and fought the officers all she could; but it was not more than a second before she was in the cab. She did not fall down, but she tried to throw herself back. The officers had hold of her arms, one on each side, and Mr. Stone also helped put her in the cab. I did not see a black boy there; but there were eight, ten, or a dozen people around. She was crying out loud and screaming. She did not use any profanity. She did not bite the officers. The officers had to force her in the vehicle; they pushed her in, and she was resisting all the time. The officers did not use any more force than they had to to get her in. Her clothes were torn when I got there. I don't know who tore them. Officers Frech, Brown, and myself accompanied her to the house of detention. She made so much noise I said we would have to take her to No. 1; that we could not take her to the house of detention. She wanted to know where she was going, and I said to the house of detention. When I said that, she slapped me in the face with her hand. I did not touch her. She did not seem to have all her faculties. When we got to the house of detention I took her to the clerk's office. When we got to the house of detention she got out of the cab and walked in the house without anybody putting hands on her. Officer Frech charged her with disorderly conduct. Afterwards the charge of insanity was made against her by Officer Frech.

When we got in the house she said she wanted to telephone to Mr. Guthridge, who is on Fourteenth street, and also wanted to telephone to Mr. Warner. She telephoned to Mr. Warner, and he was just going to leave town; and she telephoned to Mr. Guthridge, and he said he would be over as soon as he could. Doctor Burch was there at the time, had been there to examine an insane woman, and I telephoned to him from the White House to wait until I got there, which he did. I did that because I thought they were going to put the charge of insanity against this woman. When I got there Doctor Burch said: "There is no charge of insanity against this woman." I said to Officer Frech: "Aren't you going to put some charge against her?" He said: "I will make the charge of disorderly against her; I can sustain that charge." I said: "You had better call up the station you belong to." He did so. I said: "What collateral do you want for her in case a friend comes and puts up collateral?" He telephoned to the fifth precinct, and said $5. I said to him: "If anybody comes and puts up collateral shall we let her go?" He said, "Yes." I thought, to hurry up the matter, I would go over and see Mr. Guthridge. When I got there they said he had gone over to the house of detention. I telephoned to the clerk and asked if he was there, and he said he was, and wanted to put up $5. I said: "Take it and let her go." On my way back I stopped at the White House and saw Frech and said: "I suppose she has gone. A friend has put up $5 for her." He said: "No; I have put the charge of insanity against her." He said he had put the charge of insanity against her and he was the officer and complainant. I don't know why he put that charge. I went back to the house then and found Mr. Guthridge, her friend, there, and did the best I could until the doctors came to pacify her. She was in charge of Matron Thornburgh. When she went away she said she had been treated very nicely and shook hands with me.

WASHINGTON, D. C., *January 12, 1906.*

Statement made by Mrs. Marilla Thornburgh, matron at the house of detention, to major and superintendent of police, after being sworn.

On last Thursday, January 4, Mrs. Morris was brought to the house of detention. I heard a little commotion outside of the door, and looked out my window and saw a woman being brought up the steps supported by Sergeant Gallaher and an officer—I could not say whether it was Officer Brown or Frech. I hurried downstairs to meet her, and she seemed to be holding back a little bit, but not very much. She said, "I don't want anything to do with you, or anybody else here; you are all of the same piece; you are all under that one person." I said, "Never mind." She seemed to be very hysterical; she was indignant. I said, "Come in and go upstairs with me and you can state your grievances to the officer, and we will do all we can for you." I did not know anything about the case. She said, "No, I won't go; I want to use the telephone." The sergeant said, "Go upstairs, and we will take your message." She said, "I will not; I demand the telephone." The sergeant said, "All right, come here and get calm and you can use the telephone." He escorted her to the telephone and she made an attempt to call up some friend of hers, and she would not allow anyone to assist her.

I wanted to help her, but she would not allow me. She was making sweeping assertions with her hands [illustrating]. She could not remember the number of the telephone from the time she would read it in the Telephone Directory until she took the telephone. Doctor Burch was there and he stepped forward and said, "Madam, let me help you; you are in no condition to call anyone." She permitted Doctor Burch to do so. I found the address in the book; she gave me the name, "Henry Clew." She attempted to call Mr. Guthridge to the house of detention. She said, "This is Mrs. Minor Morris talking to you. I have suffered the greatest humiliation and degradation that could be put upon any woman, and I am now at the house of detention in charge of a policeman." She was crying at the time, and it took a good while for her to tell Mr. Guthridge. After she had talked a while and expressed her indignation about being brought over there by the burly policemen, as she called them, the sergeant and I coaxed her to go upstairs in the matron's room, and told her it would be better up there than down there where everybody could see her. She went up with me and remained there from 2 until 5.30, crying and going on at a terrible rate. She acted like a demented person. She said, "This will cause the greatest sensation of the age; this is the tragedy of the age." She exclaimed, "I don't care what they do with me; I have accomplished my purpose. The President will surely have to notice my husband's case." Those were the words she used, and she said the same thing to Mr. Edmonston, the guard. I had to call him downstairs one time, because we had an insane woman there, and she was adding to the clamor, and I was afraid to leave this woman for fear she would plunge out of the window.

If my idea goes for anything, I thought the woman was insane when they brought her there, on account of the loud and boisterous language that she used, and I have had nine years' experience with such people. She calmed down to some extent after going upstairs, and then began to tell her tale to Mr. Guthridge. He was there almost all the time, and a Mr. Weber, a reporter for one of the New York papers also came there. She would burst out crying when she would recall the incident of her being dragged across the yard by two burly policemen, as she called them. She said Mr. Barnes said, "Madam, you can not see the President." She said, "Very well, I have nothing else to do; I can wait here all day until I see him." He said, "Madam, you can not stay here." She said, "Why can't I stay here? This is a public place." He said, "You can not stay here." She said he put up his hands and two policemen came and took hold of her sleeve to her coat and said, "Madam, you will have to go out from here." She said, "I fell back and said I will not," and then they took a firmer grasp on her arm and lifted her bodily out of the chair and dragged her bodily out of the room, and she screeched and said, "I will not go." Her dress was very much torn—torn from dragging and being ground out on the pavement; one place it was worn clear through two skirts. When she got that far she said she screamed and cried and asked somebody to help her. I said, "Why didn't you walk?" She said, "Do you suppose I would walk one step with two police officers to come to the house of detention? No; I would not; they would have to carry me if I went, or drag me," which they did—it appears they did drag her. She said, "I did not take one step, but sat myself down, and then they dragged me."

She is a very large woman; I would imagine she would weigh 200 pounds, and when she makes herself limp two men could not carry her. She said when she got across the grounds to the office on this side of the building—I don't remember what she called it—she said they started to take her out and put her in the cab—"two men dragged me." She brought that in every time, "dragged her to the cab," and another man stood up and the three of them bundled her in, "throwed me in, and they brought me over to this place." She made the statement that she was abused at the house of detention, but she called me up and contradicted that. I believed that the woman was insane when they brought her in. She said this would make the greatest sensation of the age; that it would be known from one end of the United States to the other. She said, raising up her arms in a tragedy-queen like manner, "I don't care what they do to me; I don't care how much I suffer; the President will have to take notice of it now—of my husband's case," that she had accomplished what she went for. I asked her her name; I said, "Mrs. Morris, will you please tell me your Christian name?" She said, "What has that to do with the case? I don't want my Christian name given; it has nothing to do with it." I said, "It has nothing to do with it, but the clerk wants your name." She said, "You can call me Hull Morris." I said, "That is as well as any if it is your name." She then said, "My name is Alice Hull Morris."

Q. Did she leave you under the impression that she was demented?—A. Yes, sir. A great many demented people will drop down on their knees and pray, and before she would leave the office she dropped on her knees by the desk and sent up a petition for guidance and asked that her enemies be confounded, and that the President be brought to view the case of her husband; that it was a just and Christian act to do, and that he was influenced by people who had a grudge, or spite, against her—not her—but us. Afterwards she went upstairs and prayed again for support and the confounding of her enemies, which, to my mind, in the place where she was, was what a person in their right mind would not do. She prayed twice in my room. The second time by my table, and I respectfully turned my head, and I heard a noise, and she had fallen down between the table and the couch. She said she struck her head, but she did not. She was on her knees and she dropped over on her side. I tried to lift her, and I think I twisted her neck around lifting her, and she said, "Oh!" She did not show any bruises or scratches. She called me to the telephone the next morning and said, "Did you see the papers?" I said, "Yes." She told me who it was, and said: "That was an awful lie about you; if I said anything about you, it was how kindly I was used by you at the house of detention." I said, "I am glad to hear you say that." She said, "What shall I do?" I said, "I don't know, unless you call up the major and superintendent and tell him; we can not explain in the newspapers." She said, "I will at once," and shut off the telephone, and I suppose she did.

WASHINGTON, D. C., *January 12, 1906.*

Statement of W. B. Edmonston, guard at the house of detention, made to the major and superintendent of police.

I was on duty at the house of detention on last Thursday when Mrs. Morris was brought there. I was in the office and saw her when she first came in. Officer Brown, of the third precinct, and Officer Frech and Sergeant Gallaher were with her. They came over from the White House with her. She said she wanted to use the telephone, and the sergeant said she couldn't use it at first; and she insisted, and he finally said, "All right." She didn't ring, as she thought it was a telephone that would ring when taking the receiver off. She was very

much excited and couldn't use it, and the sergeant started to ring the telephone for her, and she would not let him use it; that he was going to fix it in some way that she couldn't telephone, and then she got so excited that she couldn't find the number, and she said he was going to fix it, and she got confused again and couldn't open the book, and she commenced on the sergeant again, and said he wanted to fix it so she couldn't hear anything at all. Doctor Burch was there, and he tried to help her out, and stepped forward, and he took up the book and called for Mr. Guthridge, and I think he called for B. H. Warner, but he was out of town and so couldn't come, and then something happened. She grabbed the telephone out of Doctor Burch's hand and said he was going to try and fix it so she couldn't get the parties, and he said, "I beg your pardon, I will use the telephone." He wanted to help her.

When she came in there she was very nervous and excited, and from the way she acted I thought she was crazy, but she didn't strike anybody and did not use any profanity. She said she had been over to Mr. Barnes, had sent her card in to Secretary Loeb, and he wanted to know what she wanted to see the President about, and Mr. Barnes said she couldn't see the President unless he knew the nature of her case. She said it was a personal affair and she told him she had time to wait, she was not employed, and would stay there until the President wasn't busy, and she said the time she sat down two burly police officers or ruffians came there and taken her out. She said they got her by the waist and by the arm and wrenched it so it was black and blue. She didn't know how they got her out, it was such an outrage. After she called up these people over the phone we told her she would have to go upstairs in the matron's room. She said to Mr. Frech: "Here is a letter which I wish you would take to the President," and he said he would take it to the President through the proper channel, and she said: "No; take it to him personally; if you don't, he will never get it," and before going upstairs she started to pray. Then she went upstairs, and after she was up there a few minutes Mrs. Thornburg called for me to come up, there was a crazy girl in the opposite room that needed attention, and by this time this Mr. Guthridge came up and put up $5.

I didn't enter any charge against her, that was done by the clerk, and I didn't see her until she got in the hallways, as I was in the office. I didn't see any scars or bruises on her face. She also said she had accomplished her purpose. She said she told Mr. Guthridge that she had been endeavoring to see the President for five years, she had lost her sleep, and she had been foiled in every way, but now he would have to take it up, it will be brought before the public now, and she spoke of the President as Roosevelt. She said: "I have always understood that Roosevelt was a brute and ungentlemanly and uncouth, and now the brutality has been brought out." She made these remarks, and in the meantime she was upstairs, and I was talking to her trying to get her quiet. I said: "There is a reporter downstairs now, and he will get hold of this," and she said: "I want him. I want the whole world to know of it." She said it would be put before the President now. She was glad it happened, because it would be brought before him. She didn't act as if she was a woman in her normal mind; I would say she was demented, and I didn't change my opinion while she was there.

WASHINGTON, D. C., *January 14, 1906.*

Statement of J. S. Wall, M. D., surgeon, police and fire departments, to the major and superintendent of police.

On the day in question I received information between 3 and 4 o'clock and called at the house of detention at half past 4. When I was there I met a friend of Mrs. Morris, Mr. Guthridge, going out. I went up to see her, and he returned; he was called back by Sergeant Gallaher and was present when I examined her. I stayed an hour altogether with her and with Mr. Guthridge downstairs. There was no one else present, excepting the officers of the house. There was in her hysteria sufficient to give the idea that she was not of sound mind. I would judge that from her actions she would appear to a layman as being of unbalanced mind, particularly from the history of the case at the time she was brought in. I saw her, you see, a couple of hours after that time. Her condition could have been the result of the arrest. She did not express any feeling directly against the officers at the time, her denunciation being confined to the official—the Assistant Secretary—who had caused her to be removed, and not to those who handled her. She also said that she made determined opposition to their efforts to remove her. Mr. Guthridge was there during the whole period of my examination, and I talked with him downstairs after that time. He talked purely in a personal way with me. In my opinion, this woman is eccentric. She said she was visiting with friends at the New Willard.

WASHINGTON, D. C., *January 15, 1906.*

Statement of W. Thompson Burch, M. D., surgeon, police and fire departments, to the major and superintendent of police.

I was at the house of detention on Thursday, the 4th of January, seeing another case at the time. I was trying to telephone to Mr. Frank concerning this case of a young girl when I heard a commotion in the hall. It was simply a loud argument on the part of some woman, who turned out to be Mrs. Morris; in fact, it was so much so—she was talking so loud that I could not use the telephone, and I hung it up. She came in the office and requested the use of the telephone. Sergeant Gallaher told her that we would gladly get her any call she wanted, and she said no, she would not let him play any tricks on her, she would do her own telephoning. They tried to convince her that they would help her, and they couldn't, so the only thing to do was to let her use it. She found she couldn't, and we got the number for her. She was extremely hysterical and crying. I talked with her for quite a while, and she spoke about her brother, Mr. HULL. Her husband had been put out of office, as she expressed it, and she was going to have Roosevelt crawl on his knees. She would not listen to reason from any one of us.

I finally introduced myself as a physician and told her that if there was anything I could do I would gladly do it, and she finally talked with me about this case. She did not show any evidences of physical abuse that I could see on her face or arms. The only thing that would lead me to believe so was that the back of her skirt was soiled; it was taffeta silk, and was torn in one place. Under my observation the officers treated her extremely courteous and kindly, and more so than the average man would do under the circumstances. The only thing that would lead me to believe, outside of an examination, that she was mentally unbalanced was she had written a piece of poetry to Mr. Roosevelt, and I read it over. I asked her afterwards, without telling her I had read it, if she would kindly tell me what was in the envelope she wanted the President to have, and she said it was a piece of poetry that she had written; that she had always been a writer, and this poem was on "Insomnia," and she had tried in this poetry to portray her feelings. It was a very peculiar piece of poetry. As far as I could see, all up there were extremely courteous, so much so that the superintendent himself went out of his way to try and accommodate her and tried to do for her. I did not see Mr. Guthridge, but I saw the gentleman who represented him. I went to the policeman who made the arrest and talked with him before I talked with this woman. He told me he had asked her three times very politely, "Will you kindly withdraw? You can not stay here; I have my orders, and we don't want to use force at all." Each time she said she would not go; you couldn't arrest her and would not arrest her. He asked her three times. Each time he told her that if she did not go he had orders from Mr. Barnes, and he would have to use physical force. He asked her to go out quietly, and she would not do it.

WASHINGTON, D. C., *January 21, 1906.*

Statement of Private J. M. Bramlett to the major and superintendent of police.

I saw Mrs. Morris when she was arrested at the White House. I saw all, very near, except the time I was going down the stairs to the basement. I saw her brought out of the Executive Office by Mr. Frech, and then Officer Murphy went to her assistance. She was acting very much excited. Frech was pulling her along, forcing her along. She didn't want to go. He had her by the arm and Murphy by the other, but she was on her feet. I suppose she walked to about opposite the laundry. They didn't drag her, only they carried her along. She walked part of the time. She was acting very disorderly and trying to free herself. She was throwing her arms about, but I don't know about her kicking, and I didn't see her attempt to bite. She threw herself on the ground, and they had to held her up. She was hollering all the time. There was no unnecessary force used any more than was necessary to carry her along. They didn't drag her along the ground; they held her up. Her feet was the only thing that was on the ground, except at times when she would jerk herself away and sit on the ground. They lifted her up and didn't attempt to drag her along the ground. She weighed 165 or 170 pounds, probably more than that. I saw the colored boy, but did not see him attempt to touch her. He picked up her purse and something else, and he adjusted her clothes over her limbs. He never touched her feet or legs.

No. 7.

WASHINGTON, D. C., *January 18, 1906.*

Statement of Private A. E. Brown, third precinct, to the major and superintendent of police.

On the day of the arrest of Mrs. Morris she struck Sergeant Gallaher and she also struck me. She did not get a chance to bite anybody to my knowledge. She was trying to scratch; had her hands like this [illustrating]; she was scratching and kicking at the same time. She was kicking, scratching, and holding back, and calling on the public to take her part. That was when she was put in the cab.

WASHINGTON, D. C., *January 19, 1906.*

Statement of Private C. H. Murphy, third precinct, to the major and superintendent of police.

When Mrs. Morris was arrested she threw her hands around and struck me in the face. I had to grab her hands; she got away from us a couple of times. She didn't try to bite; she struck at us. She did that all along, and when she got loose she would throw her hands and arms in the air. I did not see the colored boy take hold of her. I don't think he did, and I think I would have seen him if he had. I saw him arrange her draperies. She kept on kicking, and she kicked the skin off my shin and it shows now; it was quite severe. [Private Murphy exhibited the bruise to Major Sylvester.]

She also kicked Mr. Frech, so he claimed, and I know she very near landed me when she tripped me. She stuck her foot out like a professional. I was surprised; I didn't look for anything like that.

WASHINGTON, D. C., *January 19, 1906.*

Statement of Private Jacob P. Frech to the major and superintendent of police.

When I first took hold of Mrs. Morris she began fighting me back with her hands, and then she went along quietly, holding back, and we forced her along until we got her on the walk. Then she threw herself down and began fighting, and when we got her up she began kicking. She had gloves on, and she struck us and began kicking. She kicked at Officer Murphy, kicked him between the legs and came near throwing him. She began kicking me, and she kicked me as high up as the groin, because I had to have my trousers cleaned and fixed up after I got home.

JANUARY 19, 1906.

Mr. Charles Haas, with John S. Blair, esq., in the Kellogg Building, was a witness to the manner in which Mrs. Morris was taken from the guardroom and placed in the house of detention cab, and stated that the action of those engaged was no more strenuous than necessary to maintain the arrest; that Mrs. Morris so placed herself as to avoid getting into the cab, which necessitated one of the officers lifting her by the waist while the gentleman with the frock coat, whom he does not know, pushed her. Mrs. Morris, he stated, was demonstrative in her efforts against it, and she was quite a large, strong woman. He would be willing to testify in the officers' behalf.

No. 8.

Statement of Secret Service Agent James Sloan, jr.

On Thursday, January 4, at about 1 o'clock p. m., a lady (whom I afterwards learned was Mrs. Minor Morris) entered the White House, went to the doorkeeper stationed at Secretary Loeb's door, presented a card, and then took a seat on the west side of the reception room of the Executive Offices.

In a few minutes Mr. Barnes came from the Secretary's office and began talking with Mrs. Morris. I was standing about 4 feet from

them, but could not catch all of the conversation. I heard Mr. Barnes say to Mrs. Morris: "Madam you can not see the President on a question of that kind. You will have to take that matter up with the Secretary of War." Mrs. Morris replied: "I have come here to see the President, and I will remain a month but what I do see him."

Mr. Barnes left her and went into his office. He returned in two or three minutes, and again told Mrs. Morris that she could not see the President, and that she would have to leave the building, whereupon Mrs. Morris got out of her chair and commenced walking across the floor, saying she had come to see the President and she would remain until she did see him.

Mr. Barnes then called Officer Frech and told him to have Mrs. Morris taken out of the building. Officer Frech asked her twice to leave the building. The last time Mrs. Morris pushed him away and said, "Don't you dare lay your hands on me." Frech caught her by the right arm, and told me to assit him to the door with her. After we got to the door the officer from the outside assisted Frech.

Mrs. Morris then refused to move, and stood on the sidewalk. She was screaming loudly, and had to be carried away. I watched them until they were at the end of the path leading to the White House.

During all the time that Mrs. Morris was in the Executive Offices she appeared to be very much excited.

No. 9.

Statement of Secret Service Agent Stephen A. Connell.

On Thursday, January 4, at about 1 o'clock p. m., a lady (whom I afterwards learned was Mrs. Minor Morris) entered the White House, went to the doorkeeper stationed at Secretary Loeb's door, presented a card, then took a seat on the west side of the reception room of the Executive Offices, about 6 feet from the door leading to Secretary Loeb's office. In a few minutes Assistant Secretary Barnes came from the Secretary's office, and spoke to Mrs. Morris for a minute or so. She appeared to grow excited, and Mr. Barnes returned to Secretary Loeb's office. After his return, Mrs. Morris arose from the chair in which she had been sitting and walked across the floor to the table in the center of the reception room. She did this three times, and appeared to be very much excited.

Mr. Barnes again came into the reception room and spoke to Mrs. Morris, and she, in a loud voice, said she would remain there until she could see the President. Mr. Barnes spoke to her again, but what he said I do not know, as I was sitting about 15 feet from her, on the same side of the room.

Mr. Barnes motioned to Police Officer Frech, and he went to Mrs. Morris and touched her on the arm, right side. Secret Service Agent Sloan also spoke to her, being on the left side, and escorted her to the door. As soon as the officers laid their haids on her she started to scream and became hysterical. When they reached the door leading to the outside of the reception room of the Executive Offices, Officer Frech called another officer, who came to his assistance, Agent Sloan returning to the Executive Offices.

Mrs. Morris then refused to move, and stood on the sidewalk. She was screaming loudly and had to be carried away. The only words I heard her say were: "Do you know who I am? I am an authoress and a highborn lady."

I stood at the door until they passed to the path leading to the White House, then returned to the Executive Offices.

No. 10.

WASHINGTON, D. C., *January 20, 1906.*

Statement of Sergt. R. Bryan to the major and superintendent of police.

I was in the guardroom. The first observation I had of Mrs. Morris was when she was in the guardroom, and she was very much excited and demonstrative. She was brought down to the office by Officers Frech and Murphy shortly after 1 o'clock—a quarter past, probably. When she came in I saw she was very much excited. I asked her to have a chair, "Sit down; rest yourself." She said, "No; I won't sit down." I said, "You might as well sit down and not work yourself in such a way; it is uncalled for." She said, "You don't know anything." I said, "That may be; but console yourself," and she said, "No; I won't console myself. No; I won't," she says. She says, "Roosevelt will be glad to reinstate my husband." Every time she would leave where I was standing and walk over to the door, where people standing outside could see her, waving her arms; there were quite a number of people standing around. Then she would walk back, and I then said, "Sit down; you might as well rest yourself." She said, "No; I wont; your appearance is offensive to me." I said, "That may be; but console yourself." I tried to reason with her in that way, but I could make no success of it at all. In the meantime the van arrived, and she walked out of the room on to the front of the office, and Frech got her by the arm and led her over to the cab. I didn't see anything further at that time.

When I came out they had her barely in the cab. I came there afterwards, and Captain Stone, the chief usher, and Brown and Sergeant Gallaher I remember being there, and Frech. You see, Major, she would not get up the steps to go into the cab, but she deliberately sat down on the officers and they had to raise her, and that made it necessary for some force to be used to get her in the cab. They found they could not get in that way, so they let her come back, and Frech gets inside and reaches his hand over to pull her in, she slapping at him all the time. Brown got in there finally and got her around the waist, and after Sergeant Gallaher got in they drove away.

No. 11.

HEADQUARTERS OF THE METROPOLITAN POLICE
DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 15, 1906.

Hon. WM. LOEB, Jr.,
Secretary to the President,
White House, Washington, D. C.

MY DEAR SIR: Referring to the case of Mrs. Minor Morris, arrested at the White House on Thursday, January 4, 1906, and your request that I procure and present such facts and information concerning it as might be had from the members of this department who have knowledge thereof, I respectfully beg leave to report that I have had several of them before me, and from the statements made to me it appears that Mrs. Minor Morris, after having been repeatedly requested to depart from the waiting room of the Secretary's office, and peremptorily and finally refusing to do so, was, at the instance of Assistant Secretary Barnes, first removed by Private Jacob P. Frech, specially assigned to interior service at the White House for the use of the Secretary's office and the preservation of peace and good order and the protection of the President, and a member of the Government secret service; that upon reaching the entrance to the building Private C. H. Murphy, of the police force, who was temporarily detailed as an exterior guard in the White House grounds during the illness of the regular man assigned to the location, approached, and at the direction of Private Frech proceeded to assist in maintaining the arrest. The testimony of the officers emphasizes the fact that despite their appeals to Mrs. Morris to walk and avoid the distress that would follow forced action on their part, she opposed them by placing herself in the way of greatest resistance, the officers claiming that then no more force was used than was necessary to remove her to the basement entrance, under cover, fully a distance of 200 feet.

The testimony shows that Mrs. Morris proceeded from the police office at the White House to the cab awaiting on Executive avenue and there again persuasion was ineffectual, necessitating her being placed in the cab, which was in charge of Acting Sergeant Gallaher, in citizen's clothes; that at the house of detention, where there are no "cells" or "bars," every consideration was extended her.

At 10.19 o'clock on Friday morning, in response to a call from Willard's Hotel, the major and superintendent of police went to the telephone and was informed that Mrs. Morris desired to talk with him. A person representing herself as Mrs. Morris, it being a female voice, asked, "Is this Major Sylvester?" Being replied to in the affirmative, the party said: "Have you seen that terrible article in the paper this morning? I want to say to you that I was not placed behind bars or in a cell at the house of detention, but was treated as kindly as possible, especially by Mrs. Thornburg. What can I do about it? It has done me a horrible injury. I did not sit down, but fainted when I was taken by the police." The major and superintendent responded that he did not know what she could do unless to have it retracted by the paper, and thereupon informed the city editor of the Star and the editor of the Times of Mrs. Morris's statement.

While Mrs. Morris was being held at the house of detention, Mr. Barnes telephoned the major and superintendent and stated that Mr. Guthridge had asked that Mrs. Morris be released, and wanted to know what the major and superintendent thought about it. The latter had not up to that time been informed of the arrest of Mrs. Morris, but asked if the woman was of sound mind, which Mr. Barnes stated he could not say; it might be questionable. The major and superintendent ventured the suggestion that if Mr. Guthridge would assume the responsibility of caring for her against her annoying the public it might be done.

The statements procured, also a communication from Mrs. Morris to the President, are herewith respectfully submitted.

Very truly,

RICHD. SYLVESTER,
Major and Superintendent.

No. 12.

[Confidential and personal.]

HEADQUARTERS OF THE METROPOLITAN
POLICE DEPARTMENT OF THE DISTRICT OF COLUMBIA,
Washington, January 19, 1906.

Hon. WILLIAM LOEB, Jr.,
Secretary to the President,
White House, Washington, D. C.

MY DEAR SIR: I have your reference of the 18th instant respecting inquiries you desired should be made of certain persons to whom you refer concerning Mrs. Minor Morris, and I beg leave to respectfully inform you that Dr. J. Wesley Bouvee has for a number of years been intimately acquainted with Mrs. Morris's relatives, and he stated that from the history of her case and judging from reports he was of the opinion that her mind is not right, and that he would be pleased to confer with you on the subject if you so desire.

As directed by you, through Assistant Secretary Barnes, I have written the Hon. Thomas S. Rollins, at Asheville, N. C., in regard to information given you concerning the deposition of the physician in that city.

As to Mr. Stokes, that gentleman was not seen, as I was informed he had made a statement to you.

Mr. Jacobs, of Woodward & Lothrop's, was not disposed to give a written statement with respect to that firm's experience with Mrs. Morris, which was her excitement over delay in passing upon her check and certain matters in trade.

Mr. Boxer, at Kann's, stated there was nothing in the case there; that there was nothing to be said.

Mrs. Dunlap stated that Mrs. Morris had upbraided her for having placed her own name as chairman of the committee on a letter head and omitting the names of other members of the committee, a work which she had done at personal expense, and that the experience was very unpleasant.

I inclose herewith report of females taken up at the White House by the service there since 1903, as requested by you.

Very truly,

RICHD. SYLVESTER,
Major and Superintendent.

No. 13.

ASHEVILLE, *N. C., January 20, 1906.*

Hon. WM. LOEB, *Washington, D. C.*

MY DEAR SIR: I have this day mailed to Major Sylvester a statement from Dr. H. B. Weaver in regard to Mrs. Minor Morris, which I trust will be of some service and information. Doctor Weaver is ex-president of the North Carolina Medical Association, and is one of the leading physicians in this State. If I can be of any further service to you in regard to this or any other matter, don't hesitate to call on me. With kindest regards and best wishes, I am,

Very truly,

THOMAS S. ROLLINS.

P. S.—I inclose a copy of Doctor Weaver's letter for your information, but he prefers that his statement be not made public unless necessary.

ASHEVILLE, N. C., *January 20, 1906.*

Maj. RICHARD SYLVESTER, *Washington, D. C.*

DEAR SIR: Mr. Rollins has just shown me your letter of the 19th instant, and while there is usually a relationship between physician and patient that is sacred and inviolate, yet there are times when

even secrecy should be invaded for the good of the public. The White House episode of the Mrs. Morris affair is an instance illustrative of this fact. Not only is our Chief Executive brought unduly under unfavorable criticism, from which, owing to his high position, he is unable to vindicate himself, but the whole nation is attempted to be brought into disrepute by designing persons who wish to exploit themselves before the world. I deem it, therefore, eminently proper under the circumstances to state frankly as a physician my knowledge of Mrs. Minor Morris from a medical standpoint.

About two years ago, while Mrs. Morris was in Florida, through correspondence she came to Asheville and became my patient, or, rather, I became her medical adviser, her husband being a physician. She remained in this city about six weeks, and from all I saw and heard of her actions I was forced to the conclusion that she was unbalanced mentally, or, in familiar parlance, a "crank," or, as we say, suffering from a mild form of insanity—a monomania. I do not deem it necessary at this time to go into the details of the symptoms which would be confirmatory of my diagnosis.

I have the honor to be, sincerely, yours,

H. BASCOM WEAVER, M. D.

No. 13½.

INSOMNIA.

Eyelids drawn by hand of fiend;
A thousand terrors, as of noisome things!
Of reptiles sleek and sinuous,
Spitting the poison from their gums,
Of beetles, wasps and asps, and nameless little things
That with a dot do sting the body to a welt.
Legions of devils laughing
While their imps the heartstrings pull.
Roar of lions, screech of tiger cat
All habiting the brain,—busy too, as devils in their hell.
Pulses running burning lava,
Eyes surcharged with brine, hidden in their sockets,
Or puffing orbs to bursting,
That run down furrows that once were cheeks of snowy roundness.
Eagles, and birds of prey, long beaked sit,
And from the heart do peck an atom every hour;
And chatter while they make their feast.
For what man, all this?
Mayhap for nerves o'er wrought in Music's realm
Or for the mission to the sick
A life to others given;
Or book of sunny thoughts to gladden all who read
Writ by midnight oil, too long, too ceaselessly;
A fair star beckoning over there, a magnet to the man,
Or bird of beauty perched to lure by song so sweet,
That song and plumage are too fair and beautiful.
Mayhap a poem, of so rare a worth,
So wondrous in it prophecies
And yet its beauty digging entrails out of him who writ;
A painting too, a story tells of tortures of the damned,
Extremes which meet in fervid heat
Turned, by excess, to bitter gall.
The receding or passing of the goal as he approached it,
The small, mean little thing compared with what he felt,
And what his soul could feel.
So a statue; cold, unyielding,
Which should have breath, but would not;
Should speak, but silent and disdainful
Because it can not feel the lava in
Its author's burning veins.
And so the bard has writ of the torments of success.
Each wrought as best he could, and not in vain,
If but to know man's impotence.
And each a great truth tried to tell,
And oft with wizened visage
Comes foul-tongued Calumny,
And sears whate'er it looks upon
With deadlier poison than the night shade's breath.
Another and a briefer yet,
The miser's gold to count, until hands palsy by the act.
A poor, mean quality, that makes men
Knaves and fools, forgetting God and all most dear
To hoard and worship for a few brief years,
In getting, hastening for themselves their end,
That they who follow them the gift may dissipate.
And what the meaning of all this?
How with devils laughing in his ears
And wild cats hissing,
Torrid heats and thirsts unsatisfied,
The Nemesis of overstriving, colossal, nebulous, yet real,
Can man his lesson find of patience for the end?
To trust and wait on promises of longer life, and larger,
For the breath into his statue,
Sweet charity returns unto his soul,
The truth within his story or his song?
Yet it is writ, and so ordained, that man must work
That the spirit shall be tempered like the steel,
That the flesh shall be aweary, that all shall be a burden
That men shall turn to heaven for his goal.
The laborer shall toil and sweat,
His night's relief engaging.
For toilers of the brain and heart,
Ambitions weary slaving,
Each earns his modicum of rest
And wits upon the morrow
Eager for the promises, and morning light to come.

(Laura Hull Morris.)

No. 14.

THE NEW WILLARD,
Washington, D. C., February 16, 1906.

The PRESIDENT OF THE UNITED STATES.

SIR: Having waited patiently a number of weeks that you might have ample time to ascertain all the circumstances connected with the insult recently offered my wife at the White House, and that you might make some expression of deprecation which would naturally be expected, it is now incumbent upon me as husband and citizen to demand a public apology for this outrage on womanhood and common decency.

It is unthinkable that such brutality would be tolerated anywhere in this country, but above all in the White House.

That my wife has been confined to her bed six weeks from the shock and injuries of this damnable treatment is bad enough, but I can say to you in all calmness that had the original orders from the White House been carried out as to her longer incarceration her life would have been sacrificed. It is therefore incumbent upon me to repeat my urgent request that you take action at once suitable to the circumstances which have shocked the entire nation.

Respectfully,

MINOR MORRIS.

No. 15.

THE WHITE HOUSE,
Washington, February 19, 1906.

SIR: In reply to your letter of the 16th instant, the President directs me to state to you that he had the superintendent of police of the District of Columbia, Major Sylvester, make a careful investigation of the circumstances connected with the arrest of Mrs. Morris for disorderly conduct at the Executive office, and the superintendent submitted to the President all the affidavits of the persons whom he had examined. The President carefully went over Major Sylvester's report and the affidavits, and also personally saw Major Sylvester and some of the persons making the affidavits. He came to the conclusion that the arrest was justified, and that the force used in making the arrest was caused by the resistance offered by Mrs. Morris to the officers in the discharge of their duty, and was no greater than was necessary to make the arrest effective.

Under these circumstances the President does not consider that the officers are properly subject to blame. He was also satisfied that the kindest thing that could be done to Mrs. Morris and her kinsfolk was to refrain from giving any additional publicity to the circumstances surrounding the case.

Yours, truly,

WM. LOEB, JR.,
Secretary to the President.

Dr. MINOR MORRIS,
The New Willard, Washington, D. C.

No. 16.

Personal.] LEAGUE OF AMERICAN PEN WOMEN,
2334 MASSACHUSETTS AVENUE,
Washington, D. C. November 14, 1904.

MR. PRESIDENT.

SIR: My husband has left for his old home prostrated, to be near his mother for a time on the old farm, after three years of almost unwearying effort to have justice rendered him in the War Department, and in consequence elsewhere in obtaining employment. So cleverly have his enemies manipulated that there are those who believe him to be an unworthy man. His name has been so besmirched by the chairman of your military committee, whose false charges have followed him everywhere. This reaches also to me. My usefulness has been completely crippled, my name has only to appear in committee on this paper, and I see that I shall soon have to meet this and other misrepresentations even in this little league, which I had hoped to help, and which I can help. I am going to stay here and fight it out as long as my strength lasts. Although I have had a frightful insomnia for three years, I shall die, if necessary, fighting for the truth and justice in this matter. Mr. and Mrs. J. A. T. Hull pursue us everywhere, either they or their one or two mouthpieces, one a woman whose husband divorced her on statutory grounds through two courts. They have boasted that we must leave Washington. Mrs. Hull had no recognition from my father and mother for years before their deaths, and she now thinks to avenge herself on their daughter. We are here to stay until we either die or have justice. If you care to get at the truth, I think Mr. Meikeljohn would tell you, under proper persuasion, that Mr. Hull kept my husband from a better appointment, or that he was not friendly to his cause when, through the efforts of Mr. Dawes, he was given this little place in the Army Medical Museum. My husband is a man of so much culture, of such upright character, that he excited the jealousy of this J. A. T. Hull, and the latter pulled wires until he got him buried there. Mr. Hull being an insurmountable obstacle to anything better then, and I believe Mr. H. knew it was bad politics to remove him (besides he was buried beyond hope of promotion in that place in most probability), but the dominance of an unscrupulous wife would not let him rest, and he removed him. They were shortsighted enough to believe that we came to Washington unprepared to stand financially (else why, in their argument, would he (Doctor Morris) take such a small place?) and that his removal would also remove us from the city. They were wrong in their reckoning. The death of my father came, and I resented in court his attempt to take from my brother, F. W. Hull, his share, as well as my own, of a small estate without consulting either of us. My brother, F. W. H., is a sufferer from consumption, inherited from our mother. He needed every cent he could get honestly, a little meaning much to him. He was offered consideration if he would go over to the executor's side. He stood by his sister and lost his interest in the estate, which, in his need, he would have known how to use to such benefit to his health and comfort, only able at times to be employed.

I shall not go into detail here, but there was perjury, corrupting of the court, and forgery of a codicil. Mr. and Mrs. Hull were not entirely beyond the venality of the small estate, but their foremost intention was to send us in humiliation from Washington. I say to you as calmly, sir, as I ever wrote anything, this they shall never do. By the eternal they shall not. I have this resource left: If it be definitely settled that my husband can not be reinstated, I shall sue the chairman of your military committee here in the District for defamation, for removal from office on false charges a man who had performed well his duty, and for (Mr. H.) reading one will here and filing another, for perjury, and for forgery of a codicil to his father's will, with corruption of the court. I have many papers, although the probate and court records were removed, many of them, from the files after the suit had been "won" by the tricks and chicanery and dishonesty only known to a politician. I suppose I shall come out of it with not a shred of reputation. Character is another thing that is the impregnable fabric of the life and its work, the content of the soul, not easily destroyed, but I shall still have my husband and my two noble sons. I am here to stay, Mr. President, and if you wish to do a really great act, which is wholly unselfish, if you wish to satisfy yourself, I have papers and

data, lawyers' briefs, and correspondence which can satisfy you. They can be examined in sessions, or in any way you shall elect, but if not in one way they shall be in another, and I am not to lose out this time. Three long years of meeting every phase of underhand and perfidious work from those people, often through their direct effort, when they dared, and through their mouthpieces, when they dared not, has not made me desperate, but it has made me determined. Few know us here as we are, so effectually have they tracked us with falsehoods and misrepresentations. They have boasted that I shall not publish my books on pain of scandal, and for three years the MSS. for two books, one a series of essays on ethical and philosophic music and another a volume of verse, have lain in my closet only to ripen and to be better for this kind act of my enemies. So I have concluded to bring the thing to a consummation and no longer to fight the unseen, their machinations—the pursuers are going to be pursued. There can be no threat to you when I say if my husband is reinstated, even in small position until you know him, I am sure you would find such a man useful to you. Could you not take some steps to examine our data and satisfy yourself? You always wish to render justice. I predict, sir, that when you know his parts you will not forsake him. I can not bear much more pressure. Have a care for a woman who has been in abject insomnia for three years and whose fatality and development seems to be to meet misunderstandings and wrongs. "And God a troop shall overcome, but He shall overcome at the last."

I am, sir, very respectfully, your obedient,

LAURA HULL-MORRIS.

In justice to my husband permit me to say that he has had absolutely nothing to do with the will fight. He refused to have anything to do with it, and my oldest son opened up the matter, so outraged did he feel for his mother, and Doctor Morris only came into the matter when Mr. HULL, my once brother, insulted me grossly when I went to him to ask why the codicil to my father's will had not been filed with the will, and how it, an indivisible and integral part of the will, could be separated except by its incision. The codicil was sequestered for ten months. Is there not as great principle here as if the estate were worth a million, when it resolves itself into the question of who has sworn falsely?

No. 16½.

2334 MASSACHUSETTS AVENUE, WASHINGTON, *March 5, 1905.*

COLONEL, HONORABLE, AND MR. PRESIDENT: It is to be sincerely hoped that your amour propre has been satisfied, nay gorged; and I doubt not I am your only subject who dares to say so over her signature. History will do your love of display full justice. And while you speak with such an abandon of "justice and righteousness of wronging no man," etc., your acts do not second your words, for there are two people suffering for four years from a wrong which you might have righted at once, their health too broken to be ever fully reinstated, their position, rightfully theirs, impugned, and nothing which a ruler can ever do can right that wrong. Sir, as I have sent you other communications which Mr. Loeb has probably not given you (you will kindly ask for the copy of my psalm which I inclosed to you), I shall address this to Mrs. Roosevelt, upon whom I left my card four or five years ago, in the hope that you will receive this note. I wish you a happy reign and many opportunities to tell of your love for the simple life, which we are truly living.

With becoming obeisance, I am, truly, yours,

LAURA HULL-MORRIS.

No. 17.

Statement of Mr. A. H. Feathers, messenger in the office of the disbursing clerk, Navy Dapartment.

I witnessed the taking of Mrs. Minor Morris from the door of the Executive Office until the turn was made to enter the basement at the west side of the White House, and took particular notice of it because I have been in that business a good many years myself as an officer and deputy sheriff in my county at home. I noticed nothing rough at all; the officers did nothing rough at all. There was one officer on each side of her, and she walked part of the way with them, but frequently broke loose from them and would drop down. At last they picked her up, one on each side, after which she let her feet drag for a short distance. Then the officer on the right side took her under her arms carefully and picked her up, and the other officer took her by the feet, and they walked along to the basement of the building. She, of course, was screaming. From my experience as an officer I am able to say that the two officers conducted themselves with entire propriety toward Mrs. Morris and used only such force as the woman herself made it necessary for them to use. So far as I witnessed the occurrence, no colored person had any part whatever in it.

A. H. FEATHERS.

JANUARY 13, 1906.

No. 18.

THE WHITE HOUSE,
Washington, January 16, 1906.

The SECRETARY TO THE PRESIDENT:

In reply to your request for a statement on the Morris case, would respectfully say when this person first came under my observation she was in the guardroom, pacing the floor in a high state of excitement. When Sergeant Bryan attempted to calm her by words of assurance, she replied that it was "time to wipe away the tears, and fight." Following these remarks she rolled up her sleeves and approached me as if to strike. The sergeant stepped between us, and she waived him away, saying: "Your presence is offensive to me." The house of detention cab arriving at that moment, Mrs. Morris was placed in it by officers and myself, she resisting all the time. This is as far as my knowledge extends in this case.

J. E. STONE, *Chief Usher.*

No. 19.

Statement by Mr. John H. Stokes, January 18, 1906.

I am manager of the Portner. During the winter of 1902–3 Dr. and Mrs. Minor Morris had an apartment at the Portner. My experience with her was that she was a very difficult woman to deal with. Whenever she made requests for something to be done for her, if it could not be done immediately she would fly into a rage, use abusive language, raising her voice so as to disturb the entire house. She frequently would have these fits of temper, and would take to her bed. On one occasion I was coming up the street approaching the house when I heard yells of "Murder! Doctor Morris is choking me to death; he is killing me! Help! Help!" The people in the neighborhood were all attracted by the noise. On going to her apartment I found the large glass in the front door of her apartment broken, with evidences that something had been thrown through it. On Doctor Morris appearing at the door I asked him what it all meant, and he said he was doing nothing; that Mrs. Morris had one of her nervous spells. On passing by the door and looking in, Mrs. Morris lay flat on her back on the bed, kicking her feet and waving her arms and yelling.

Whenever I had occasion to come in contact with Mrs. Morris I found her a most unreasonable person; that unless everything could be done exactly as she wished she would fly in a passion and insult me grossly. Her conduct finally became so unbearable that I requested Doctor Morris to vacate the apartment and released him from his lease, which had still four months to run.

Knowing Mrs. Morris as I do, I am not surprised at the way she conducted herself at the Executive Office.

JOHN H. STOKES, *Manager.*

Statement of Mr. George Gray Knowles.

I live at the Portner, and lived there at the time that Dr. and Mrs. Minor Morris occupied an apartment there. The conduct of Mrs. Morris was such that my wife was compelled to go away from Washington to avoid her. She came into my wife's apartments and called her names; said she was a liar; and my wife was afraid of bodily assault. Mrs. J. Ellen Foster, Mrs. Ferguson, Mrs. Parker could all give the same testimony in regard to her.

GEO. G. KNOWLES.

JANUARY 18, 1906.

No. 20.

UNITED STATES DEPARTMENT OF AGRICULTURE,
FOREST SERVICE,
Washington, January 18, 1906.

Hon. WM. LOEB, Jr.,
Secretary to the President.

MY DEAR MR. LOEB: Had I not been in Canada I should have written you some time ago to tell you what I saw and heard of the incident in which Mrs. Minor Morris recently figured. I was sitting in the Cabinet room with my father, waiting to see the President, when my attention was attracted by an unusual movement near the front door of the Executive Offices. I went to the window, and saw a woman, whom I afterwards learned to be Mrs. Minor Morris. She was screaming at the top of her voice: "Oh, let me stay. Oh, let me stay. I must see the President. Oh, let me stay." An officer on each side of her had hold of her wrist in one hand and had his other arm behind her back. She was evidently resisting strongly, principally by holding back, but was compelled to walk with the officers. I saw her from near the front door until she passed out of sight at the corner of the terrace. During that time she did not cease to scream and resist, but she did not fall nor was she dragged. I said to my father that it was evidently some poor woman who was demented. It seemed to be obviously the right and kind thing that she should be removed from public observation as quickly as possible. I saw no unnecessary roughness, nor do I see how the officers could have acted more gently than they did in view of the woman's determined resistance. While she was within my observation no one touched her but the two officers on each side.

Very sincerely, yours,

GIFFORD PINCHOT.

No. 21.

Mr. Price, of the Washington Times, states that Mrs. Morris, on the occasion of a call on her since her experience at the White House, handed him an envelope marked "Do not open here;" that he held it until he had reached the Treasury, where he opened it and found that it contained $10 and a memorandum that it was to be used for cigars; that he returned it to her with a note, saying he could not accept it.

He also stated that Mr. Mitchell, of the Star, had been given $10 by Mrs. Morris since her call at the White House, and that he, too, had returned it to her.

JANUARY 20, 1906.

No. 22.

HEADQUARTERS OF POLICE,
Washington, D. C., February 16, 1906.

THE PRESIDENT: After an investigation of the facts concerning the maintenance of the arrest of Mrs. Minor Morris on the exterior of the Executive Office, at the White House, on the 4th day of January, 1906, the testimony of witnesses goes to show that an interior office guard, who stated that he was directed to arrest Mrs. Morris, enlisted the aid of an officer on the outside, and that the two proceeded by the most expeditious and least exposed way to dispose of the unfortunate case.

The information procured reveals the fact that repeated appeals were made to Mrs. Morris to proceed without trouble, but that she threw herself down in a sitting position, kicked the officers, and placed more than her ordinary weight upon them, who sustained her to the extent that she would not be dragged or injured. That directed to arrest, they obeyed, avoiding as much friction as possible.

Mrs. Morris expressed appreciation of the manner in which she was treated at the house of detention, and, I am informed, forfeited security for her appearance at court on the charge of disorderly conduct.

Respectfully,

RICHARD SYLVESTER,
Major and Superintendent.

No. 23.

February 25, 1903.—Ella McCloy, 43 years of age, was taken into custody by Private Jamison, of the White House guard, at 10.30 o'clock a. m. Had $200,000 claim to settle with the President; to report case of abortion; wanted to blow off the head of the President; was violently disposed. Sent to the asylum.

June 17, 1903.—Magdalena Heler, 62 years of age, was taken in charge, having been sent to Major Sylvester from the White House, where she went to see the President concerning a law suit, and, according to her statement, was a former inmate of an asylum at Buffalo, N. Y. Wanted an order to the court from the President.

August 1, 1904.—Omelia Bergsdine, 55 years of age, was brought to headquarters by Richard Taylor, of the secret service. Went to the

White House to warn the President he would be poisoned if he went to Chicago. Had sent telegram of the same purport to the President a year before. Sent to Baltimore.

September 23, 1904.—Matilda Stewart, 42 years of age, proceeded to the White House and was arrested by Private Dyer. She claimed to be a missionary appointed by the Lord; wanted the President to assist in having a grand excursion out of Washington. Said the Lord directed her to see the President.

May 15, 1905.—Josephine B. Parkman, 41 years of age, was restrained by Private Fields at the White House. Imagined she had been in the woods ten days and nights. Insisted on seeing the President to tell him her troubles. Troubled with religious mania. Sent to asylum.

May 29, 1905.—Jane H. Steinniger, 64 years of age, was taken in custody by Guard James Ciscle at the White House, where she said she had an engagement with the President relative to a million dollars' worth of land she owned, but it was under water. Turned over to friends.

October 4, 1905.—Mary J. Hurst, 53 years of age, from Boston, was arrested by Mr. Sloan, of the secret service, at the White House. She claimed to have been persecuted for several years by the Roman Catholics and Protestants and Masons because she was a spiritualist; all because she wanted to marry the chief of the Massachusetts State police. Anxious to see the President to secure his aid against her persecutors.

October 8, 1905.—Nadage Doré, 24 years of age, arrested by Sergeant Harrison in front of St. John's Church for violating regulations as to the distribution of printed matter—circulars. Was examined as to her mental soundness. Had persisted in seeing the President; had created a scene in New York during service, so reported from there. Left the city at the instance of Simon Wolf, who made himself responsible.

October 10, 1905.—Mrs. Lucy G. Lee, 45 years of age, while at the White House was taken in custody by Secret Service Agent Sloan; was known at Oyster Bay by her importunings, using the name of Assistant Secretary Barnes in securing meals, etc. She remarked that it was no one's d——d business what she wanted to see the President about. Turned over to her relations in New York.

November 16, 1905.—Maud Strothers, 24 years of age, was arrested by Private Ogle at the White House; claimed to have been sent for by Mrs. McKinley. When told Mrs. McKinley was not there, she immediately demanded to see the President. Imagined she owned all the property on the north side of Massachusetts avenue. Sent to asylum.

December 14, 1905.—Lydia Dean was taken by Secret Service Agent Tyree and sent to the house of detention on the supposition that she was mentally unbalanced; was released by direction of Secretary Loeb.

No. 24.

WASHINGTON. *April 19, 1906.*

MY DEAR SENATOR BURROWS: In response to your request, I will state that I had a slight acquaintance with Mrs. Minor Morris a few years ago, during the time she resided in the apartment house where my home then was. Her general deportment in the house was that of a lady, but I noticed that she was at times subject to outbursts of excitement, sometimes amounting to a passion, almost rage. I was myself at one time the innocent occasion of such an outburst. I think she considered me a friend. I certainly had only kindly feelings toward her. But upon this occasion she quite lost control of herself, and in the public hall I was subjected to an assault of words wholly uncalled for and very painful to myself.

Yours, sincerely, J. ELLEN FOSTER.

Hon. J. C. BURROWS,
United States Senate, Washington.

MINORITY REPORT.

WASHINGTON, D. C., *April 26, 1906.*

In my judgment, the majority of the subcommittee do not take the proper view of this case. The President has nominated Mr. B. F. Barnes to be postmaster of this city. Senator TILLMAN, of South Carolina, has lodged with the subcommittee written charges, four in number, as shown by Exhibit A to this paper. If the charges are true, it will scarcely be questioned that the nomination should be rejected by the Senate. The charges are, in effect, denied by the nominee, and thus a clear issue is raised which can only be determined by testimony in some form.

The case of Mr. Barnes is supported by unsworn statements of himself, the officers who are jointly charged with him with misconduct, and some other parties. Some of these statements, however, are conflicting on material points, and other testimony would assist in bringing out the true facts in the case. Mr. Barnes has so far made no answer whatever to the charge that he was instrumental in having Mrs. Morris held on a charge of insanity.

On January 17, 1906, in a speech in the Senate, Senator TILLMAN submitted the statement which Mr. Barnes gave to the press, as shown by Exhibit B to this paper. In the same speech he attacked the accuracy and truthfulness of this statement and offered to prove that the true facts are those shown in Exhibit C to this paper, which, so far as they go, are substantially those suggested in the formal charges which are before the subcommittee and apparently consist of the statement of one of the proposed witnesses.

There is raised, therefore, as has been said, a sharp issue on the facts. On this issue the nominee has submitted the unsworn statements which have been mentioned. Senator TILLMAN suggests that Mrs. Minor Morris, whose forcible removal from the Executive Offices is in question, will voluntarily appear before the subcommittee and give testimony, to be taken down by a stenographer in full for the use of the Senate, but that, as she is an interested party, this would be of no great value in the investigation unless the witnesses he names, all of whom reside in this city and are disinterested, are called to testify. These witnesses, Senator TILLMAN informs the subcommittee, decline to appear and testify unless subpœnaed, because they are journalists, whose business might be affected adversely if they volunteered. From the statements of Senator TILLMAN it appears that these witnesses will testify to the truth of the charges he has preferred and will flatly contradict the statements made by the nominee and some of those whose version of the occurrences has been given.

The subcommittee is consequently confronted with a case where charges have been preferred against a nominee of the President for postmaster of this city; where the charges are serious, and if true should defeat the nomination; where the witnesses to the truth of the charges are named and are within easy reach of process; where the witnesses are reputable gentlemen and probably will testify that the charges are substantially true; and where the witnesses decline to appear voluntarily for reasons which do not seem to be frivolous, but such as are entitled to respectful consideration.

It is my opinion that the subcommittee should be authorized to investigate the case fully and thoroughly, and to this end should be empowered to send for persons and papers, administer oaths, and employ a stenographer. Under existing conditions, although advised that such testimony is obtainable, the subcommittee can not report definitely the true facts. In order that the Senate may perform its full duty under the Constitution, the course here suggested is necessary and essential.

Very respectfully, C. A. CULBERSON.

EXHIBIT A.

UNITED STATES SENATE,
Washington, D. C., April 13, 1906.

Hon. THOMAS H. CARTER,
Chairman of Subcommittee on Post-Offices and Post-Roads, United States Senate.

SIR: I hereby notify you that I desire to protest against the confirmation of Benjamin F. Barnes as postmaster for the city of Washington, and ask permission to appear before the committee with witnesses, whose names are hereto annexed, to prove the following charges showing Mr. Barnes's unfitness for the office:

1. That Mr. Barnes is lacking in gentlemanly and manly consideration for ladies, which caused him to abuse his authority so far as to order the expulsion from the Executive Offices of Mrs. Minor Morris on January 4, 1906, without any justification or good reason therefor.

2. That having issued the order, he stood by and saw it executed in a most brutal and outrageous manner without interference, compelling the policeman to drag, and finally, with the aid of a negro employed at the White House, to carry her, with the negro holding her by the ankles and with her limbs exposed, the entire distance from the Executive Offices at the western end of the White House to the eastern exit, where she was thrust into a cab and sent to the house of detention, by which brutal treatment her life was endangered and health seriously impaired from shock and injuries received.

3. That after this tyrannical and outrageous abuse of his authority he lodged charges of insanity against Mrs. Morris and compelled her to remain in prison for more than four hours, thus adding insult to injury and producing in the public mind impressions derogatory to both her reputation and her mental condition.

4. That he made a statement to the press which was full of falsehoods and which proves him to be lacking in that integrity and high character which a high Government official should have.

The following are the witnesses I would like to have examined:

(1) Mr. Walter E. Clark, 1417 G street, Washington, D. C.
(2) Mr. Robert H. Hazard, 501 Fourteenth street, Washington, D. C.
(3) Mr. I. C. Norwood, the Star office, Washington, D. C.
(4) Mr. James H. Price, the Times office, Washington, D. C.
(5) Mr. Henry C. Biggs, New York World office, Washington, D. C.
(6) Mr. Elmer E. Paine, Associated Press, Washington, D. C.
(7) Mr. Jules Guthridge, 1713 Riggs place, Washington, D. C.

Very respectfully, yours,

B. R. TILLMAN.

EXHIBIT B.

Statement of Mr. Barnes to the press.

STATEMENT MADE AT WHITE HOUSE.

In view of the inaccurate statements appearing in the press concerning the case of Mrs. Minor Morris, Assistant Secretary Barnes to-day made the following statement:

"Mrs. Morris called at the Executive Office yesterday about 1 o'clock and asked to be allowed to see the President. At the time Secretary Loeb was engaged with the President, and Mr. Barnes saw her. Upon inquiry as to the nature of her business she stated with considerable reluctance that her husband had been unjustly dismissed from a branch of the War Department; that she did not propose to have anything to do with the Secretary of War concerning it, but that she wanted the President to take it up and see that justice was done.

"She was informed that the President could not give personal attention to such a matter, and that the decision of the Secretary of War would be final. She insisted that she must see the President, and when told that that was out of the question, she asserted in boisterous manner that she would not be prevented from seeing him, and that she would remain where she was for a month, if need be, unless she saw him sooner.

"She was allowed to remain for some moments. When Mr. Barnes returned to the reception room shortly after he found her pacing excitedly up and down the room and informed her as quietly as possible that she could not see the President and that it would be useless for her to remain longer. She replied in a loud voice that she would see him and that she would stay there until she did. She was then advised to drop the matter and go away quietly.

"This, in still louder tones, she refused to do. She was then told that she must either leave the office at once voluntarily or it would be necessary to have her put out of the building. At this she shrieked at the top of her voice, 'I will not be put out,' rushed to a chair, threw herself into it and shouted: 'Don't you have any hands laid on me; I am going to stay here until I see the President.'

"SCREAMS ECHOED THROUGH MANSION.

"Mrs. Morris's piercing shrieks were heard throughout the building, and it became necessary in the interest of order to have her removed. She was accordingly taken in charge by a police officer, who had witnessed the whole affair. He asked her to go with him quietly. She refused and told him that if she was removed she would have to be dragged every step of the way. Before applying force the officer asked her three times to leave the office quietly. She shrieked her refusal to each request and was then led from the room.

"She struggled violently with two police officers, striking, kicking, and biting them, all the way from the office building to the eastern entrance of the White House. As soon as she was outside of the office building she threw herself on the ground, and it became necessary to carry her. The officers repeatedly asked her to stand up and walk quietly with them, so that they would not have to use force, but she refused to do so and defied them in shrieks that were heard throughout the White House.

"She was finally removed to police headquarters, where she was

charged with disorderly conduct. After her arrest she produced an envelope addressed to the President, which she asked to have delivered to him. This envelope was found to contain a lengthy poem on the subject of insomnia, which she said was her own composition. She stated to the officers that she had not slept for seven nights past.

"There is no truth whatever in the statement made by many of this morning's papers that a negro laid hold of Mrs. Morris and assisted in carrying her. One of the colored messengers of the office followed the policemen and gathered up such small articles as were dropped in the woman's struggles, but there was no other foundation whatever for the statement."

EXHIBIT C.

Statement proposed to be proved by Senator Tillman, and is apparently that of one of the witnesses he asks to have examined.

Coming in from lunch at 1 o'clock, I noticed in the general lobby, near Mr. Loeb's door, a lady, whom I afterwards found out to be Mrs. Minor Morris, sitting very quietly, evidently waiting to see one of the secretaries. I entered the press room and engaged in a general conversation with three newspaper men who were in there. The door to the press room is always open, and as the hour was near the President's lunch hour everything was unusually quiet in the lobby. Very suddenly we heard a loud exclamation which sounded like "Oh, no, no; don't do that." All of us jumped to the door and entered the main room, where we found a secret-service officer and Officer Frech in the act of pulling the woman out of the chair in which she was sitting. Prior to this we had heard no loud voice, and I am positive there was no boisterous conduct. A word spoken above an ordinary tone would have reached our ears very easily. The men pulled the woman to the door, where Officer Murphy relieved the secret-service man. Their object was to get her to the guardroom, just opposite the Treasury building. To do this they had to carry her down the path leading to the basement of the White House and through the long corridor used during the receptions. Before going 20 feet Mrs. Morris fell to her knees, but was jerked to her feet and dragged on. Before they disappeared from sight she must have fallen six or eight times. Just before disappearing through the archway leading to the basement, I saw a negro man, Charlie Reeder, the President's footman, rush out and pick her up by the heels. The last I saw of Mrs. Morris she was being carried off like a sack of salt, with the negro at her feet and her dress hanging above her knees. I went around to the guardroom and saw Mrs. Morris literally thrown into an awaiting cab.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Idaho?

Mr. SCOTT. I yield to the Senator from Idaho for a conference report.

Mr. HEYBURN. Mr. President, I ask the Senate now to proceed to the consideration of the conference report on Senate bill 88.

Mr. SCOTT. I yield to the Senator from Idaho providing there is no discussion of the conference report.

Mr. GALLINGER. If the Senator is willing to yield to me, I wish to make a brief statement. I will occupy only a few moments.

Mr. SCOTT. Certainly.

Mr. GALLINGER. Mr. President, the Senator from South Carolina gave some figures that rather startle me as chairman of the Committee on the District of Columbia. While I have no jurisdiction over the police of this District, it is my duty and my privilege to try to have as good laws here and to have them as well administered as possible. The Senator stated that last year there were 865 internal-revenue tax receipts issued in the District, while there were 540 places that paid a license under the general law, leaving 315 places that had internal-revenue tax receipts which did not have licenses under the excise laws of the District. If that be so, it is a bad showing for the District and ought to be looked into and will be looked into. I think, however, that there is an explanation, and that when all the facts are known the discrepancy will practically disappear.

I chance to know, Mr. President, because I have received a letter from the major and superintendent of police on this subject, that all proper efforts are seemingly being made to have the excise laws strictly enforced.

The chief of police said to me that this matter had been called to the attention of the prosecuting officers of the District, and that they replied that the fact that an internal-revenue tax receipt had been procured by a party was simply evidence of his intention to sell, but that it would not be considered in a court of law as proof of a sale; that the police force, if they undertook to proceed against such parties, would have to prove that there had been sales, and that they had witnessed the sales, and he said that they had not been able to procure this testimony.

I know that Major Sylvester did address a letter to Lieutenant Amiss, who is one of his trusted officers, calling his attention to this matter, and asking him to instruct the officers under him to make diligent inquiry along this line and report to him all infractions of law that were discovered. I do not know how thoroughly this has been done, but I think the chief of police has been anxious to have all illicit sales in the District stopped. How diligent his inferiors may have been in the matter I am not prepared to say.

I have been told, Mr. President—I know nothing personally about the matter—that the excise laws of this District are being very well enforced. Such testimony has been given to me not only by residents of this city, but by parties from other cities who have come here to inquire into the matter with a view to bettering the conditions in their own cities if they could get any useful hints in Washington. I trust such is the fact. I certainly would deprecate the existence of such a condition as the Senator from South Carolina has referred to, and as chairman of the Committee on the District of Columbia I should feel myself remiss in my duty if I did not make still further inquiry concerning it, which I certainly shall do.

Mr. TILLMAN. Mr. President, I merely want to add a word in the way of explanation. The Senate knows I have been too busy to make any investigation of my own. I merely sent to two sources of official information. While I know it is universal almost that more people pay $25 to the Government for the privilege of retailing than ever take out any license in any city or county or State, this seemed to be such a remarkable disparity that I felt constrained to present it to the Senate and let an investigation discover whether or not it is merely some explainable difference.

Mr. GALLINGER subsequently said: I intended to say in my former remarks that, in my opinion, the discrepancy largely arose from the fact that all drug stores and dealers in proprietary medicines must have internal-revenue tax receipts, while they do not take out excise licenses, and that fact alone will explain almost entirely the discrepancies between the figures as stated by the Senator from South Carolina. I have taken occasion to verify what I thought at the time was probably the fact, but which I failed to mention, and am pleased to learn that my supposition was correct.

Mr. TILLMAN. Whether that explains it or not, I am entirely satisfied that the Senator from New Hampshire will make such investigation to satisfy himself and the Senate whether or not the police are as negligent and good for nothing here as they appear to be.

Mr. GALLINGER. I will certainly look into the matter.

PURE-FOOD BILL.

Mr. HEYBURN. I ask that the conference report on the pure-food bill be laid before the Senate for consideration.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and the Chair lays before the Senate the conference report on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. The question is on agreeing to the report.

Mr. BAILEY. My attention was diverted for a minute. Did I hear the Chair say that it required unanimous consent, or was it on a motion that the conference report was to be taken up?

The VICE-PRESIDENT. The Senator from Idaho asked that it be laid before the Senate, and the Chair inquired if there was objection.

Mr. BAILEY. Unless I am too late, I wish to object.

The VICE-PRESIDENT. If the Senator's attention was diverted, the Chair will again submit the question. Is there objection?

Mr. BAILEY. I object.

Mr. HEYBURN. I move that the report be laid before the Senate.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. BAILEY. Mr. President, I asked that the conference report should be laid over until I could have an opportunity to examine it. The Senator from Idaho did lay it over, but for such a brief time that I have not yet finished reading it. Immediately after it was presented I was called from the Chamber by one of my constituents, and before I had finished with him I was called back here. I have read even a part of the bill only hurriedly, and I venture to say that is as much as any other Senator in this body has done. I protest against that way of passing legislation as important as this.

If this bill does no more than prohibit interstate commerce in articles of food and drink composed of poisonous ingredients, ingredients injurious to the health of the people, then it is well within Federal power, and I would cheerfully support it. But if it undertakes to go into the States and determine whether or not the States can control the sale, either in original or broken packages, of articles injurious to the health or morals, then it transcends the power of the General Government and invades the reserved and proper powers of the States.

I do not know, and I venture to say that Senators generally outside of the conferees do not know, whether this conference report has corrected or removed that objection. Therefore, it seems to me that we would better delay, if it is necessary to delay, the adjournment of Congress than to legislate upon these important matters in such haste as this. This conference committee's report seems to have been ordered printed on the 27th of June, and none of us were able to obtain it until this morning. Since we were able to obtain it we have all been so engrossed in matters currently occupying the attention of the Senate that for one I have not been able to examine the report, and I feel that I am safe in saying that other Senators and nearly all of the Senators are in a similar condition.

It seems to me that the conferees could well allow the report to go over until to-morrow morning. If they have removed the objection which I entertain—whether it is entertained by any other Senator or not—they can pass their bill without delay. I believe they can pass it without opposition. But if there is to be no other Senator here who will oppose it I shall resist it to my utmost if upon examination I find that it assumes to the General Government power to withhold from the States the right to deal as they see fit with the sale of injurious food products in either original or broken packages.

I hope the conferees will agree that the report may go over until to-morrow morning, so that all of us, at least those of us who feel disposed and have the time, can take it with us to-night and carefully examine it. The Senators will not dispute the importance of the measure. They deem it of vast importance from their view point, and I concur in that. But it is still more important from my point of view; in other words, it is important in order to prevent interstate commerce in poisonous and deleterious articles of food and drink, but it is still more important that the Federal Government shall not usurp the power of the States. In either view this bill is worth a night's delay, and I sincerely hope the conferees will agree to it.

Mr. McCUMBER. Mr. President, the Senate has already passed a pure-food bill. The House then, instead of passing its own bill, which had been introduced in the House, took the Senate bill and amended it. They amended it by striking out all after the enacting clause and inserting in lieu thereof a wholly new bill. It so happened, though, that the provisions of the House bill differed in only a very few respects from the provisions of the Senate bill, and those differences were mainly in separate sections. So when the conference committee met they took the House amendment as the basis, and as any Senator will see, after reading the bill over, the Senate conferees accepted those portions of the House amendment which were substantially the same as the Senate bill, and the House receded from portions in their bill which differed from the Senate bill. So practically we have back before us, although not in the same form, in substance almost wholly the Senate bill as it passed the Senate. At least there is nothing extending the force of the bill. There is nothing making it broader or protruding it over State lines in any manner.

We sought in the Senate bill to keep clearly within the provisions of interstate commerce and to avoid going into the State and coming in conflict with the police power of the State. We have retained every provision practically the same as it was in the bill when it passed the Senate.

Now, what have we eliminated from this bill? Senators will remember that the House measure provided for the fixing of standards, and it called to the assistance of the Secretary of Agriculture certain experts who were to aid him in determining what the standard should be, and also provided that the standards so established by them should be for the guidance of the court. The Senate has always contended that the power to fix standards should not be given to any man, and the House conferees receded from that portion of the House amendment, and it goes out.

The next provision in the House amendment was one which provided for obtaining samples and compelling those who deal in interstate commerce in certain food and drug articles to furnish upon payment the articles which they were selling, for the purpose of having them analyzed. That provision is also stricken out, and the further clause which provides for punishment.

The only thing left, then, with respect to which there was any disagreement was next to the last section in the bill. The Senate bill provided that it should go into effect on the 1st of July. The House measure provided that it should go into effect immediately upon its passage and approval, with the exception of punishment in the case of misbranding. The Senate conferees and the House conferees could not agree upon that proposition, and so in the compromise it was provided that the act should go into effect upon the 1st day of January, 1907.

I can assure the Senator from Texas that he will find that the bill is now no broader in reference to the powers granted to deal with food products as it comes from the conference than it was when the Senate passed the bill, and in some respects it is limited to a considerable extent.

However, for my part I am willing to say—and I think probably the chairman of the committee will agree with me—that if there is further time desired to look it over such time will be granted. I thought it best to make this short statement, so as to explain the main differences.

Mr. HEYBURN. Mr. President, I have not the slightest objection to the matter going over until to-morrow morning. I did not intend to deprive any Senator of ample opportunity to inspect the provisions of the bill, and with the understanding that it goes over until after the routine morning business to-morrow morning, I will allow it to pass over for the day.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none.

LAKE ERIE AND OHIO RIVER SHIP CANAL.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16 and 42.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, 72, 73, 74, 75, 76, and 77, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the words "and with their legislative consent;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out the words as proposed and also the word "canals" following them and insert in lieu thereof the words "main canal;" and the Senate agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
WM. J. STONE,
Managers on the part of the Senate.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
JOHN L. BENNETT,
Managers on the part of the House.

The report was agreed to.

PUBLIC LANDS IN CALIFORNIA.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal., which was to strike out all after the enacting clause and insert:

That there is hereby granted to the city of Los Angeles, Cal., a municipal corporation of the State of California, all necessary rights of way, not to exceed 250 feet in width, over and through the public lands of the United States in the counties of Inyo, Kern, and Los Angeles, State of California, and over and through the Sierra and Santa Barbara forest reserves and the San Gabriel Timber Land Reserve, in said State, for the purpose of constructing, operating, and maintaining canals, ditches, pipes and pipe lines, flumes, tunnels, and conduits for conveying water to the city of Los Angeles, and for the purpose of constructing, operating, and maintaining power and electric plants, poles and lines for the generation and distribution of electric energy, together with such lands as the Secretary of the Interior may deem to be actually necessary for power houses, diverting and storage dams and reservoirs, and necessary buildings and structures to be used in connection with the construction, operation, and maintenance of said water, power, and electric plants, whenever said city shall have filed, as hereinafter provided, and the same shall have been approved by the Secretary of the Interior, a map or maps showing the boundaries, locations, and extent of said proposed rights of way for the purposes hereinabove set forth.

SEC. 2. That within one year after the passage of this act the city of Los Angeles shall file with the registers of the United States land offices in the districts where the lands traversed by said rights of way

are located, a map or maps showing the boundaries, locations, and extent of said proposed rights of way, for the purposes stated in section 1 of this act; but no construction work shall be commenced on said land until said map or maps have been filed as herein provided and approved by the Secretary of the Interior: *Provided, however,* That any changes of location of said rights of way may be made by said city of Los Angeles, within two years after the filing of said map or maps, by filing such additional map or maps as may be necessary to show such changes of location, said additional map or maps to be filed in the same manner as the original map or maps; and the approval of the Secretary of the Interior of said map or maps showing changes of location of said rights of way shall operate as an abandonment by the city of Los Angeles to the extent of such change or changes, of the rights of way indicated on the original maps: *And provided further,* That any rights inuring to the city of Los Angeles under this act shall, on the approval of the map or maps referred to herein by the Secretary of the Interior, relate back to the date of the filing of said map or maps with the register of the United States land office as provided herein.

SEC. 3. That the rights of way hereby granted shall not be effective over any land upon which homestead, mining, or other existing valid claims shall have been filed or made until the city of Los Angeles shall have procured proper relinquishments of all such entries and claims, or acquired title by due process of law and just compensation paid to said entrymen or claimants and caused proper evidence of such fact to be filed with the Secretary of the Interior: *Provided, however,* That this act shall not apply to any lands embraced in rights of way heretofore approved under any act of Congress, nor affect the adjudication of any pending applications for rights of way by the owner or owners of existing water rights, and that no private right, title, interest, or claim of any person, persons, or corporation, in or to any of the lands traversed by or embraced in said right of way shall be interfered with or abridged, except with the consent of the owner or owners or claimant or claimants thereof, or by due process of law, and just compensation paid to such owner or claimant.

SEC. 4. That the city of Los Angeles shall conform to all regulations adopted and prescribed by the Secretary of Agriculture governing the forest reserves, and shall not take, cut, or destroy any timber within the forest reserves, except such as may be actually necessary to remove to construct its power plants and structures, poles and flumes, storage dams and reservoirs, and it shall pay to the Forest Service of the Department of Agriculture the full value of all timber and wood cut, used, or destroyed on any of the rights of way and lands within forest reserves hereby granted: *Provided further,* That the city shall construct and maintain in good repair bridges or other practicable crossings over its rights of way within the forest reserves when and where directed in writing by the Forester of the United States Department of Agriculture, and elsewhere on public lands along the line of said works as required by the Secretary of the Interior; and said grantee shall, as said waterworks are completed, if directed by the Secretary of the Interior, construct and maintain along each side of said right of way a lawful fence as defined by the laws of the State of California, with such lanes or crossings for domestic animals as the aforesaid officers shall require: *Provided further,* That the city of Los Angeles shall clear its rights of way within forest reserves of any débris or inflammable material as directed by the Forester of the United States Department of Agriculture: *Provided further,* That the said city shall allow any wagon road which it may construct within forest reserves to be freely used by forest officers and the officers of the Interior Department and by the public, and shall allow to the Forest Service of the United States Department of Agriculture and to the officers of the Interior Department, for official business only, the free use of any telephones, telegraphs, or electric railroads it may construct and maintain within the forest reserves or on the public lands, together with the right to connect with any such telephone lines private telephone wires for the exclusive use of said Forest Service or of the Interior Department: *And provided further,* That the Forest Service may, within forest reserves, protect, use, and administer said land and resources within said rights of way under forest-reserve laws and regulations, but in so doing must not interfere with the full enjoyments of the right of way by the city of Los Angeles: *And provided further,* That in the event that the Secretary of the Interior shall abandon the project known as the Owens River project for the irrigation of lands in Inyo County, Cal., under the act of June 17, 1902, the city of Los Angeles, in said State, is to pay to the Secretary of the Interior, for the account of the reclamation fund established by said act, the amount expended for preliminary surveys, examinations, and river measurements, not exceeding $14,000, and in consideration of said payment the said city of Los Angeles is to have the benefit of the use of the maps and field notes resulting from said surveys, examinations, and river measurements, and the preference right to acquire at any time within three years from the approval of this act any lands now reserved by the United States under the terms of said reclamation act in connection with said project, necessary for storage or right of way purposes, upon filing with the register and receiver of the land office in the land district where any such lands sought to be acquired are situated a map showing the lands desired to be acquired, and upon the approval of said map or maps by the Secretary of the Interior and upon the payment of $1.25 per acre to the receiver of said land office title to said land so reserved and filed on shall vest in said city of Los Angeles, and such title shall be and remain in said city only for the purposes aforesaid, and shall revert to the United States in the event of the abandonment thereof for the purposes aforesaid: *Provided, however,* That the terms of this act shall not apply to any lands upon Bishop Creek or its branches in said county of Inyo.

SEC. 5. That all lands over which the rights of way mentioned in this act shall pass shall be disposed of subject to such easements: *Provided, however,* That if construction of said waterworks shall not have been begun in good faith within five years from the date of approval of this act, or if after such period of five years there shall be a cessation of such construction for a period of three consecutive years, then all rights hereunder shall be forfeited to the United States.

SEC. 6. That the city of Los Angeles is prohibited from ever selling or letting to any corporation or individual, except a municipality, the right for such corporation or individual to sell or sublet the water sold or given to it or him by the city.

SEC. 7. That the right to amend, alter, or repeal this act at any time is hereby reserved.

Mr. FLINT. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MISSISSIPPI RIVER IMPROVEMENT.

The VICE-PRESIDENT laid before the Senate the joint resolution (S. R. 70) providing for the improvement of a certain portion of the Mississippi River, returned from the House of Representatives on the request of the Senate.

The VICE-PRESIDENT. The Senator from Illinois [Mr. HOPKINS] entered a motion to reconsider the vote by which the joint resolution was passed. Without objection, the motion to reconsider is agreed to. The joint resolution will be indefinitely postponed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted it;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6359. An act granting an increase of pension to Francis D. Garnsey;

S. 6381. An act granting an increase of pension to John McDonough;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6492. An act to correct the military record of James Devlin; and

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railway trestle across tide and shore lands in Controller Bay, in the Territory of Alaska.

The message also announced that the House had passed the following bills and joint resolution with amendments; in which it requested the concurrence of the Senate:

S. 1291. An act for the relief of James W. Watson;

S. 1476. An act granting certain lands to the town of Tin Cup, Colo., for cemetery purposes; and

S. R. 17. Joint resolution to print the fourth annual report of the United States Reclamation Service.

The message further announced that the House had agreed to the concurrent resolution of the Senate to print 1,000 copies of the topical index to the twelve annual reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior.

The message also returned to the Senate, in compliance with its request, the bill (S. 2325) for the relief of James D. Vernay.

The message further announced that the House had passed a concurrent resolution to print 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, at Annapolis, Md., etc.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a concurrent resolution to print and bind for the use of the Treasury Department 500 additional copies of the annual report of the Treasurer of the United States for the fiscal year ended June 30, 1905; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (S. 4313) to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes; and it was thereupon signed by the Vice-President.

REPORT OF TREASURER OF THE UNITED STATES FOR 1905.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, for the use of the Treasury Department, 500 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1905.

JOHN PAUL JONES.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was referred to the Committee on Printing:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses de-

livered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the Joint Committee on Printing; 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

FORT CRITTENDEN MILITARY RESERVATION, IN UTAH.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. SCOTT. I will yield, as I take it for granted that the majority of the Senators have come to the conclusion that they do not want the bill providing for public buildings to pass.

Mr. BAILEY. Leave it to a vote of the Senate and see.

Mr. HANSBROUGH. This is a conference report.

Mr. SCOTT. I yield.

Mr. HANSBROUGH submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

H. C. HANSBROUGH,
REED SMOOT,
A. J. MCLAURIN,
Managers on the part of the Senate.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

The report was agreed to.

JAMES D. VERNAY.

The VICE-PRESIDENT laid before the Senate the bill (S. 2325) for the relief of James D. Vernay, returned by the House to the Senate in compliance with its request.

Mr. WARREN. I move that the bill be referred to the Committee on Military Affairs.

The motion was agreed to.

JAMES W. WATSON.

The VICE-PRESIDENT laid before the Senate the amendment of the House to the bill (S. 1291) for the relief of James W. Watson, which was, in line 2, after the word "which," to insert "evidence."

Mr. MCLAURIN. I move that the Senate concur in the House amendment.

The motion was agreed to.

TINCUP, COLO.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes; which were referred to the Committee on Public Lands.

REPORT OF UNITED STATES RECLAMATION SERVICE.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 17) to print the Fourth Annual Report of the United States Reclamation Service, which was to strike out all after the resolving clause and to insert:

That the Director of the Geological Survey be, and he is hereby, authorized to print 4,000 copies of the Fourth Annual Report of the United States Reclamation Service, the cost thereof to be paid out of the reclamation fund.

Mr. CARTER. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

MISSIONARY BAPTIST CHURCH, ROCK SINK, FLA.

The VICE-PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 1725) granting certain land to the Missionary Baptist Church, of Rock Sink, Fla., which were, on line 4, after the word "to" where it first occurs, to insert "sell and;" in line 4, after the word "convey," to insert "at $1.25 per acre;" in line 6, after the word "successors," to strike out "in trust;" in lines 6 and 7, after the word "land," to strike out "for use for school, church, and cemetery purposes;" and in line 9, after the word "east," to strike out down to and including the word "States," in line 10.

Mr. MALLORY. I move that the Senate concur in the amendments of the House of Representatives.

The motion was agreed to.

PUBLIC-BUILDINGS BILL.

The Senate, as in Committee of the Whole, resumed consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. SCOTT. Mr. President, it is so long since we laid aside this bill that I scarcely remember just what the discussion was on at the time. But I think the junior Senator from Montana [Mr. CARTER] took exception to the suggestion that was made that the committee would not like to have these items discussed. The contrary is true. We would be glad to have any Senator point out where the committee has erred wherever it has made a change in the amount appropriated by the House. Of course it is not for the committee to say whether the amount shall be restored, but it is for the Senate to say whether or not it shall be restored.

Mr. MCLAURIN. I gave notice a while ago that I would move to amend, in line 20, on page 19, by striking out "sixty" and inserting "one hundred."

Mr. SCOTT. We have not yet reached that page.

The VICE-PRESIDENT. The amendment under consideration is on page 4. The Chair will recognize the Senator from Mississippi later on.

Mr. MCLAURIN. I beg pardon.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee, which will be stated.

The SECRETARY. In line 22, page 4, strike out "one hundred" and insert "seventy-five;" so as to read:

United States post-office, court-house, and custom-house at Spokane, Wash., $75,000.

Mr. PILES. Mr. President, I wish to say a word in answer to the observation of the Senator from West Virginia to the effect that $500,000 has already been appropriated for each of these cities. He is in error in that regard. I have, since this amendment was under consideration, looked into the question. I find that on January 22 the Secretary of the Treasury addressed a letter to the chairman of the Committee on Public Buildings and Grounds in the House with respect to each of these cities. He says:

TREASURY DEPARTMENT, OFFICE OF THE SECRETARY,
Washington, January 22, 1906.

CHAIRMAN COMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
House of Representatives.

SIR: Referring to your request of the 22d ultimo for a report on H. R. 69, for the increase of limit of cost of site and building at Tacoma, Wash., to $1,000,000, I have the honor to submit the following:

Act of Congress approved June 6, 1902, provided for a site only and fixed the limit of cost at $100,000, under which authority a site has been secured.

Act of March 3, 1903, authorized the erection of a building on the said site provided by the previous act, and limited cost of said building at $400,000.

You are now advised that it is estimated $800,000 will be sufficient for the erection of a suitable building, including cost of site already acquired.

L. M. SHAW, *Secretary.*

The same letter was written with respect to the city of Spokane.

So I submit, Mr. President, and it must be clear to all, that in view of the commerce and the growth of these cities $400,000 is absolutely insufficient to meet the present demand, to say nothing of the large growth of those two cities in the future.

Mr. WARREN. The Senator, I think, is mistaken about the $400,000. It was $100,000 for the site, and then $400,000 for the building, making $500,000.

Mr. PILES. Yes; and that is exactly the error into which the Senator from West Virginia fell.

Mr. SCOTT. I had the annual report of the Secretary of the Treasury for 1905, and language can not be plainer than is printed on page 22 of that report, as I showed it to the Senator this morning.

Mr. PILES. But if the Senator will let me have that book for a moment I think he will see that it applies $100,000 to the site and $400,000 to the building, making $500,000 in all.

Mr. SCOTT. That is exactly what I claimed this morning and what I claim now.

Mr. PILES. No; I have seen the Senator's remarks.

Mr. SCOTT. The title to the site is vested in the Government now.

Mr. PILES. The Senator's remarks as I took them from the Reporters show——

Mr. SCOTT. The Senator has the advantage of me, for I have not had a copy of my remarks submitted to me. It is hardly fair to do that without giving me a chance to correct my remarks, if I have made a mistake.

Mr. PILES. I call the Senator's attention to the fact that he

is simply in error. I know he would not say anything about the matter that he did not believe to be correct, but he was laboring under the impression from the book, as I was, that $500,000 was the appropriation for the building. On investigation and reflection I find that is an error.

Now, Mr. President, as I said a while ago, I do not know whether I want to call this question up for a vote or not. I am willing to follow what is the proper procedure in cases of this character. I will submit it to the committee for their investigation or take a vote, if Senators desire to have the questions in which they are interested voted on.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on line 1, page 5.

Mr. SCOTT. I think the Senator from Utah [Mr. SUTHERLAND] wants to correct the language in lines 17 and 18, page 4.

The VICE-PRESIDENT. The Senator from Utah proposes an amendment, which will be stated.

The SECRETARY. On page 4 the committee amendment inserting lines 17 and 18 reads as follows:

United States post-office at Ogden, Utah, $120,000.

The Senator from Utah [Mr. SUTHERLAND] proposes to insert, after the word "dollars," the following:

Of which amount the Secretary of the Treasury is hereby authorized, in his discretion, to expend so much as may be necessary for the acquisition of additional land for the enlargement of the site heretofore acquired.

Mr. SCOTT. The committee will accept that amendment to the amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment to the amendment.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Secretary will report the next amendment passed over.

The SECRETARY. On page 5, line 1, after the words "Tacoma, Washington," strike out "one hundred thousand dollars" and insert "seventy-five thousand dollars."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 6, after line 4, to insert "United States post-office at Wichita, Kans., $50,000."

Mr. SCOTT. Let that amendment be agreed to.

The VICE-PRESIDENT. Without objection, the amendment is agreed to.

The SECRETARY. The next amendment passed over was, on page 6, line 24, before the word "hundred," to strike out "four" and insert "three;" so as to read:

United States post-office and court-house at Columbus, Ohio, $300,000.

Mr. FORAKER. I hope the chairman will ask that that may be disagreed to. Columbus, as he knows, is a very important and rapidly growing city, and the post-office facilities there are very inadequate. The plans require an expenditure of $400,000. This is not an appropriation, as I understand it, but it simply fixes the maximum amount which may be expended in the extension of the post-office building. All the money does not have to be appropriated at this time—perhaps none of it until the next session.

Both this case and the Toledo case, which will be reached in a moment, are cases where I think the chairman might well agree to let the provision stand as the House fixed it. They considered it there very carefully.

Mr. SCOTT. I am sure the Senator from Ohio knows very well that I would be glad to extend to him that courtesy and kindness, but I am only one member of the committee, and this was the unanimous opinion of the committee. I have no right to entertain the proposition to put it back. If the Senator is right, his course is to ask the Senate to restore it.

Mr. FORAKER. I do not want to insist upon it and take the time of the Senate unnecessarily. Something has been said by members of the committee about following the action of the committee, simply giving the committee in our remarks the benefit of our views in regard to provisions so that they may be strengthened by whatever suggestions we submit in representing the Senate. I know it is the tendency of the Senate to follow the recommendations of the committee, and I do not want to invite a vote that would preclude their consideration being favorable to the action of the House when they get into conference.

Mr. PENROSE. I am interested in some items a little later on, and I wish to call the attention of the Senator from Ohio to this point, that according to my understanding of the parliamentary situation of these amendments, if the Senate sustains the amendments of the committee they are precluded forever hereafter. That is my understanding.

Mr. WARREN. That is not correct.

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Wyoming?

Mr. FORAKER. Certainly.

Mr. WARREN. I will give my understanding and see if I am right. When the Senate has proposed amendments that are different in amount of appropriation or limit from the House provisions and the formal agreement of the Senate is had, that throws the matter into conference and the conferees have latitude between the higher and lower figures to substitute the higher for the lower, the lower for the higher, or to name a new amount between the two.

I think the remark of my colleague was that where a vote should be had, and the vote of the Senate should declare that the opinion of the Senate is that the lower figure should prevail, and that being the figure of the House, that would make a complete agreement, whereas now a vote sustaining an amendment to increase will put it into conference.

For instance, in the matter the Senator from Ohio was just talking about, the appropriation of $400,000 was proposed by the House, and the Senate committee proposes to reduce it to $300,000. The matter of agreement is simply formal. That gives the conference a perfect right to put it at $400,000 or leave it at $300,000 or place it anywhere between.

Mr. FORAKER. In view of the spirit in which the suggestions are made, although this is somewhat unusual, referring to my experience here, I will not press the matter for what I want to be the appropriation. I do not wish to make any speech, if there is no necessity for it. I only want Senators to understand that there is an absolute necessity, as it is thought, for an appropriation of $400,000. The Representative of that district is extremely anxious about it, and in being anxious he only represents the demands of his community.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is on page 8, line 6.

Mr. FULTON. Before passing over page 7, I spoke to the chairman of the committee and he suggested an amendment there. It is not an increase of appropriation, but perfecting the wording, so that the appropriation will be available for the purpose designed. On page 7, in lines 3 and 4, there is the following item:

United States post-office at Salem, Oreg., $15,000.

In line 4, after the word "dollars," I move to strike out the period and substitute a colon and add the words:

For improving grounds and building approaches.

Mr. SCOTT. There is no objection to that, Mr. President, as I understand the ground is lower there and it needs to be filled in. The committee took the position last night that we have no right to make an appropriation for the purpose of putting in curbing and sidewalks, but this is to fill up ground around the building, I understand.

Mr. FULTON. That is it.

The VICE-PRESIDENT. Without objection, the amendment will be regarded as open to amendment. The Senator from Oregon proposes an amendment to the amendment, which will be stated.

The SECRETARY. On page 7, line 4, after the word "dollars," it is proposed to insert "for improving grounds and building approaches."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. CULLOM. I think the Secretary passed the item on page 8, line 5, in regard to the United States post-office and court-house at Peoria.

The VICE-PRESIDENT. That page has not yet been reached.

Mr. PENROSE. I have an amendment to offer at line 22, page 7.

Mr. SCOTT. We have not reached that yet.

The VICE-PRESIDENT. The next committee amendment passed over will be read.

Mr. SCOTT. The Secretary did not read the amendment on page 7, lines 5 and 6, from there down.

The VICE-PRESIDENT. Those amendments were agreed to.

Mr. HOPKINS. They were agreed to.

The VICE-PRESIDENT. The Secretary is reading only committee amendments which were passed over.

Mr. CULLOM. The appropriation for the post-office at Peoria has now been reached.

Mr. PENROSE. I have an amendment to page 7 I should like to offer.

The VICE-PRESIDENT. Is it a committee amendment?

Mr. PENROSE. No; it is not.

The VICE-PRESIDENT. Then it is not in order at this moment. Under the unanimous-consent agreement made in the absence of the Senator the committee amendments are first to be considered. A number of amendments on the first reading were passed over. The Secretary is now reading the amendments which were passed over, and after they are considered the text will be open to amendment.

The SECRETARY. The next committee amendment passed over is, on page 8, line 6, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

United States post-office and court-house at Peoria, Ill., $150,000.

Mr. CULLOM. Mr. President, I believe that my colleague [Mr. HOPKINS] had something to say about this amendment this morning. I was not in at the time, but I take it for granted that the Senator and myself are very harmonious on the question that the appropriation ought to be $200,000 at the least amount. It is a very important matter. The building there is some twenty-odd years old. The city has grown to about 80,000 people. We have a court there and various Government offices. I do not see how anybody can think of reducing that appropriation below the $200,000 provided by the House. The recommendation was for $350,000. I have a letter on my desk showing the amount.

I do not know what the policy of the committee is with reference to these matters, whether we are to vote on these appropriations as we pass along, or whether we are simply to give information to the committee, so that they may know what to do hereafter. I think the policy has been so far to vote to insert the amount if the Senate desires to do that.

I want to call attention to what the Government business of Peoria is.

Of internal revenue $100,000 per day, or $38,000,000 per year, is collected. The customs receipts amount to $50,000. The central office of the internal-revenue district is there. The Federal court building is there. All the offices are in one small building, and it is impossible to get along without an enlargement. The surveyor of the port and the chief clerk of the railway mail service and assistant have offices in the building. The Supervising Architect of the Treasury recommended in his letter to the House committee February 12, 1906, that $350,000 should be spent on that building. There is there the largest revenue collected of any internal-revenue district in the United States. The population of Peoria is 80,000, and there are sixteen railroads. The Senate Committee on Public Buildings and Grounds cut the appropriation made by the House bill to $150,000, which would be inadequate and less than half the estimate of the Supervising Architect of the Treasury.

I think that if there is anything in this bill that ought to be put back to the original amount or increased, this item of Peoria is the one.

The VICE-PRESIDENT. The question is on agreeing to the amendment just read.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 8, line 14, before the word "thousand," to strike out "two hundred" and insert "one hundred and fifty;" so as to read:

United States post-office and court-house at Cedar Rapids, Iowa, $150,000.

Mr. DOLLIVER. There are in the bill two or three items relating to the repair of public buildings in Iowa and the construction of new buildings in which it is my earnest conviction that the committee has made an error in reducing the House appropriation. I am aware that at this stage of the proceedings it would be idle to undertake to argue the merits of these appropriations. If that should be done with all of them, it is obvious that this bill would be defeated in toto. I feel sure that the committee being furnished with the undisputed facts in all the cases in Iowa to which I have alluded will find no difficulty in affirming the wisdom and justice of the House appropriations. But I do not desire to make any dispute about it now.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 11, line 18, before the word "thousand," to strike out "eighty-five" and insert "sixty-five;" so as to read:

United States post-office and court-house at Ocala, Fla., $65,000.

Mr. MALLORY. Mr. President, I appreciate the inutility of making any extended effort to change the action of the committee. I also appreciate the difficulties which surrounded the committee in their action in endeavoring to put this bill in shape to make it more or less acceptable.

However, in connection with this matter I desire to state the fact that this appropriation was put in by the House, providing $85,000 for the construction of a post-office and court-house at Ocala, with a view of complying with the estimates which the Department has made for the building, and the reduction from $85,000 to $65,000 will necessitate an entire change as to the character of the building. The site has been purchased and is owned by the Government now.

I have in my hand a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Public Buildings and Grounds of the House, a portion of which I will read in hopes that it may have some impression on the minds of the gentlemen who will be the representatives of the Senate in the conference:

Referring to your request for a report in connection with H. R. 12711, providing for a suitable building for the use and accommodation of the Federal courts, the post-office, and other Government offices, to be erected upon the site already acquired at Ocala, Fla., at a cost not to exceed $100,000, I have the honor to submit the following:

It is estimated that a two-story and basement building of 5,200 square feet ground area will be sufficient size to provide accommodations for the court and post-office, which appear to be the only offices requiring space therein. A fireproof building of the dimensions indicated, including heating and ventilation apparatus, fireproof vaults, and approaches can be constructed for $95,000.

The House allowed $85,000, but our committee has cut that down to $65,000.

With regard to the provision contained in said bill that there shall be an open space of at least 40 feet on every side of the building, including streets and alleys, and in view of the peculiar shape of the site which has been purchased by the Government, said property being 100 feet by 238 feet in dimensions, the Department begs to suggest that this portion of said bill be so amended as to permit the Secretary of the Treasury, in his discretion, so to reduce such open space of fire limit as may appear to him to be necessary or expedient.

The House did not deem it necessary to comply with that suggestion.

I submit, Mr. President, that this is a meritorious case, which has already gone to such a point that the amendment adopted by the committee if adhered to would ultimately necessitate an entire change of the programme in regard to that bill.

Mr. SCOTT. Mr. President, as we go along with this bill I do not want the Senate to come to the conclusion that the committee in making these reductions did not have some regard for what they were doing.

This town in the State of my friend from Florida has 3,380 inhabitants. Its postal receipts are $14,000. The light and fuel cost the Government only $500 there now. If we appropriate $85,000 for that small city, counting the money that the Government, we will say, could secure at 2 per cent, it would make the cost of maintaining that building $1,700, without a public servant to take care of it. When we came to such small cities as that, with the postal receipts so small, the committee thought it wise and economical and only just to reduce some of these amounts.

Mr. MALLORY. Mr. President, I do not care to prolong this discussion. In fact, I should like to facilitate the passage of the bill as much as possible; but I respectfully submit to the chairman of the committee that in cases of this kind the postal receipts are not the only criterion by which the necessity for a public building is to be judged. The United States court is held there, and there is no place for that court to sit, and there is a post-office. If you are to have a post-office and court-house combined you would have a building that would be larger than a building you would put in a town where there is only a small post-office. I do not care to delay the matter.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over is, on page 12, line 6, before the word "hundred," to strike out "five" and insert "four;" so as to read:

United States post-office at Des Moines, Iowa, $400,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 12, line 12, before the word "thousand," to strike out "seventy" and insert "fifty;" so as to read:

United States post-office at Webster City, Iowa, $50,000.

The amendment was agreed to.

The next amendment passed over was on page 13, after line 2, to insert the following:

United States post-office and other Government buildings at San Juan, Porto Rico, $200,000.

Mr. FORAKER. Mr. President, that is a case which stands on a different footing from any of these others. The Senate passed unanimously, or at least without any objection, a bill appropriating $300,000 for a building in Porto Rico. That amount was fixed by a careful estimate made by the Supervising Architect as to the kind of building that was necessary, and the cost of that building. I hope that the original amount of $300,000 may be allowed. I move to strike out "two" and insert "three" before "hundred," and I hope the Senate will sustain me in that.

Mr. GALLINGER. I will ask the Senator what the population of San Juan is?

Mr. FORAKER. I can not state; it is about 40,000 or 50,000; something like that. Has the Senator from West Virginia the population of San Juan?

Mr. SCOTT. I will see in a moment.

Mr. FORAKER. It will be the only building that we will have provided for in Porto Rico.

Mr. NELSON. There are a million people in Porto Rico.

Mr. GALLINGER. What good will a public building at San Juan do people 40 or 50 miles away? It seems to me that $200,000 is a very liberal appropriation. It is much more than is given to American cities of that size.

Mr. SCOTT. I will say to the Senator from Ohio that the population of San Juan is not given here.

The VICE-PRESIDENT. The amendment of the Senator from Ohio to the amendment will be stated.

The SECRETARY. In line 4, before the word "hundred," to strike out "two" and insert "three;" so as to read "three hundred thousand dollars."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The SECRETARY. The next amendment passed over was, on page 13, in line 13, after the word "Ohio," to strike out "five hundred" and insert "three hundred and fifty;" so as to read:

United States post-office at Toledo, Ohio, $350,000.

Mr. FORAKER. I do not propose to take any vote upon that amendment, but I want to say before we pass it that Toledo, as I said a moment ago of Columbus, is one of the most rapidly growing cities in the country. It had a population of something like 140,000 at the last census, and its population now is something like 180,000.

It is a city that has had inadequate post-office facilities for a number of years. The inadequacy of the post-office building at Toledo is so manifest, and so known to the public authorities, that the Secretary of the Treasury in his annual report took occasion to say—I read from page 40 of his last annual report:

The post-offices at Toledo, Ohio; Atlanta, Ga.; and Des Moines, Iowa, are entirely inadequate to accommodate these growing cities. Sites have been purchased in these cities under appropriations heretofore made, and in each case approximately $500,000 should be made available to provide suitable post-office accommodations. This amount will not erect an elaborate building, but it will erect a substantial and well-appointed post-office.

There has been heretofore appropriated $200,000 to acquire a site at the city of Toledo for a new post-office building. A site has been acquired and has been paid for at a cost of $135,000. The remaining $65,000 of that appropriation has been turned back into the Treasury; so the only appropriation made for this purpose is for the site, which cost $135,000 and has been paid for, on which they wish, as I have said, as speedily as possible to erect a new post-office building. The lowest estimate that has been made put it at something more than $500,000. The House put it at $500,000, and I think we ought to have that full amount allowed.

In this connection I desire to read for the benefit of the committee and the Senate the following letter:

POST-OFFICE DEPARTMENT,
THIRD ASSISTANT POSTMASTER-GENERAL,
Washington, March 7, 1902.

Hon. J. H. SOUTHARD, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In compliance with your request of to-day to state to you for presentation to the Committee on Public Buildings and Grounds the condition which I observed in the Toledo, Ohio, post-office, on a recent visit to that city, I have to say that I have visited a great number of post-offices throughout the country and have found many of them in a very badly congested condition and in need of greater space for performing the post-office work, but at no post-office which I have visited did I find such a badly arranged and almost impossible condition of transacting public business as I found at Toledo, Ohio. I believe this is also the expression of Postmaster-General Smith, who visited the office prior to my going there.

Respectfully,
EDWIN C. MADDEN,
Third Assistant Postmaster-General.

The letter was written in 1902—four years ago—and conditions have been growing constantly worse, until they have become almost unbearable. In those four years the population has been rapidly increasing and business has been correspondingly increasing, and it has now become a case of absolute necessity. There is no attempt here to get a dollar more than the necessities of the situation require, and I sincerely hope that the men who represent the Senate on the conference committee will bear this in mind, and bring back a conference report, if the House will see fit to insist on what they have provided, which will be acceptable to us in that regard.

I might read at length from other documents to show the necessity for this appropriation, but I know it is growing late and Senators are impatient, because they have so much business to transact, and I therefore submit the matter without further remark.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment passed over was, on page 15, section 8, line 15, before the word "thousand," to strike out "and thirty;" so as to make the clause read:

United States post-office, custom-house, and land office at Eureka, Cal., $100,000.

Mr. PERKINS. Mr. President, our friends on the Committee on Public Buildings and Grounds have done good work, but they necessarily have been pressed with business and have not had an opportunity to give the consideration to all these matters which they otherwise would. I think in this case they have overlooked this recommendation of the Secretary of the Treasury in a letter written by him January 26, 1906:

It is estimated that a two-story and basement building, having 6,000 square feet ground area, will be sufficient, and that a fireproof building of the dimensions indicated, including heating and ventilating apparatus, fireproof vaults and approaches, can be constructed for $150,000, exclusive of the cost of site. It is estimated that a suitable site will cost $25,000 additional.

One of my colleagues in the other House introduced a bill appropriating $250,000 for this purpose. It was cut down in the House to $130,000, and now our friends in the Senate committee have cut it down to $100,000, a sum wholly inadequate to construct a building that comports with the dignity of the town and the business of the Government.

Eureka is situated upon Humboldt Bay. It is a city of 10,000 population. It represents a port of entry and export for over 5,000 square miles of territory. It has a custom-house. Eight hundred and fifty steam vessels entered and cleared from that port during the year 1904, and 400 sailing vessels. It exports over $4,000,000 of lumber and other products, and it imports articles amounting to $2,000,000.

Only during the past month a bill has been passed providing for the holding of terms of the United States district court in Eureka. I think our friends have not given it that consideration to which it is entitled. It is only a difference of $30,000, and I hope the committee may recede from its amendment and agree to restore the amount provided for by the other House.

Mr. KEAN. Mr. President, I merely want to call the attention of the Senate to the modesty of the Senator from California. This large and growing place has a population of 7,700.

Mr. PERKINS. My friend has not been out on the Pacific coast certainly during the past three or four years. In the last three years the population has very largely increased, and there has been a corresponding increase in the value of property.

Mr. KEAN. And yet, Mr. President, I see the postal receipts for the year 1900 amounted to $21,382.65.

Mr. PERKINS. We have other business to do besides writing letters. We exported articles to the value of over $4,000,000 from that port during the past year.

Mr. KEAN. And you want $250,000 for a building, where the Government now pays $323.07 for rent, light, and fuel.

Mr. PERKINS. Why, Mr. President, the county of Humboldt, in which Eureka is situated, is larger than the State of New Jersey. [Laughter.] I hope the committee will not insist upon the amendment and will consent that the House provision shall remain.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

Mr. MORGAN. There seems to be some misunderstanding as to what disposition was made of the amendment in regard to the post-office at Gadsden, Ala., on page 15, lines 12 and 13.

Mr. WARREN. That has $60,000 appropriated for it.

Mr. MORGAN. I wish to ask what disposition was really made of that amendment?

The VICE-PRESIDENT. The amendment was agreed to.

Mr. MORGAN. That is what I thought, but there seemed to be some doubt about it.

The next amendment passed over was, on page 17, line 7, be-

fore the word "thousand," to strike out "seventy-five" and insert "sixty-five;" so as to read:

United States post-office at Moline, Ill., $65,000.

Mr. CULLOM. I simply desire to say a word in behalf of Moline. I observe that the committee has reduced the amount appropriated by the House for a post-office at that place from $75,000 to $65,000. I wish to say that Moline is one of the most thriving cities in the State of Illinois. It is building up very rapidly, and it would be folly to think of erecting a post-office and a Government building in that city for the sum of $65,000, including as well the purchase of a site. There are 25,000 people there now. The population increases at least 5,000 a year, and the Moline Plow Company and one other establishment there are the largest establishments in the world of that character, as I understand. I call the attention of the chairman and the members of the committee to that city, and I hope when they come to the consideration of this matter in conference they will either put back the amount as it stood originally in the bill as it came from the House at $75,000, or increase it beyond that.

The VICE-PRESIDENT. The question is on the amendment reported by the committee.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 15, before the word "thousand," to strike out "sixty" and insert "fifty;" so as to read:

United States post-office at Iola, Kans., $50,000.

Mr. LONG. Mr. President, in regard to the amendment just read, which reduces the appropriation of $60,000 for a public building at Iola, Kans., to $50,000, and a like reduction in the second item following, for a public building at Newton, Kans., I wish to state that both these growing cities in the State of Kansas should have the amounts fixed by the House. The House committee, after very careful investigation, reported appropriations of $60,000 for buildings in each of these cities, and their recommendations have been approved by the House. I think that both of these cities, growing as they are, should have buildings costing not less than $60,000 each. I hope the committee of conference will take into consideration the facts in relation to these cities, and agree to restore the appropriations made by the House.

The VICE-PRESIDENT. The question is on the amendment of the committee, which has been stated.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 19, before the word "thousand," to strike out "sixty," and insert "fifty;" so as to read:

United States post-office at Newton, Kans., $50,000.

The amendment was agreed to.

The next amendment which was passed over was, on page 17, line 24, before the word "thousand," to strike out "one hundred" and insert "eighty;" so as to read:

United States post-office and court-house at Bowling Green, Ky., $80,000.

Mr. McCREARY. Mr. President, when this bill came to the Senate from the House of Representatives the paragraph relating to the Bowling Green public building was as follows:

United States post-office and court-house at Bowling Green, Ky., $100,000.

The Committee on Public Buildings and Grounds of the Senate reduced that sum to $80,000.

The Committee on Public Buildings and Grounds of the House of Representatives heard evidence and they received a report from the Treasury Department in reference to that public building. I am informed that the Treasury Department recommended an appropriation of $100,000.

Bowling Green is one of the most important interior cities in Kentucky; it is in one of the largest and wealthiest counties of Kentucky.

This appropriation is for a post-office and also for a court-house. I will only say, without taking the time of the Senate in arguing in favor of striking out $80,000, which the Senate committee has reported, and inserting $100,000, that $80,000 will not buy a site and erect such a building as we should have in the beautiful city of Bowling Green.

Mr. President, I ask that $100,000 be restored in the bill as it came from the House of Representatives for United States post-office and court-house at Bowling Green, Ky.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee. [Putting the question.] By the sound the "ayes" have it. The "ayes" have it, and the amendment is agreed to.

Mr. SCOTT. I shall have to call for a division on that.

Mr. BLACKBURN (to Mr. SCOTT). Your amendment was agreed to.

The VICE-PRESIDENT. The Chair understands the Senator from West Virginia demands a division.

Mr. KEAN. Let the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. On page 17, line 24, before the word "thousand," it is proposed to strike out "one hundred" and insert "eighty;" so as to read:

United States post-office and court-house at Bowling Green, Ky., $80,000.

The VICE-PRESIDENT. Upon that the Senator from West Virginia demands a division.

Mr. SCOTT. I understood the Chair to rule that "eighty" was stricken out and "one hundred" inserted.

The VICE-PRESIDENT. The Chair said, "The question is on agreeing to the amendment. All in favor of the amendment will say 'aye,' opposed 'no.' The 'ayes' have it, and the amendment is agreed to."

Mr. BLACKBURN. Was it the amendment offered by the committee?

The VICE-PRESIDENT. The committee amendment was agreed to, which strikes out "one hundred" and inserts "eighty."

Mr. BLACKBURN. I so understood.

Mr. McCREARY. Mr. President, I offered an amendment to strike out "eighty" and insert "one hundred."

Mr. GALLINGER. The Senator can not do that.

The VICE-PRESIDENT. It was necessary to disagree to the amendment of the committee, and that is what the Senate refused to do. The question was on agreeing to the committee amendment, and the Senate refused to disagree.

Mr. McCREARY. I want to say what I have already indicated, that the amount to be allowed for the public building at Bowling Green was, I think, carefully considered in the House of Representatives, and $100,000 was agreed upon. I want to says also that I am informed by a member of the Committee on Public Buildings and Grounds of the House of Representatives that the Treasury Department wrote a letter in favor of the appropriation of $100,000 for a post-office and court-house building at Bowling Green, and I am sure that $100,000 should be appropriated for the United States post-office and court-house at Bowling Green.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

Mr. McCREARY. I ask the Senate to vote down the committee amendment.

The amendment was agreed to.

Mr. McCREARY. I offered an amendment to strike out "$80,000" and insert "$100,000," as provided in the bill as it passed the House.

The VICE-PRESIDENT. That was not in order.

Mr. McCREARY. Then I ask for another vote on this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 6, before the word "thousand," to strike out "sixty-five" and insert "forty;" so as to read:

United States post-office at London, Ky., $40,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 10, before the word "thousand," to strike out "seventy-five" and insert "twenty-five;" so as to read:

United States post-office and court-house at Owensboro, Ky., $125,000.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment.

Mr. McCREARY. There are strong reasons why the committee amendment should not be agreed to. The item as reported by the committee reads:

United States post-office and court-house at Owensboro, Ky., $125,000.

When the bill came to the Senate from the House of Representatives the amount was $175,000. The city of Owensboro has about 20,000 population. There is a collector of internal revenue there, and a Federal court is also held there. I am informed that the Treasury Department recommended an appropriation of $220,000 for a building in that city. There is at present at Owensboro a public building. I am informed, however, that it has been condemned and that the Federal court is no longer held in that building, but is held in the county court-house. The Federal building at Owensboro at present is not adequate to the business. The business has greatly increased.

In 1889, or about twenty years ago, when the first building was constructed they had 1 postmaster, 1 assistant postmaster, and 2 clerks. Now they have there 1 postmaster, an assistant postmaster, 6 clerks, 8 city carriers, and 6 rural-route men, making in all 20 persons. The amount of revenue collected has very greatly increased, and it is absolutely necessary that there should be another building there. In the House of Representatives the amount allowed, as I said before, was $175,000. That amount was allowed after a most careful examination; but the committee of the Senate reduced it to $125,000. I hope the amount named in the House bill, when it comes to the Senate, will be retained by the Senate and that the Senate will disagree to the Senate amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment passed over was, on page 18, after line 13, to insert:

United States post-office at Versailles, Ky., $25,000.

Mr. SCOTT. I withdraw my objection to that amendment.

The VICE-PRESIDENT. The objection is withdrawn. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment passed over was, on page 18, line 19, before the word "thousand," to strike out "and twenty-five;" so as to read:

United States post-office and court-house at Lake Charles, La., $100,000.

Mr. FOSTER. Mr. President, I trust the committee amendment will not prevail, though in making that statement I plead guilty to a good deal of temerity after the experience of those who have protested against the action of the committee in reducing the appropriations in some instances made by the House of Representatives. I am convinced, Mr. President, that the committee did not fully apprehend the facts when they recommended this amendment. The original appropriation of the House provided for the purchase of a site and the erection of a public building for a court-house and for a post-office.

Lake Charles is one of the most thriving and flourishing cities of my State. The statistics show that the population has increased from 1890 to 1906 from 3,443 to 11,102. The assessments within that period have increased from $480,000 to nearly $3,500,000. The appropriation provided in the bill as it came from the House will simply, in my judgment, purchase a site to erect a building adequate for public purposes and for the future needs of that growing city.

I do not know what standard the committee has adopted in recommending these appropriations, but I do know that many appropriations in the bill of equal amount have not the merit in them that the appropriation for Lake Charles has.

I have always thought, Mr. President, that every dollar in the Public Treasury comes out of the pockets of the people, and I will never lend myself directly or indirectly to taking a dollar out of the Public Treasury unless I believe it is for the public welfare, the public interest, or in payment of some obligation due by the Government. I state frankly to the Senate that I would not for a moment ask that this amendment of the committee be rejected unless I felt that the appropriation made by the House, and which the committee reduced, is for the welfare of the public and in the advancement of the public interest. I therefore hope, Mr. President, that the amendment of the committee will not be agreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. SCOTT. The Senate will allow me to call attention to the fact that we are not one-third through with this bill. It will have to be reprinted and it must go to the House, and if, as some Senators suggest, we shall adjourn to-morrow evening, we will never pass this bill.

The next amendment which was passed over was, on page 20, line 15, before the word "thousand," to strike out "two hundred and twenty-five" and insert "one hundred and fifty;" so as to read:

United States post-office, court-house, and land office at Great Falls, Mont., $150,000.

Mr. CARTER. Mr. President, I fully sympathize with the desire of the chairman of the committee to hasten through this bill, and I would not ordinarily detain the Senate for one moment on this item. I feel, however, that the reduction in this case was made without consultation by the members of the committee to the extent necessary to thoroughly understand the item.

In 1900 the Senate passed a bill appropriating $200,000 for a public building at Great Falls, which is the commercial center of an empire. The business of the Government extending over 1,000 miles along the Canadian border is transacted at Great Falls. A building is to be provided for a United States court, for a custom-house, for a land office, and for the accommodation of the post-office and the internal-revenue office. The Supervising Architect of the Treasury made an estimate of $240,000 as the cost for constructing an adequate building at this place.

He estimated $25,000 as the cost of the site, thus making $265,000 as the Treasury estimate. The bill as it came to the Senate appropriated only $225,000. That amount has been reduced to $150,000 by the Senate committee.

I submit that it will be quite impossible to provide a building necessary for a court-house, customs service, post-office, land department, and internal-revenue service at this important point for the amount of money here fixed as the maximum limit of the building.

Mr. President, I do not wish to detain the Senate at this late hour by calling for a yea-and-nay vote, but I do make this statement for the benefit of the conferees on the part of the Senate: Either strike this item out of the bill entirely or give us an adequate limit for the construction of a building suitable to the purposes intended. I can not conceive how the Senate, after passing a bill appropriating $225,000 for this purpose within a week, can now change its position and appropriate only $150,000 for the same purpose.

I submit, Mr. President, without asking for a yea-and-nay vote, that the agreement to the committee amendment be considered entirely formal in this case, and I sincerely trust that it will be so considered in the conference.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the Committee on Public Buildings and Grounds.

The amendment was agreed to.

The next amendment which had been passed over was, on page 21, after line 17, to insert:

United States post-office at East Liverpool, Ohio, $100,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 21, line 22, after the word "Ohio," to strike out "one hundred" and insert "ninety;" so as to make the clause read:

United States post-office at Marietta, Ohio, $90,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 22, after line 2, to insert:

United States post-office at Baker City, Oreg., $65,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 22, after line 4, to insert:

United States post-office at Eugene, Oreg., $50,000.

Mr. FULTON. Mr. President, I shall not, in view of the experience of others, make any attempt to have this appropriation increased. I simply want to say that, in my judgment, the amount is very inadequate. But I am very thankful for the favor received. I hope when the conference committee restores or partially restore the amounts which have been reduced in other cases, it will give us a corresponding increase in this item.

Mr. SCOTT. As the bill came to the Senate from the House, Oregon was not provided with any appropriation whatever. But we realized the fact that the Representative from that State was unavoidably absent, and we took care of the Senator from Oregon.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 8, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and other governmental offices at Lead, S. Dak., $75,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 10, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and land office at Mitchell, S. Dak., $75,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 23, line 12, before the word "thousand," to strike out "ninety" and insert "seventy-five;" so as to make the clause read:

United States post-office and land office at Watertown, S. Dak., $75,000.

The amendment was agreed to.

The next amendment which had been passed over was, at the bottom of page 25, to strike out:

United States post-office at Gadsden, Ala., $10,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 26, line 8, before the word "thousand," to strike out "twenty" and insert "ten;" so as to read:

United States post-office at Greenwich, Conn., $10,000.

Mr. BRANDEGEE. Mr. President, I do not propose to offer any amendment or to ask the Senate to disagree to the committee amendment, but as this item came from the House they provided $20,000 for the site. I think the committee were confused in their estimate of the population of that place. The table prepared by the committee says there is a population of 2,400 there, but that is the population of the borough of Greenwich, which is included within the town. By the last census, as given by the Connecticut Register and Manual, the town of Greenwich has a population of over 12,000.

I am very certain it will be impossible to purchase a proper site in Greenwich for $10,000, in view of the fact that the last section of the bill provides that there must be at least 40 feet of open space on each side of the building, and the building would have to be at least 40 feet wide. That would be a tract of land in the town of Greenwich 120 feet front on one of the main streets of the town, and the appropriation is limited to $10,000. If the amendment is insisted on, the item may as well go out of the bill, in my opinion. The amount which was stated in the bill as it came from the House, $20,000, was the judgment of the Representative from that district, Mr. HILL, who has just sailed for Europe, and I thought it just to him that these facts should be stated to the conferees for such action as they may see fit to take.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 28, after line 2, to insert:

United States post-office at Decorah, Iowa, $5,000.

The amendment was agreed to.

The next amendment which had been passed over was, on page 30, line 1, after the word "Montana," to strike out "twenty" and insert "ten;" so as to read:

United States post-office at Missoula, Mont., $10,000.

Mr. CARTER. Mr. President, I desire to say to the committee that the amount appropriated in this case is utterly inadequate to purchase a site at Missoula. Missoula is the commercial center of a region of country much larger than most of the States in the Union. It is a center of great commercial activity and likewise an important center for the business of the United States Government. The Treasury Department, after a careful investigation, reported that $30,000 would be necessary to secure a site at that place. I am somewhat conversant with the growth of the city and the price of real estate, and I say to the Senate that if the sum agreed upon by the House—$20,000—is permitted to stand the citizens would be compelled, as they have been in most cases where sites are purchased, to contribute a considerable portion of the purchase price.

I sincerely hope the Senate conferees will in conference permit the item as passed by the House to stand.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The next amendment which had been passed over was, on page 31, line 25, before the word "dollars," to strike out "one million" and insert "eight hundred thousand;" so as to read:

United States post-office at Pittsburg, Pa., $800,000.

Mr. PENROSE. Mr. President, I ask that the committee amendment be not agreed to. I will ask the chairman of the committee whether he can not recede from that amendment?

Mr. SCOTT. I would be only too glad to accommodate my genial friend the Senator from Pennsylvania, but I am only one of a committee of twelve, and the committee thought best to cut down the appropriation from a million dollars to $800,000. I would have no right individually to withdraw the amendment.

Mr. PENROSE. Mr. President, I desire to call the attention of the Senate and of the committee to the fact that land values are high in Pittsburg, because the business portion of the city lies between the hills in a kind of pocket. The present public-building site cost the Government $300,000, and it would bring to-day almost $3,000,000 at public sale. The receipts this year of the Pittsburg post-office will be over $2,000,000. The departments of the Government now situated in various portions of the city are to be gathered together in the old building after the new building is constructed. I am informed that seven employees of the Government died last year within four months on account of ill health directly attributable to the condition of the present post-office building.

The Senator from West Virginia [Mr. SCOTT], chairman of the Committee on Public Buildings and Grounds, is as familiar as anybody with the conditions at Pittsburg—the condition of the present building and the urgent necessity of having this amount put back to the House figure, which is small enough.

I have here a communication from the Secretary of the Treasury, in which he says, in part:

It is estimated that a one-story and basement building of 55,000 square feet ground area will be sufficient, and that a fireproof building will cost $950,000. A nonfireproof building will cost $875,000.

With regard to the cost of site, you are advised that the Department has no definite knowledge with regard thereto, but from information received from the postmaster, it appears that a suitable site will cost from $1,300,000 to $2,300,000.

The legislature of Pennsylvania recently enacted a law providing for what is known as the "Greater Pittsburg," consolidating the present city of Pittsburg with the city of Allegheny and certain surrounding suburbs, which will make a city, after it has been ratified by a vote of the people, of nearly a million inhabitants and will rank as one of the five or six cities in size in the country.

I earnestly hope that the committee, when this bill gets into conference, will put back the amount provided by the House.

Mr. SCOTT. I should like to ask the Senator, while he is on his feet, so that other Senators may have the benefit of the information, to explain about the court-house and the post-office building in Pittsburg, which cost $1,642,000 and was occupied in 1901 and is comparatively a new building.

I am thoroughly familiar with Pittsburg and know of its great manufacturing industries. It is near my home, being only sixty-odd miles off. They are all my friends in Pittsburg, and I should like to do what is right and proper, but I wish the Senator would give us in a few words the reason why they have to abandon this new post-office building.

Mr. PENROSE. If the Senator will permit me to correct him, the date that he refers to is 1891, not 1901.

Mr. SCOTT. Eighteen hundred and ninety-one, I should have said.

Mr. PENROSE. Ten years prior.

Mr. SCOTT. The mint was in 1901.

Mr. PENROSE. It was ten years prior to the date indicated by the Senator from West Virginia.

Pittsburg may be said to be the industrial center of America, and the growth of that locality in population and industrially has not been approached even by any other part of the American continent. In the last ten years the progress transcends imagination. The Senator from West Virginia is familiar with it as well as I am, and I think he will withdraw his suggestion after his attention is called to the fact that he is wrong by ten years with respect to the date of the occupation of the building.

Mr. SCOTT. I will simply suggest, even if I was mistaken, and if it was the mint which was occupied in 1901, that if we are to build for a city a $2,000,000 post-office building every ten years, it will become quite an item.

Mr. PENROSE. The citizens, I see by the report of the supervising architect, contributed $46,176.30 for the purchase of a site, the building on which was occupied in 1891. The ground was condemned thirty years ago.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment which had been passed over was on page 32, line 2, before the word "thousand," to strike out "twenty-five" and insert "fifteen;" so as to read:

United States post-office at Punxsutawney, Pa., $15,000.

The amendment was agreed to.

The next amendment which had been passed over was on page 32, to strike out lines 7 and 8, as follows:

United States post-office at York, Pa., $75,000.

Mr. WARREN. I think the chairman of the committee will agree with me that that was an error.

Mr. SCOTT. Yes; that clause is to remain in the bill.

Mr. PENROSE. I have a substitute to offer. I do not know whether it is now in order.

Mr. SCOTT. We proposed to restore the House provision on this subject.

Mr. PENROSE. But I want to increase the amount.

Mr. SCOTT. We overlooked it.

Mr. PENROSE. I give notice at this time that I shall offer an amendment increasing the amount for York, and shall ask

the chairman of the committee to agree that it be inserted in the bill and be considered in conference.

Mr. SCOTT. After we are through with the committee amendments to the bill, that will be in order.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was rejected.

Mr. KEAN. I ask the Senator from West Virginia if he expects to finish this bill very shortly.

Mr. SCOTT. I will say to the Senator from New Jersey——

Mr. WARREN. It will not take ten minutes more.

Mr. SCOTT. It will take only a few minutes, and then I will yield to the Senator from Illinois [Mr. CULLOM].

Mr. KEAN. The Senator from Illinois and others have spoken to me about an executive session, for which they are very anxious, and we are to take a recess at 6 o'clock.

Mr. CULLOM. It will be 6 o'clock before we get through with this bill.

Mr. SCOTT. I hope the Senator from Illinois will allow us to get through and to have the bill reprinted and let it go to the House.

Mr. CULLOM. I should like to see that done, but it can not be done before 6 o'clock.

Mr. SCOTT. Very well.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twelve minutes spent in executive session the doors were reopened.

NATURALIZATION OF ALIENS.

Mr. DILLINGHAM submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide a uniform rule for the naturalization of aliens throughout the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, and 5, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: Strike out the words "one year" where they occur in said amendment and insert in lieu thereof "two years;" and the Senate agree to the same.

WM. P. DILLINGHAM,
BOIES PENROSE,
A. J. MCLAURIN,
Managers on the part of the Senate.

ROBERT W. BONYNGE,
BENJ. F. HOWELL,
JOHN L. BENNETT,
Managers on the part of the House.

RECESS.

The VICE-PRESIDENT. Under the unanimous consent agreement the Senate takes a recess until 8 o'clock this evening.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

REGULATION OF RAILROAD RATES.

Mr. ELKINS. Soon after the submission of the report of the majority of the Committee on Interstate Commerce on the railroad-rate bill I asked leave to file a report on the part of the minority, which I do now, asking permission to add some additional figures and data, and I ask that when it is prepared it shall be printed.

The VICE-PRESIDENT. As a document?

Mr. ELKINS. As a document.

The VICE-PRESIDENT. Without objection it is so ordered.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE. I ask that the unfinished business be informally laid aside, and that the general deficiency appropriation bill, being House bill 20403, be taken up.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the unfinished business be temporarily laid aside, and that the general deficiency bill be proceeded with. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; which had been reported from the Committee on Appropriations with amendments.

PUBLIC BUILDINGS BILL.

Mr. HALE. I ask that the formal reading be dispensed with, and that the amendments of the committee be acted upon as they are reached in the reading.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the formal reading of the bill be dispensed with, that the bill be read for the consideration of amendments, and that the committee amendments be first considered. Without objection, it is so ordered.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. HALE. As the public-buildings bill has not been completed, I will yield for a few minutes in order that the Senator from West Virginia may finish his bill. I can not yield long.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The VICE-PRESIDENT. The Secretary will report the next amendment of the Committee on Public Buildings and Grounds which was passed over.

The SECRETARY. The next committee amendment passed over was, on page 32, line 24, before the word "thousand," to strike out "twenty-five" and insert "ten;" so as to make the clause read:

United States post-office at Bellingham, Wash., $10,000.

The amendment was agreed to.

The SECRETARY. The next committee amendment passed over was, on page 33, line 2, before the word "thousand," to strike out "twenty" and insert "ten;" so as to make the clause read:

United States post-office and land office at North Yakima, Wash., $10,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 37, in the item for Grand Rapids, Mich., line 9, after the word "exceed," to strike out "five hundred" and insert "four hundred and fifty;" so as to read:

At a limit of cost for said building of not to exceed $450,000.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 40, to strike out section 18, in the following words:

SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That $50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma.

The amendment was agreed to.

The VICE-PRESIDENT. This completes the amendments of the committee.

Mr. KEAN. I offer an amendment to come in at the end of the bill as a new section.

The SECRETARY. It is proposed to add at the end of the bill a new section, as follows:

SEC. 24. That the northerly portion of the Government reservation bounded by B street north, B street south, Seventh street west, and Sixth street, in the District of Columbia, known as Armory Square, comprising that portion of said square north of a line established for the south front of the buildings for the new National Museum and the new Department of Agriculture, be, and is hereby (subject to the approval of the Secretary of War), selected and dedicated as a site for an armory for the National Guard of the District of Columbia, after the removal of the buildings and tracks of the Baltimore and Potomac Railroad Company from said square.

That a commission consisting of the Assistant Secretary of War, the general commanding the militia of the District of Columbia, and the Superintendent of the United States Capitol Building and Grounds be, and is hereby, created, which shall cause plans and estimates to be prepared for a suitable armory for the National Guard of the District of Columbia, and report the estimated cost thereof to the Congress.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from New Jersey.

Mr. BURKETT. I should like to ask the Senator from New Jersey if that includes any part of the Mall. I did not catch just the location. I know about where it is.

Mr. KEAN. No; not at all. It runs back to it.

Mr. CULBERSON. I dislike very much to do so, but I ask that the amendment be again read.

The VICE-PRESIDENT. The Secretary will again read the amendment at the request of the Senator from Texas.

Mr. SCOTT. I hope the Senator from Texas will not ask that this long amendment be again read. The Senator from Maine kindly yielded for a few minutes, and any delay may put this bill over. The amendment does not carry any appropriation at all. It simply gives a site, provided the Secretary of War wants to do it, to put up an armory. That is all it does.

Mr. CULBERSON. Has the amendment been submitted to the Committee on the District of Columbia? Have we a report from any committee upon it, I should like to ask the Senator from New Jersey?

Mr. KEAN. I do not care expressly about it, if it is going to create any discussion whatever.

Mr. CULBERSON. At least some of the members of the District Committee on this side of the Chamber have not heard of this amendment.

Mr. KEAN. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. GALLINGER. On page 46, section 25, I ask that the committee amendment be reopened that I may add another park to that provision.

The VICE-PRESIDENT. Without objection, the Chair will regard it as open to amendment.

Mr. GALLINGER. In line 16, after the word "park," let the word "and" be stricken out; and after the word "park," in line 17, insert "and the so-called 'Montrose tract.'"

This is just an addition.

The VICE-PRESIDENT. Section 25 was stricken out and a substitute agreed to.

Mr. SCOTT. The Senator from New Hampshire will remember that there was an amendment to section 25.

Mr. GALLINGER. I have discovered it. I will ask that after the word "parks," in the substitute, the words "and the so-called Montrose tract on Georgetown Heights for a park" be added.

The SECRETARY. After the word "parks" in the amendment already agreed to, page 46 of the bill, insert "and the so-called Montrose tract on Georgetown Heights for a park," and strike out the word "and" after the word "sites."

The VICE-PRESIDENT. Without objection, the amendment to the amendment will be agreed to.

Mr. GALLINGER. The Senate passed a bill for this purpose.

Mr. CLAY. As I understand the Senator, this simply means that the committee to be appointed by the presiding officer of the Senate——

Mr. GALLINGER. That is all—that they shall investigate the question.

Mr. CLAY. That they will investigate and report at the next session of Congress.

Mr. GALLINGER. That is all. The Senate passed a bill for this park.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee as amended.

The amendment as amended was agreed to.

Mr. GALLINGER. Now I desire to say just a word in reference to this park question.

Mr. DICK. Mr. President, I desire to offer an amendment.

Mr. HALE. I shall be obliged to go on with the deficiency appropriation bill if amendments are to be offered.

Mr. PENROSE. I have a number of amendments to offer that I intend to insist shall be deliberately considered by the Senate.

Mr. HALE. I do not object. I have the deficiency bill up, and only yielded for a few moments with the assurance that the public-buildings bill would go through. I do not wish to interfere with the Senator, but I ask that the deficiency appropriation bill be proceeded with.

The VICE-PRESIDENT. Does the Senator from Maine object to the consideration of the amendment just proposed by the Senator from Ohio?

Mr. HALE. Several Senators have amendments to offer. I simply ask that the deficiency appropriation bill, which is before the Senate, be proceeded with.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the amendments of the Senate to the following bills:

H. R. 5509. An act for the relief of Russell Savage;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 9238. An act for the relief of William Saphar; and

H. R. 19364. An act granting an increase of pension to Anna Ring.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907; insists upon its disagreement to the amendments of the Senate Nos. 24, 30, 147, and 153, insisted upon by the Senate; insists upon its amendment to the amendment of the Senate No. 29, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB managers at the conference on the part of the House.

The message further announced that the House had passed the following bills, in which it requests the concurrence of the Senate:

H. R. 2907. An act for the relief of Capt. Sidney F. Shaw;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 3393. An act granting an honorable discharge to Galien E. Green;

H. R. 3498. An act for the relief of Stephen M. Honeycutt;

H. R. 3507. An act to correct the military record of George H. Keating;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski;

H. R. 5651. An act for the relief of William H. Beall;

H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success;*

H. R. 7235. An act granting an increase of pension to Abel W. Payne;

H. R. 7676. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy;

H. R. 8631. An act for the relief of James M. Darling;

H. R. 8375. An act for the relief of John B. Ford;

H. R. 8966. An act to set apart certain lands in the Territory of Arizona as a public park to be known as the "Petrified Forest National Park;"

H. R. 9577. An act for the relief of Charles H. Stockley;

H. R. 11153. An act to correct the military record of Robert B. Tubbs;

H. R. 11932. An act to grant American registry to the brig *Homeward Bound;*

H. R. 11978. An act to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.;

H. R. 12105. An act for the relief of Thomas Ross;

H. R. 13122. An act to correct the military record of John Allen;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 13669. An act to provide for raising Commodore Perry's flagship *Niagara;*

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 15027. An act to remove the charge of desertion against Cornelius O'Callaghan;

H. R. 15673. An act for the relief of Harry A. Young;

H. R. 16659. An act to correct the military record of Tobe Holt;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 15909. An act to reward the widow and minor son of Capt. Charles W. Dakin, and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade;*

H. R. 18007. An act to authorize the appointment of acting assistant surgeon Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy;

H. R. 18380. An act to complete the naval record of Charles W. Held;

H. R. 19500. An act for the relief of the Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignees of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin;

H. R. 19611. An act granting an increase of pension to Jacob Kinkerly;

H. R. 20019. An act restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries; and

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions, and they were thereupon signed by the Vice-President:

S. 1211. An act to correct the military record of John Alspaugh;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890;

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigation Company's Railroad;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans and the method of construction;

S. 6300. An act providing when patients shall issue to the purchasers of certain lands in the State of Oregon;

S. 6355. An act concerning licensed officers of vessels;

S. 6365. An act granting a pension to Edward S. Bragg;

S. 6375. An act granting lands to the former Uintah Indian Reservation to the corporation of the Episcopal Church in Utah;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate;

S. 6463. An act waiving the age limit for admission to the pay corps of the United States Navy in the case of Frank Halway Atkinson;

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin;

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the rules and specifications for grading lumber, adopted by the various lumber manufacturing associations of the United States; and

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the Platt National Park.

GENERAL DEFICIENCY APPROPRIATION BILL.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The Secretary proceeded to read the bill. The first amendment of the Committee on Appropriations was, under the head of "Department of State," on page 2, after line 4, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries, chargés d'affaires ad interim," for the fiscal year 1906, $300.

The amendment was agreed to.

The next amendment was, under the head of "Treasury Department," on page 4, after line 18, to insert:

Office of the Commissioner of Internal Revenue: The legislative, executive, and judicial appropriation act for the fiscal year 1907, approved June 22, 1906, as printed in the form of "Public—No. 267," is hereby amended by inserting in line 6 of the paragraph making appropriations for the Office of the Commissioner of Internal Revenue on page 22, after the word "at" the word "two.

The amendment was agreed to.

The next amendment was, on page 5, after line 2, to insert:

Office of the Supervising Architect: The services of skilled draftsmen, civil engineers, computers, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed during the fiscal year 1907, in addition to those now authorized, only in the office of the Supervising Architect exclusively to carry into effect the various appropriations for the construction of public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the additional expenditures on this account for the fiscal year ending June 30, 1907, shall not exceed $125,000, and that the Secretary of the Treasury shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each.

The amendment was agreed to.

The next amendment was, on page 5, after line 23, to insert:

To pay the day inspectors of customs of the port of New York the difference between the per diem salary of $4 paid them during the months of October, November, and December, 1905, and their proper per diem salary for the same period ($5 per diem), in accordance with the act of Congress approved December 16, 1902, $31,000, or so much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 6, line 22, after the word "six," to strike out "$144.72" and insert "$1,751.67;" so as to make the clause read:

Transportation of silver coin: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of silver coin," for the fiscal year 1906, $1,751.67.

The amendment was agreed to.

The next amendment was, on page 9, after line 8, to insert:

Umpqua River life-saving station, Oregon: For establishing a telephone line from the Umpqua River life-saving station, Oregon, to a point at the mouth of the Siuslaw River, $5,000.

The amendment was agreed to.

The next amendment was, on page 9, after line 12, to insert:

Accounts of Francis A. Macon: Authority is hereby granted the proper accounting officers of the Treasury to allow a credit of $1,194.19 in the accounts of Col. Francis A. Macon, disbursing officer, North Carolina organized militia, being the amount disallowed by the accounting officers of the Treasury in his disbursing accounts covering the encampments for the years 1903 and 1904.

The amendment was agreed to.

The next amendment was, on page 9, after line 21, to insert:

Louisiana Purchase Exposition Commission: To reimburse Claude Hough for services performed and expenses incurred as stenographer and clerk for the Louisiana Purchase Exposition Commission, $357.50.

The amendment was agreed to.

The next amendment was, under the subhead "Collecting internal revenue," on page 11, line 3, after the words "(certified claims)," to strike out "$2,599.25" and insert "$2,657.66;" so as to make the clause read:

To pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Redemption of stamps" (certified claims), $2,657.66.

The amendment was agreed to.

The next amendment was, on page 11, line 8, after the words "(certified claims)," to strike out "$6,845.20" and insert "$7,780.77;" so as to make the clause read:

To pay amounts certified to be due by the accounting officers of the Treasury on account of the appropriation "Refunding taxes illegally collected" (certified claims), $7,780.77.

The amendment was agreed to.

The reading was continued to line 23, on page 13.

Mr. OVERMAN. I notice that in the public buildings bill there is an appropriation of $375,000 for the subtreasury at San Francisco, and here on page 13, line 22, I notice an appropriation of $30,000 for the subtreasury there. I should like to understand how those two appropriations are made in separate bills.

Mr. HALE. This item was put in at the request of the Department. I know nothing about the item in the public buildings bill.

Mr. OVERMAN. The public buildings bill appropriates $375,000 for the subtreasury at San Francisco.

Mr. FLINT. The answer to the Senator's question is that the appropriation of $30,000 is for the purpose of repairing the present building, which was destroyed by earthquake and fire. It is simply for the temporary repair of the building. The appropriation in the public buildings bill is for a new building adjoining the present site.

The reading of the bill was continued. The next amendment was under the head of "District of Columbia," on page 23, after adjoining the present site.

Health department: For additional amount required for the necessary traveling expenses of sanitary and food inspectors while traveling outside the District of Columbia for the purpose of inspecting dairy farms, milk, and other dairy products, $100.

The amendment was agreed to.

The next amendment was, on page 23, after line 9, to insert:

For additional amount required for isolating wards for minor contagious diseases at Garfield Hospital, $1,200.

The amendment was agreed to.

The next amendment was, on page 24, after line 2, to insert:

Any balance of the appropriation of $2,500 for installing new baths in workhouse buildings at the Washington Asylum, provided for in the District appropriation act approved March 3, 1905, which may remain unexpended after the completion of said work, is hereby made available for installing water-closets, urinals, and stationary wash basins in said buildings.

The amendment was agreed to.

The next amendment was, on page 25, line 1, after the words "seventy-five," to insert "eight hundred and eighty-three," and in line 4, before the word "cents," to strike out "forty-seven dollars and thirty-five" and insert "sixty-three dollars and twenty;" so as to make the clause read:

Judgments: For payment of the judgments, including costs, against the District of Columbia, set forth in House Documents Nos. 861, 875, 883, 897, and 907 of this session, $69,663.20, together with a further sum sufficient to pay the interest, at not exceeding 4 per cent, on said judgments, as provided by law, from the date the same became due until the date of payment.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 27, after line 19, to insert:

Rochambeau statue: To pay DeB. Randolph Keim for compiling, preparing, indexing, and superintending through the press of an account of the ceremonies attending the unveiling of the monument to Count de Rochambeau, on account of the entertainment of the foreign visitors and preparation of a commemorative sketch of the services of the French in America, $1,000.

The amendment was agreed to.

The next amendment was, on page 30, after line 6, to insert:

Payment to Texas: To reimburse to the State of Texas, in full settlement of all claims of any nature whatever on account of moneys actually expended by that State during the period of time between February 28, 1855, and June 21, 1860, in payment of State volunteers or rangers called into service by authority of the governor of Texas, in defense of the frontier of that State against Mexican marauders and Indian depredations, for which reimbursement has not been made out of the Treasury of the United States, as ascertained under the act of Congress approved March 3, 1905, and certified in Senate Document No. 169 of this session, $375,418.94.

The amendment was agreed to.

The next amendment was, on page 30, after line 21, to insert:

Return of funds to citizens of Cebu, P. I.: For the return to the proper owners of certain funds taken from certain citizens of the island of Cebu, P. I., and through misunderstanding deposited in the Treasury of the United States as "miscellaneous receipts," $8,886.31.

The amendment was agreed to.

The next amendment was, under the head of "Military Establishment," on page 33, after line 11, to insert:

NAVY DEPARTMENT.

Office of Judge-Advocate-General, United States Navy: For additional amount for salary of the solicitor, assistant to the Judge-Advocate-General, as provided in the naval appropriation act for the fiscal year 1907, $1,500.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Navigation," on page 44, after line 11, to insert:

Naval War College, Rhode Island, buildings: The unexpended balance of the appropriation of $6,500 for altering the building formerly belonging to training station and fitting the same for occupancy by officers of the Naval War College, Rhode Island, made by the naval appropriation act for the fiscal year 1905, and the unexpended balance of the appropriation of $2,000 for furniture for officers' quarters in building No. 10, formerly belonging to training station, made by the naval appropriation act for the fiscal year 1906, are hereby reappropriated and made available for making necessary repairs and alterations to the buildings of the Naval War College at Newport, R. I.

The amendment was agreed to.

The next amendment was, at the top of page 45, to insert:

Naval training station, Newport, R. I.: To replace detention buildings at the training station, Newport, R. I., destroyed by fire on January 28, 1906, to be utilized in segregating recruits, including mess hall, mess and galley outfits, laundry, wash rooms, latrines, and other necessaries to make the same habitable and sanitary; in all, $94,321.

The amendment was agreed to.

The next amendment was, under the subhead "Navy, miscellaneous," on page 5, after line 23, to insert:

To reimburse Lieut. George T. Emmons, United States Navy, for commutation of quarters while serving on duty, under the Senate Committee on Territories, in Alaska and Washington from May 27, 1904, to March 31, 1905, amounting to $320.40, which, by an error in the wording of his orders, has been deducted from his pay by an order of the Treasury Department.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior" on page 51, after line 8, to insert:

OFFICE OF SUPERINTENDENT OF THE CAPITOL.

To reimburse William H. Green for loss of time and doctor's fees on account of injury from an accident while employed at the House of Representatives Office Building, $250.

The amendment was agreed to.

The next amendment was, on page 51, after line 13, to insert:

To reimburse John Brady for loss of time and for doctor's fees on account of injury from accident while employed under the Superintendent of the United States Capitol Buildings and Grounds in 1905, $250.

The amendment was agreed to.

The next amendment was, on page 51, after line 18, to insert:

For necessary improvements in the Senate kitchen, including laundry, refrigeration, construction of cold-storage room, metal tables, lockers, kitchen furniture, and ovens for baking, etc., not exceeding $17,000.

The amendment was agreed to.

The next amendment was, under the subhead "General Land Office," on page 53, line 1, after the word "thirty-two," to insert "and Senate Document No. 513;" and, in line 2, after the word "session," to strike out "$2,268.87" and insert "$2,714.04;" so as to make the clause read:

For payment to certain United States deputy surveyors for surveys and resurveys of public lands executed by them in certain States, necessary to complete the surveys under their contracts, being the amounts found due them by the Commissioner of the General Land Office, in accordance with the rates as authorized in the acts making appropriation for the survey and resurvey of public lands for the fiscal years in which the work was executed, as fully set forth in House Document No. 632 and Senate Document No. 513 of this session, $2,714.04.

The amendment was agreed to.

The next amendment was, under the subhead "Indian affairs," at the top of page 58, to insert:

To enable the Secretary of the Interior to return twenty-two pupils heretofore in the United States Indian school, Carlisle, Pa., to their respective homes in Alaska, $3,705, or as much thereof as may be necessary.

The amendment was agreed to.

The next amendment was, on page 58, after line 5, to insert:

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian school, Riverside, Cal.," for the fiscal year 1906, $1,244.49.

The amendment was agreed to.

The next amendment was, under the head of "Post-Office Department," on page 63, after line 17, to insert:

For payment to Walter L. Stowell, of San Francisco, Cal., in full settlement for loss sustained by burglary of the stamp office in the post-office at San Francisco, Cal., $1,374.

The amendment was agreed to.

The next amendment was, under the head of "Out of the postal revenues," on page 64, after line 17, to insert:

To pay George W. Fleming, of Adrian, Mich., for services as letter-box inspector at Adrian, Mich., from March 29, 1902, to June 13, 1903, $1,073.35.

The amendment was agreed to.

The next amendment was, under the head of "Department of Commerce and Labor," on page 66, after line 22, to insert:

Salaries and expenses, special attorneys, examiners, and so forth, Bureau of Corporations: The unexpended balance of the appropriation of $125,000, made in the legislative, executive, and judicial appropriation act approved February 3, 1905, for compensation and per diem, to be fixed by the Secretary of Commerce and Labor, of special attorneys, special examiners, and special agents for the purpose of carrying on the work of said Bureau as provided by the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," the per diem to be subject to such rules and regulations as the Secretary of Commerce and Labor may prescribe in lieu of subsistence, at a rate not exceeding $4 per day, to each of said special attorneys, special examiners, and special agents, and also of other officers and employees in the Bureau of Corporations, while absent from their homes on duty outside of the District of Columbia, and for their actual necessary traveling expenses, including necessary sleeping-car fares, and fees and mileage of witnesses, is hereby reappropriated and made available for the fiscal year ending June 30, 1907.

The amendment was agreed to.

The next amendment was, on page 67, after line 20, to insert:

For the care of the fish ponds in the Monument grounds, the ground around them and the buildings upon the same, during the fiscal year ending June 30, 1907, $300: *Provided*, That when said ponds, ground, and buildings are abandoned by the Bureau of Fisheries the officer in charge of public buildings and grounds is authorized to assume control of them and of any balance of the sum hereby appropriated that may remain unexpended at the date of said transfer.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 71, after line 13, to insert:

To pay Robert Brent Mosher for use of his plates in printing, for the use of Congress, 1,500 copies of the Executive Register of the United States, 1789 to 1902, $1,000.

The amendment was agreed to.

The next amendment was, on page 71, after line 18, to insert:

SENATE.

For stationery and newspapers for Senators and the President of the Senate and for stationery for committees and officers of the Senate, $2,500.

The amendment was agreed to.

The next amendment was, on page 71, after line 22, to insert:

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, $500.

The amendment was agreed to.

The next amendment was, on page 71, after line 24, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding $1.25 per printed page, $6,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 5, to insert:

For miscellaneous items, exclusive of labor, $5,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 7, to insert:

To pay the widow of the Hon. Arthur Pue Gorman, late a Senator from the State of Maryland, $5,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 10, to insert:

To reimburse the Official Reporters of the Proceedings and Debates of the Senate for expenses incurred from March 4, 1905, to March 4, 1906, for clerk hire and other extra clerical services, $4,740.

The amendment was agreed to.

The next amendment was, on page 72, after line 15, to insert:

To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, $750.

The amendment was agreed to.

The next amendment was, on page 72, after line 18, to insert:

To pay Dennis M. Kerr for services as assistant clerk by detail to the Committee on Pensions, $1,000.

The amendment was agreed to.

The next amendment was, on page 72, after line 20, to insert:

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, $100 for the first session of the Fifty-ninth Congress.

The amendment was agreed to.

The next amendment was, under the subhead "House of Representatives," on page 74, line 8, after the word "Anthony," to strike out "Mechalek" and insert "Michalek;" so as to read:

Anthony Michalek, $2,000.

The amendment was agreed to.

The next amendment was, on page 78, after line 5, to insert:

EXECUTIVE.

Committee on Department Methods: For salaries or compensation of persons not otherwise employed by the United States, and needed in the service of the Committee on Department Methods, appointed by the order of the President June 2, 1905, $5,000, to be expended only for service rendered in the District of Columbia.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, United States Courts," on page 78, line 23, before the word "of," to insert "and Senate Document No. 515;" so as to read:

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the act of March 3, 1887, entitled "An act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General in House Documents Nos. 628 and 853, and Senate Document No. 515 of this session, and which have not been appealed, namely:

The amendment was agreed to.

The next amendment was, on page 79, line 5, after the word "Department," to strike out "$5,411.85" and insert $5,719.35;" so as to make the clause read:

Under the Navy Department, $5,719.35.

The amendment was agreed to.

The next amendment was, on page 79, line 10, to increase the total appropriations for the payment of final judgments and decrees, United States courts, from $11,613.50 to $11,921.

The amendment was agreed to.

The next amendment was, under the head of "Judgments, Court of Claims," on page 70, line 20, after the words "fifty-nine," to insert "and Senate Document Numbered —;" so as to make the clause read:

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document No. 859 and Senate Document No. —, namely:

The amendment was agreed to.

The next amendment was, on page 79, line 23, to increase the appropriation for the payment of the judgments rendered by the Court of Claims, under the Treasury Department, from $33,-344.90 to $33,177.68.

The amendment was agreed to.

The next amendment was, on page 79, line 26, to increase the appropriation for the payment of the judgments rendered by the Court of Claims, under the War Department, from $70,199.33 to $150,609.13.

The amendment was agreed to.

The next amendment was, on page 80, line 4, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Navy Department, from $8,118.03 to $9,342.37.

The amendment was agreed to.

The next amendment was, on page 80, line 9, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Department of Justice, from $14,-446.68 to $16,098.14.

The amendment was agreed to.

The next amendment was, on page 80, line 12, to increase the appropriation for the payment of judgments rendered by the Court of Claims, under the Department of Commerce and Labor, from $430.56 to $1,202.47.

The amendment was agreed to.

The next amendment was, on page 80, line 17, to increase the total appropriation for the payment of judgments rendered by the Court of Claims from $216,304.73 to $300,485.02.

The amendment was agreed to.

The next amendment was, under the head of "Claims allowed by the Auditor for the Post-Office Department," on page 90, after line 6, to insert as a new section the following:

SEC. 3. That for the payment of the following claims, certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section 5 of the act of June 20, 1874, and under appropriations heretofore treated as permanent, being for the service of the fiscal year 1903 and prior years, unless otherwise stated, and which have been certified to Congress under section 2 of the act of July 7, 1884, as fully set forth in Senate Document No. ——, reported to Congress at its present session, there is appropriated as follows:

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For payment of judgments against internal-revenue officers, $3,126.30.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

For pay, etc., of the Army, $438.86.
For incidental expenses, Quartermaster's Department, $184.70.
For transportation of the Army and its supplies, $694.50.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

For contingent and miscellaneous expenses, Hydrographic Office, 83 cents.
For pay of the Navy, $13,571.08.
For pay, miscellaneous, $374.
For pay, Marine Corps, $1,750.29.
For indemnity for lost property, naval service, act March 2, 1895, $57.20.
For destruction of clothing and bedding for sanitary reasons, $59.57.
For enlistment bounties to seamen, $166.67.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

For Geological Survey, $7.31.
For transportation of Indian supplies, $5.50.
For investigating Indian depredation claims, $19.50.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

For expenses, Bureau of Animal Industry, $6.50.
For fees of commissioners, United States courts, $4.55.
For fees of jurors, United States courts, $26.
For support of prisoners, United States courts, $11.20.

The amendment was agreed to.

The next amendment was, on page 92, after line 18, to insert as a new section the following:

SEC. 4. The owner or owners, citizens or aliens, of any ship or vessel, foreign or domestic, and the owners of the cargoes laden thereon, and the owners of any property on board thereof, may, and they are hereby authorized and empowered to, sue the United States in any United States district court in which the parties so suing, or any of them, may reside, or in which the cause of action may arise, sitting as a court of admiralty, and acting under the rules governing such courts, for any damage, loss, or injury to such ship or vessel, or her owner or owners, or to the owners of any cargo laden thereon, or of any property on board thereof, arising from or attributable to the mismanagement of any vessel owned by the United States, or to the negligence or want of skill of those in charge thereof, by collision; and the said district court is hereby authorized to enter a judgment or decree for the amount of such injury, loss, or damage, if any shall be found due, against the United States, in favor of such owners, upon the same principles and measure of liability, with costs, as in like cases in the admiralty between private parties, and with the same rights of appeal that now exist by law in civil cases in which the United States are a party: *Provided, however*, That no such suit shall be brought more than six years after the collision shall have occurred.

That the process or procedure by which suits may or can be brought, and service on or notice to the United States or its officers shall be made or given, may be regulated by courts of admiralty by rules or orders made therein; and it shall be the duty of the Attorney-General of the United States to cause the United States attorney in each district to appear for and defend the United States in any such suit brought in his district.

Mr. MALLORY. Mr. President——

Mr. HALE. There are certain committee amendments which I wish now to offer to the bill, Mr. President. On page 8——

The VICE-PRESIDENT. Does the Senator from Florida rise to the amendment which has just been stated?

Mr. MALLORY. I rose to the amendment which has just been read, Mr. President, the last amendment. It is a very remarkable amendment to be inserted in a bill of this character. It changes the policy of this Government entirely in the matter of allowing itself to be sued; and there is very much in it which, to my mind, makes it objectionable. I do not wish now to oppose the amendment before I hear from the Senator from Maine, but I wish to call his attention particularly to the fact that this amendment allows the Government of the United

States to be sued for the negligence or want of skill of the Government's officers.

Mr. HALE. Mr. President, I think when the Senator hears the reason for this amendment he will withdraw his objection to it.

Mr. MALLORY. I will hear the Senator from Maine.

Mr. HALE. This matter was reported to the House of Representatives by the committee there, but it went out on a point of order. It was put in here for this reason: Every year Congress is beset with claims of this kind, which can not be resisted. We have to put these claims in for collisions by Government vessels, especially where foreign property is injured. We have to put them onto these bills and to examine each case. This provides in such cases that, instead of their being sent to the tomb of the Court of Claims, the injured parties may bring action in the local courts for these very things, so that the whole matter may be decided by the courts.

This provision is in the direction Congress is constantly legislating, a general law that will prevent us from being continually beset by these claims. We can not resist such claims, because they are urged by the ambassadors and ministers representing their governments; but if we send them to the courts, they have their day there; that ends it, and we cease to be bothered and troubled.

Mr. MALLORY. We have established a court in which claimants against the United States Government may institute their suits. This is undoubtedly a very great innovation. I do not know and I am not now prepared to say that it is not a good one, but it strikes me as being a very long step.

Mr. HALE. I think it is a very good provision.

Mr. MALLORY. I myself know one instance where a claim of that kind was pending here before the Committee on Claims for several years before it was finally adjusted; and it was a just claim. Still, it strikes me that this is a long step, and I should like to know some very good reason for it other than what I have heard.

Mr. HALE. I have given what I think is a very good reason. The very statement just made by the Senator is a reason why this amendment should be adopted, that parties have to wait sometimes for years before the Committee on Claims and before the Committee on Appropriations. This gives them immediate remedy, their day in court, their case to be disposed of like any other piece of litigation. I look upon it as a very salutary piece of legislation. That is all I can say about it. I do not want to take up the time of the Senate.

Mr. WHYTE. Mr. President, it seems to me that a citizen can recover for injuries by the United States——

Mr. HALE. I will withdraw the amendment if it is going to give rise to debate.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. HALE. I offer the amendment which I send to the desk, to come in after line 7, on page 4. It is to carry into effect a treaty that has just been ratified by the Senate.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 4, after line 7, it is proposed to insert the following:

International Institute of Agriculture, at Rome, Italy: For the payment of the quota of the United States for the support of the International Institute of Agriculture, at Rome, Italy, for the fiscal year 1907, $4,800; for the salary of one member of the permanent committee and for the actual and necessary traveling expenses of delegates to be appointed to the grand assembly of the Institute of Agriculture, $8,600; in all, $13,400, the said amount to be expended under the direction of the Secretary of State.

The amendment was agreed to.

Mr. HALE. On page 51, at the end of the clause in line 22, I move to insert the words, "to continue available during the fiscal year 1907."

The VICE-PRESIDENT. In the absence of objection, the committee amendment will be regarded as open. The amendment of the Senator from Maine to the amendment will be stated.

The SECRETARY. On page 51 in the committee amendment, after the word "dollars," at the end of line 22, it is proposed to insert "to continue available during the fiscal year 1907."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 74, line 20, I move to strike out "twenty" and insert "twenty-five;" so as to read "$25,000."

The amendment was agreed to.

Mr. HALE. On page 21, after line 14, I move to insert the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, after line 14, it is proposed to insert:

Whenever vacancies occur in class 2 or 3 in the Metropolitan police force of the District of Columbia promotions may be made thereto from the next lower grade for meritorious service: *Provided*, The number of privates in said classes shall not be in excess of the number appropriated for by Congress.

The amendment was agreed to.

Mr. HALE. On page 78, after the word "dollars," in line 12, I move to amend the amendment of the committee by inserting "for the fiscal year 1907."

The VICE-PRESIDENT. The committee amendment will be regarded as open to amendment, and the amendment proposed by the Senator from Maine will be stated.

The SECRETARY. On page 78, line 12, after the word "dollars," it is proposed to amend the committee amendment by inserting "for the fiscal year 1907."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. HALE. On page 79, line 21, after the word "Numbered," I move to insert "511." It is simply to fill in the blank to make it read "Senate Document Numbered 511."

The amendment was agreed to.

Mr. NELSON. Will the Senator from Maine again turn to page 8, line 16?

Mr. HALE. I have just moved an amendment there.

Mr. NELSON. I did not hear it.

Mr. HALE. On page 8, line 16, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 8, line 16, after the word "reopen," it is proposed to insert the word "audit;" so as to read "to reopen, audit, and adjust."

Mr. NELSON. If the Senator from Maine will allow me, I will move to change that by striking out the word "and," before the word "adjust," and after the word "adjust," inserting the words "and audit."

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Minnesota.

The SECRETARY. On page 8, line 16, after the word "reopen," it is proposed to strike out the word "and," and after the word "adjust," in the same line, to insert the words "and audit;" so that it will read:

Is authorized to reopen, adjust, and audit, etc.

The amendment was agreed to.

Mr. SPOONER. On page 92, after line 18, I move the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 92, after line 18, it is proposed to insert:

To pay William F. M. McCarty for services and expenses as an expert employed by the Committee on the District of Columbia to aid them in investigating and reporting upon the cost and quality of gas furnished to the Government and to the people of Washington in the year 1886, $1,283.

The amendment was agreed to.

Mr. CLARK of Wyoming. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 72, after line 18, it is proposed to insert as a new paragraph the following:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, $10,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

Mr. HALE. I make the point of order that the amendment provides for additional pay, which the law prescribes shall not be paid to officers already employed.

Mr. CLARK of Wyoming. I desire to make a statement in regard to this amendment, Mr. President. In the year 1902 the Senate of the United States, by resolution, commanded the Committee on the Judiciary, the chairman of which then was the late lamented Senator Hoar, to cause to be prepared this consolidated index. Under his direction this index was prepared, and faithfully prepared. The work was submitted to the Departments of the Government, to the Judiciary Committees of the two Houses; and in March of this year this amendment was passed by the Judiciary Committee of the Senate to be placed upon this appropriation bill. It was reported favorably.

As I have said, the work has been done. The work was authorized by the Senate, and the work is approved by the Judiciary Committees of the two bodies. The estimate of $10,000 is not the estimate of the parties who prepared the index, but is the estimate made by the Secretary of State's office, where they have been accustomed to making indexes and know the value of the service performed in such work. It seems to me, Mr. President, that this amendment ought to be placed upon this bill. I do not see how the Senate of the United States can in honor,

after having authorized and after having required this work to be done, say now that compensation shall not be paid for it.

Mr. HALE. Mr. President, this is one of the many cases with which the Senate is beset—that is, extra pay for extra work to employees whose salaries are fixed by law. The law is very clear that that can not be done. If this were a single case, perhaps I should not object, but there are twenty of them before the committee. Every part of this work can be done——

Mr. CLARK of Wyoming. I will say to the Senator from Maine that perhaps that might apply in this case. It does not seem to apply to other cases, for instance, in the sundry civil bill lately passed by this body. But be that as it may, being subject to a point of order on that account, I have no objection to that part of the amendment being stricken out.

Mr. HALE. Then, of course, the amount can be reduced.

The VICE-PRESIDENT. Does the Senator from Wyoming modify his amendment?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Georgia?

Mr. BACON. I did not rise to the question of the modification. I wanted to say a word with reference to the merits of the matter.

Mr. CLARK of Wyoming. I yield to the Senator.

Mr. BACON. I suppose that no one will deny the fact that at some time the Government of the United States will pay for this work, unless it distinctly and definitely repudiates an obligation.

Mr. HALE. I do not think the Government ought to pay regular employees of the Government extra compensation for any work that they do. It has got to be the fashion here that every clerk of a committee, if he makes an index or anything of that kind in the course of his regular employment, comes in for extra pay. He is already paid, and paid well. The committee instructed me to make these points. It is not only in this case, but there are a great many others. If the amendment is modified so that it does not provide for extra pay to men already in the employment of the Government, I have no objection to it.

Mr. BACON. As I understand, this is not a payment to these officials for any work done by them in pursuance of their positions. If the Senator will pardon me, I was not permitted to make my statement before.

I wish to call the attention of the Senator from Maine to the fact that this work was not done by these officials in the performance of any official duty devolved upon them by law. They are in no manner required to make these indexes, nor is there any work to be performed by them which in any manner relates to it. I think this fact can be stated with absolute confidence, that it was not done by them during the hours when they were engaged upon their official work.

Mr. MORGAN. What is it?

Mr. BACON. The Senator from Alabama asks me what indexes these are. They are four large volumes which contain complete analytical indexes of every statutory enactment of the United States from the foundation of the Government up to the last Congress. And while, of course, I can not say that I have given minute and detailed examination to these indexes, I have had occasion frequently to refer to them for the purpose of gaining reference to statutes, and I have found them very accurate and a very great convenience.

Mr. President, it is a fact that a very large part of the legislation of Congress is found in appropriation bills. Some of our most important legislation has been ingrafted upon appropriation bills, and it is with extreme difficulty that anyone in the absence of such an index as this is can make an exhaustive examination of the legislation of Congress upon any subject, because of the fact that these various provisions are thus hidden away in unexpected places in appropriation bills. The scope of this work goes to the extent that upon any given subject (unless it is deficient in some particular which has not yet been disclosed) upon a reference in the index to the name indicating that subject there is found a convenient reference to every piece of legislation which relates to that subject.

As I said when I began, Mr. President, this work must some time be paid for unless Congress is prepared to definitely and explicitly repudiate an obligation which the Government undertook when it directed the Judiciary Committee to have these indexes made.

Mr. HALE. Congress did not direct the committee to have it done against the law. The law is clear, and fits just such cases. The presumption is that the whole time of a clerk or employee of the Government must be given to the Government, and the object of the law is to prevent these claims for extra pay for extra work. The committee had no right to go on and employ men who already were employed by the Government. I must insist upon the point of order.

Mr. BACON. I do not know of any law which prohibits such work being done by those who may be in the employment of the Government. There may be a law against a man holding two offices, but this is no office.

Mr. HALE. The law is very clear, that an employee of the Government shall not receive any extra compensation.

Mr. BACON. Certainly, but in this case he is not to receive extra compensation for work done by him in the capacity in which the Government employs him as an officer. If this were work which would devolve upon these men in the discharge of their official duties, even though it might be much more extensive work than was originally contemplated when they were thus appointed officers, the Senator's criticism would be correct. But this is an altogether different piece of work, performed for the Judiciary Committee under an order of the Senate.

Mr. HALE. The law is very clear.

Mr. BACON. I would be glad if the Senator would show me which law it is.

Of course I do not intend to occupy the time of the Senate, but whether it is accomplished in this bill or not, certainly, as I said, unless the Government intends to repudiate its obligation and to receive the work of these men without giving them proper compensation, some time it must be paid. It seems to me there can be no more proper time than this. This work has been approved by the Judiciary Committee of the House and the Senate, and the estimate has been made not by anyone connected with the Senate, but by the Department of State, where the estimate should properly be made.

Mr. HALE. If the Senator from Wyoming will modify his amendment as suggested, I will accept it.

Mr. CLARK of Wyoming. I do not believe I am prepared to modify the amendment, although this is true. Not by any means the greater part of this work was done by anybody in the employment of the Government. I will ask the Senator from Maine if this be contrary to law, whether or not this provision upon the same page is contrary to the law:

> To pay Ormsby McHarg for indexing and for extra services as clerk to the Committee on Pensions, $750.

It seems to me that what would be contrary to the law and subject to the point of order in the one case would be equally contrary to the law in the other or like case. This work was prepared under the personal direction of the then chairman of the Judiciary Committee. He called to that work the then very efficient clerk of the Judiciary Committee. Probably a better man could not be found for that particular work. He also called to the work one of the librarians of Congress, who has been skillful with this, and they, with several others whom they employed under them, have worked for the greater part of three years upon this task. It seems to me that a point of order, even if it were proper, should not be made to an amendment of this sort.

Mr. HALE. If the Chair desires me to read the statute, I will read it. It is section 1765 of the Revised Statutes, and is as follows:

> No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law.

The VICE-PRESIDENT. The Chair is of opinion that the point is well taken, and sustains the point of order against the amendment.

Mr. CULLOM. I desire to offer an amendment to the bill.

The VICE-PRESIDENT. The Senator from Illinois proposes an amendment, which will be stated.

The SECRETARY. On page 78, after line 13, it is proposed to insert the following:

> The Secretary of the Interior may authorize such expenditure as may be necessary, not exceeding a total of $8,000 annually, for rent of office accommodations in the city of Washington, D. C., for the Reclamation Service, payable from the reclamation fund established by act approved June 17, 1902, entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands.

Mr. HALE. That is not a deficiency.

The VICE-PRESIDENT. The Chair did not understand the Senator. Does he make a point of order?

Mr. HALE. Yes; that is a matter that should come in on some other bill; that is not a deficiency.

Mr. CULLOM. The Senator will allow me to make a statement?

Mr. HALE. Certainly.

Mr. CULLOM. This item is recommended by the Secretary of the Interior in a letter, as follows:

> DEPARTMENT OF THE INTERIOR,
> *Washington, May 31, 1906.*
>
> SIR: I have the honor to transmit herewith a communication from the Director of the Geological Survey, dated the 25th instant, submit-

ting an additional estimate for incorporation in the sundry civil bill for—

Rent of office accommodations for the Reclamation Service	$8,000
Rent of additional office accommodations for the Geological Survey	3,000

The Director in his letter explains at length the necessity for making these appropriations.

The recommendation as submitted by him meets with my approval, and the estimate in question is respectfully forwarded, through your Department, for the appropriate action of the Congress.

Respectfully,

E. A. HITCHCOCK, *Secretary.*

The SECRETARY OF THE TREASURY.

I hope the Senator will waive any question of a point of order on this item. I know he is a kindly hearted man. This amendment ought to be adopted. It will not cost the Government any more than it is costing now, and yet the Reclamation Service has not sufficient room. All that is necessary is to adopt the amendment I have offered, so that they can rent in the District such offices as will enable them to go on with their work. I hope the Senator will allow the amendment to go in.

Mr. HALE. I am very desirous that the bill shall be completed. Parties are waiting with other matters. I will not object in this instance.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Illinois.

The amendment was agreed to.

Mr. DICK. I have an amendment, which I submit.

The VICE-PRESIDENT. The amendment proposed by the Senator from Ohio will be stated.

The SECRETARY. On page 25, after line 19, insert:

That for the purpose of contributing toward the expenses of the national encampment of United States Spanish War Veterans, to be held in the city of Washington, D. C., in October, 1906, to be paid out on the order of the Secretary of the Treasury to the committee of the national encampment of United Spanish War Veterans of the District of Columbia, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $5,000.

The amendment was agreed to.

Mr. WARNER. I offer an amendment, which has already been submitted to the Senator from Maine.

The SECRETARY. On page 10, after line 2, insert the following:

For the preparation of an index and table of contents to the final report of the Louisiana Purchase Exposition, $250.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. MILLARD. I offer the amendment I send to the desk.

The SECRETARY. It is proposed to add at the end of the bill the following:

To pay George R. Butlin for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

To pay J. B. Haynes for services in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

To pay Ernst H. Djureen for services rendered in the preparation of an analytical index to testimony taken before the Senate Committee on Interoceanic Canals, $500.

The amendment was agreed to.

Mr. GALLINGER. I submit the amendment which I send to the desk.

The VICE-PRESIDENT. The Senator from New Hampshire proposes an amendment, which will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. 4. The provisions of an act entitled "An act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia," approved August 1, 1892, and of an act entitled "An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes," approved February 27, 1906, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the isthmian canal within the Canal Zone.

The amendment was agreed to.

Mr. NELSON. I offer an amendment, to be inserted at the end of the bill.

The SECRETARY. It is proposed to add at the end of the bill the following:

To pay for extra services rendered to the Committee on Interstate Commerce of the Senate during the consideration of the hearings on the regulation of railway rates, from the adjournment of the Senate, March 4, 1905, during and subsequent to the special meetings of the committee (the employees named herein were inadvertently omitted from the urgent deficiency act), as authorized by Senate resolution No. 288, as follows: J. F. Sellers, $200; S. A. Maryman, $200; F. L. Thompson, $200; J. F. Siebert, $200; Parker Williams, $200; William McCaffery, $200.

The amendment was agreed to.

Mr. LA FOLLETTE. Mr. President, my attention has been called to an item in this bill which makes an appropriation to pay a judgment of the Court of Claims, as I understand. It is found on page 81, beginning with line 12 and extending over onto page 82 and ending with line 13. I have not myself had any opportunity to investigate it, but the provision was under discussion in the other branch of Congress last evening, and an amendment to that provision went out on a point of order under the rules. I will ask the Secretary to read so much of the discussion in the House yesterday as I have marked in the CONGRESSIONAL RECORD, page 9663, as throwing, possibly, some light upon that provision in the bill.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Mr. MILLER. Mr. Chairman, I desire to ask the gentleman in charge of the bill a question in relation to this item. On page 66 it says that interest shall be paid on these judgments at the rate of 5 per cent from the several dates named therein to date of payment. Now, what I want to know is what those dates are.

Mr. LITTAUER. The date is from the 12th day of June, 1838, and the total amount of interest will be somewhere, as I said, between $3,750,000 and $4,000,000.

Mr. MILLER. Then I understand the gentleman that the judgment and interest in this case is over $5,000,000?

Mr. LITTAUER. About $5,000,000 is substantially correct.

Mr. MILLER. I want to ask the chairman of the committee what amount has been allowed in this case for attorney fees?

Mr. LITTAUER. The Court of Claims has allowed 15 per cent, and has permitted the various attorneys to enter into a stipulation among themselves, confirmed by the court, as to the percentages to be paid to the various representatives.

Mr. MILLER. Is it not true that there have been allowed in the neighborhood of a million dollars attorney fees?

Mr. LITTAUER. I should say $750,000 was nearer correct.

Mr. MILLER. Well, now, Mr. Chairman, I desire to offer an amendment to this section. At the close of the section add this proviso.

The Clerk read as follows:

"Page 66, at the end of line 7, insert the following: 'That there shall be no fees paid to attorneys out of this appropriation until the Court of Claims shall have readjusted and determined the amount due each attorney who rendered services under contracts with the Eastern Cherokees or their representatives, and that said court shall have full power to determine the respective interest of each claimant, and the said appropriation shall bear no interest after the passage of this act.'"

Mr. LITTAUER. Mr. Chairman, I believe that provision would be subject to the point of order that it is new legislation not authorized by law. Our purpose here is simply to report to Congress the decree transmitted to us by the Court of Claims affirmed by the Supreme Court.

Mr. MILLER. Mr. Chairman, I hope the chairman of the committee will withhold his point of order.

Mr. LITTAUER. I will withhold it, in order that the gentleman may make a statement.

Mr. MILLER. I desire to say in reference to this particular item in this bill that in my judgment the legislation that has been heretofore enacted has been for the sole and express purpose of trying to secure very large fees in this particular case. I call the attention of the Chair to the law enacted in 1902, on July 1, providing that this case should be sent, or this class of cases should be sent, to the Court of Claims for judgment, and the language in the bill itself has been so carefully drawn that there can be no question but what it was drawn for the sole and express purpose of bringing together an agreement as to attorneys' fees. I read the language of that particular part of this bill:

"The institution, prosecution, or defense, as the case may be, on the part of a tribe or any band of any suit shall be through attorneys employed in the manner prescribed under sections 2123 to 2126, both inclusive, of the Revised Statutes of the United States, the tribe acting through its principal chief in the employment of such attorneys and the band acting through its head, each recognized by the Secretary of the Interior."

Now, I want to say that, so far as this particular law is concerned, these attorneys not one of them here that claim the adjudication of the court of $750,000 to be paid to them have ever rendered a single cent's worth of service in this particular matter. Never had anything to do with sending the case to the Court of Claims. It was sent to the Court of Claims on a report to Congress from the Secretary of the Interior, and not through any action whatever on the part of these men who are to receive large fees if this bill becomes law, and I can not see how it is possible for us to evade the passage of this bill, because it means that long ago, in 1850, the Senate of the United States provided by resolution that claims of this character should have 5 per cent interest paid on them, and under that law of 1850 the Supreme Court passed upon this case, and decided that they were entitled to 5 per cent interest.

And in place of receiving one million one hundred and thirty-four thousand and some odd dollars, they are now to receive about $5,000,000—$1,134,000 principal and $3,500,000 interest—and here are the attorneys, from every section of the Union, having an agreement with these Cherokee Indians, either the tribes or the bands, who have been doing various kinds of work, lobbying about this House and the other end of this building for the purpose of securing this 15 per cent of fees in this case, and they are getting a judgment here of $750,000; but the two men who will be benefited by this amendment have rendered more service in this case than all of the other attorneys combined. Yet they were unfortunate enough not to be in the Court of Claims under this particular bill at the time these cases were adjudged there, and hence their claims have not been allowed.

Upon the point of order, I wish to say that, in my judgment, this is not new legislation. I drew the amendment carefully, for the purpose of avoiding that very question, and it is for the purpose of having the Court of Claims simply readjust the attorney fees in this case, in order that all persons who had contracts under this law of 1902, under which this bill is being allowed, may have their claims readjusted, and that all persons may be permitted to receive the fees that they were entitled to under that law, and not under any new law that we are attempting to pass at this time. I say this is simply an act of justice to two men who have had more to do, so far as the legitimate work of this legislation is concerned, than any other two men connected with this case.

Mr. LA FOLLETTE. Mr. President, it seems to me an item

in an appropriation bill which discloses no more than this does ought to be explained to the Senate before it is adopted, since the amendment, judging from the discussion which took place in the House, provides for paying a claim of about a million dollars, in round numbers, with nearly $4,000,000 in interest, and also for carrying out an agreement under previous legislation by which it appears that attorneys are to be paid the enormous sum of $750,000 as fees.

In the debate a few days ago in the Senate upon the Indian appropriation bill something like two days was spent in discussing two or three items in the bill providing for the payment of a fee of $75,000, as I remember, in the one case and a hundred and fifty thousand dollars in another. It was conceded to be bad legislation for Congress to intervene between the attorneys and those who employ them to determine by legislation what they should receive.

It may be, and I suppose it is altogether probable, that this item can be explained, but I think some explanation ought to be made before it is adopted. I know that it is not customary for the Government to pay interest upon claims. This claim is based, I understand, upon treaty obligations; but it is a strange thing that this claim rested sixty-eight years before legislation providing for its payment was enacted or the interest charge upon it had amounted to two or three times as much as the original claim.

If I understand the point of the discussion which took place in the House of Representatives, a part of which has been read from the desk here, referred to a resolution of the Senate which authorized the payment of interest upon that Indian claim. I do not, for my part, see how a Senate resolution could provide for the payment of money. I understood it to be stated by the member of the Appropriations Committee of the House of Representatives who answered the question propounded to him by a member of that body, that in 1850 a resolution was passed by the Senate under which interest was to be paid upon that whole claim, dating back some twenty years before that.

Mr. HALE. Mr. President, I can not give any better explanation than what is afforded in the extracts, which I did not object to the Senator having read, although the rules prohibit it. The whole matter was thoroughly thrashed over in the House of Representatives. The basis of the law was stated there, and the treaty. It is a part of the treaty and the agreement that it carries interest. No question was raised as to that.

As to the fees of the attorneys, it was stated that it was a matter of agreement, and on that the House passed the proposition that the Senate has accepted. I can not go into a full explanation of the matter. In the first place, my voice has nearly failed.

Mr. BERRY. Will the Senator permit me to say one word?

Mr. HALE. Yes.

Mr. BERRY. This was a judgment of the Supreme Court of the United States in which they gave judgment for both principal and interest. They certified the case back to the Court of Claims to ascertain what would be a proper lawyer's fee. It went back to that court, and the court decided that 15 per cent would be the proper amount, and made the allowance and separated it between the various attorneys. Those are the facts.

The VICE-PRESIDENT. If no further amendments be proposed——

Mr. MORGAN. I attempted to get the floor a while ago to make a motion. I move to strike out, on page 6, the text of the bill, including line 7, down to line 18.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 6, strike out all of line 7, down to and including line 18, in the following words:

That the tariff duties both import and export imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Alabama.

Mr. HALE. I move to lay the amendment on the table.

Mr. MORGAN rose.

Mr. HALE. I will not interfere with the Senator, but I will later move to lay the amendment on the table.

Mr. MORGAN. I desire some chance to explain it. I did not yield the floor for any motion of that kind.

Mr. President, I am informed, though I have not examined the record on the subject, that this piece of new legislation, which unquestionably is new, has found its way into the text of this bill in the House under a peculiar situation. First of all, the objection was made that it was new legislation, and it was ruled out upon that ground. Thereupon a certain proceeding took place in the House which is peculiar to that body, whereby a rule was established, as I am informed—I do not know—directing that this legislation should be in order on a deficiency appropriation bill. Thereupon it was so ruled in the House and passed by the House, came to the Senate, and our committee have not made any objection to it so far as I know.

I know nothing at all of the personal merits of the claimants to this money. While there may be much said—I do not know whether there will or will not be—in regard to the merits of their claim personally considered, I do know that this part of the pending act is a flagrant violation of the Constitution of the United States, and I do not think the Senate of the United States ought to be forced, or induced, or compelled, or threatened, or involved in the necessity of deciding a question of this kind in favor of the views of the Secretary of War. The bill proposes to enact—

That the tariff duties both import and export imposed by the authorities of the United States or of the provisional military government thereof in the Philippine Islands prior to March 8, 1902, at all ports and places in said islands upon all goods, wares, and merchandise imported into said islands from the United States, or from foreign countries, or exported from said islands, are hereby legalized and ratified, and the collection of all such duties prior to March 8, 1902, is hereby legalized and ratified and confirmed as fully to all intents and purposes as if the same had by prior act of Congress been specifically authorized and directed.

There is proposed an absolutely undeniable case of retroactive legislation, which affects the rights of third persons. It substitutes an act of Congress now as if it had existed prior to the collection of these duties. Well, Mr. President, it did not exist then. The Supreme Court has held that it did not exist then, and to substitute it now by a relation back to that period and to give effect to it as if it had been enacted before that time is simply a plain, bold, false assertion of a fact. That is what it is, and you can not make anything else out of it. The act of Congress had not been enacted. The acts of Congress that existed at the time these duties were collected were construed by the Supreme Court, and it was held by the Supreme Court that they did not authorize the collection of these duties. Now the Congress of the United States comes in and says that the collection is ratified, just as if the act of Congress had existed at the time the duties were levied.

That, Mr. President, is retsoactive legislation of the most vicious possible character. Let Congress establish that precedent here, and there is no reach to which Congress may not go in substituting statutory authority that never existed to justify acts that were performed and were necessary to have statutory authority to support them.

This case has been several times in one form and another before the Supreme Court of the United States. The decision is perfectly clear, absolutely unavoidable, that certain persons who have paid somewhere between $4,000,000 and $8,000,000 collected in the Philippine Islands on imports of goods into those islands, and probably on exports of goods from those islands, have paid their money into the treasury of the Philippine Islands as if the authorities there had the right to collect it. They demanded it, they collected it, they put it in the treasury, they expended it, and now the Supreme Court says that they had no authority to collect it; and we propose merely to supply the authority by ex post facto legislation. That is the simple statement of the case.

I do not care, Mr. President, to elaborate this case in argument at all; but some highly respectable gentlemen of the United States, some of whom were in past times of high official station here—one was the Secretary of the Treasury, another was the Secretary of the Navy in former times—have placed in my hands, as they have, I suppose, in the hands of every Senator on this floor, certain statements of fact in regard to this matter that I desire to have placed in the RECORD. I want the Supreme Court of the United States to know that there is at least one man on the floor of the Senate who does not intend to compel them to change their decision, and that he does not intend to participate in the enactment of laws which were not in existence at the time they made their decision and give them a retroactive effect precisely as if they had been in existence.

I want the Supreme Court of the United States to understand that the Congress of the United States does not intend to try to dragoon them into making certain decisions. We have no such purpose as that, at least all of us have not; and I want them to understand that there are men here who appreciate the value and dignity and power and effect of their decisions and are unwilling to reverse them by an act of Congress.

Therefore, for the purpose of correcting a statement of fact which has gone abroad in the various discussions that have

been participated in here and elsewhere about this matter, I wish to insert in the RECORD a statement signed by Messrs. John G. Carlisle, Herbert & Micou, Dudley & Michener, Coudert Brothers, and Harry M. Ward, attorneys for these claimants.

The VICE-PRESIDENT. Without objection, permission is granted.

The statement referred to is as follows:

Statement with regard to amount involved in the Philippine cases pending in the Court of Claims to recover duties adjudged by the Supreme Court to have been illegally exacted affected by the section of the general deficiency bill, page 4, ratifying the collection of duties in the Philippines.

The Secretary of War has written a letter to a Member of the House, printed at page 9672 of the RECORD, in which it is stated that there was serious danger that unless this ratification measure is passed judgments for $15,000,000, the entire amount of duties collected in the Philippines on imports from all countries, will be recovered.

The right of the President to collect duties in the Philippines on imports from foreign countries at the rates established by his order of July 12, 1898, was not involved in the Warner Barnes case, nor were any of these claims included in the revised schedule of claims submitted by the Attorney-General, with a statement that they all depended upon the decision in the Warner Barnes case.

The duties paid on imports from the United States and from Spain, which the Attorney-General admitted would be governed by the decision in the Warner Barnes case, amount to about $3,500,000, and are included in the schedule submitted by the Attorney-General and printed at page 9673 of the RECORD. The duties on exports to the United States, which are clearly within the language of the opinion, amount to less than a million dollars more. While some of these claimants have filed petitions in the Court of Claims for the recovery of duties paid on imports from and exports to foreign countries, they concede that those classes of cases are not covered by the decision.

We therefore suggest an amendment providing that the ratification shall not extend to imports from and exports to the United States and imports from Spain from April 11, 1898, to November 15, 1901, which were pending in the Court of Claims at the time the opinion of the Supreme Court upon the reargument was handed down, May 28, 1906. Then the ratification, if valid, will prevent any further claims from being filed and will prevent the recovery of judgment in any cases not clearly covered by the decision of the Supreme Court and pending at the time the last decision was handed down. The whole amount which will then have to be paid out of the Treasury will be less than $4,500,000, and the ratification act will save the difference between this sum and the fifteen millions whose loss is apprehended by the Secretary of War.

The proposed amendment is as follows:

Page 5, line 2, insert the following:

"*Provided*, That this act shall not apply to suits pending in the Court of Claims on the 28th day of May, 1906, for the recovery of duties paid in the Philippines on imports from and exports to the United States, and imports from Spain from and including April 11, 1899, to November 15, 1901."

The bill if so amended will not be in conflict, as it now is, with the decisions of the Supreme Court in these cases.

June 28, 1906.

JOHN G. CARLISLE,
HERBERT & MICOU,
DUDLEY & MICHENER,
COUDERT BROTHERS,
HARRY M. WARD,
Attorneys for Claimants.

Mr. MORGAN. I wish also to insert in the RECORD extracts from the decisions of the Supreme Court made upon this question, together with the brief of the counsel who have advanced these claims. I wish to do that for this reason, if for no other: A very large number of these claimants are foreigners, people of other governments, and it can not possibly happen that the Government of the United States will not be called to account by the foreign governments in this matter if the Congress of the United States undertakes to reverse by its legislative action a decree of the Supreme Court, and thereby to exclude them from rights that they have got. They have got their rights. Not only so, but they are prosecuting them in our courts under the laws of Congress. Their claims are filed in the Court of Claims and elsewhere. Some of them have been decided by the Supreme Court of the United States, and the money has not yet been collected to satisfy those judgments, and those judgments are in favor of foreigners. Many others of these claims are in favor of foreigners. Are we to expect that after our Supreme Court have decided the case in favor of a foreigner transacting business through the customs department of the United States that they will submit to have the judgments set aside by an act of Congress and overrule the Supreme Court?

You can not expect anything of that kind, and we are likely to be involved in difficulty. We had better strike out this provision and let these parties work out their cases before the Supreme Court of the United States. That court may find occasion to reverse its own decision. I do not know whether it will or whether it will not; but until that court does reverse its decision, now firmly made after several rehearings, the Congress of the United States ought not to put this Government in jeopardy and cast a slur upon the Supreme Court of the United States by this legislation. I wish to insert this statement and the brief of counsel, and that is all I have to say about it.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and permission is granted.

The matter referred to is as follows:

[Before the Judiciary Committee of the United States Senate, Fifty-ninth Congress, first session. Memorandum in opposition to Senate bill No. 6362.]

On June 5, 1906, the following bill was introduced:

[S. 6362. Fifty-ninth Congress, first session. In the Senate of the United States, June 5, 1906.]

Mr. SPOONER introduced the following bill; which was read twice and referred to the Committee on the Judiciary:

A bill to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes.

Whereas in assumed compliance with an order of the President, dated July 12, 1898, and subsequent amendments, a tariff of duties was levied and collected at all ports and places in the Philippine Islands upon all goods and articles of merchandise imported into the Philippine Islands from foreign countries and from the United States from July 12, 1898, to March 8, 1902; and

Whereas by the act of July 1, 1902, Congress, by the second section thereof, enacted that "the action of the President of the United States theretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes, as set forth by said order, so to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands taken in accordance with the provisions of said order and subsequent amendments are hereby approved;" and

Whereas in a cause pending in the Supreme Court of the United States that court has decided that the language of section 2 of the act of July 1, 1902, above quoted, properly construed, only applies to such a tariff of duties levied and collected in the Philippine Islands before April 11, 1899, and does not extend to and confirm and ratify such duties collected from July 12, 1898, to March 8, 1902; and

Whereas a claim for a refund of the duties levied and collected between the dates above mentioned, to wit, from July 12, 1898, to March 8, 1902, is inequitable in that the importers of such goods who are now claiming refunds in fact reimbursed themselves for the payment of the duties by the sale of such goods in the markets in the Philippines at prices which included the duties; and

Whereas it was the intention of Congress, although not properly carried into the language of the law, to approve and ratify what had been done by the President and the officers of the Philippine government in the establishment and collection of a tariff of duties from July 12, 1898, to March 8, 1902: Now, therefore,

Be it enacted, etc., That all duties levied and collected by the authorities of the Philippine Islands, representing the governments of the Philippine Islands and of the United States, at all ports and places in those islands upon all goods and articles of merchandise imported into the islands from foreign countries and from the United States from July 12, 1898, to March 8, 1902, are hereby approved, ratified, and confirmed as fully in all respects as if the same had been expressly authorized by an act of Congress before their levy and collection: *Provided*, That this act is not intended and shall not be held to apply to suits to recover duties collected and paid which have been already determined by the Supreme Court.

[Indorsed.]

[S. 6362. Fifty-ninth Congress, first session.]

A bill to approve, ratify, and confirm tariff duties levied and collected at all ports and places in the Philippine Islands between July 12, 1898, and March 8, 1902, and for other purposes.

By Mr. SPOONER.

June 5, 1906.—Read twice and referred to the Committee on the Judiciary.

We submit that this bill should be adversely reported by the committee upon the grounds—

1. That it is unconstitutional, in that it deprives claimants of their property without due process of law and appropriates it to the public use without any compensation.

2. That it is unjust and makes an unfair discrimination between the parties affected by the bill and others similarly situated.

3. That it amounts to the repudiation of a debt of the United States.

4. That it is an interference by Congress with the judicial power of the United States, in that it attempts to nullify a judgment of the Supreme Court.

The history of the cases affected by this bill is as follows:

On July 12, 1898, during the Spanish war, President McKinley, by virtue of the authority vested in him as Commander in Chief of the Army and Navy, directed that upon the occupation and possession of all ports and places in the Philippine Islands a tariff of customs duties should take effect and be enforced as a military contribution.

Various amendments of this order were made from time to time by or under the direction of the President and Secretary of War. The treaty of peace with Spain was signed December 10, 1898. On December 21, 1898, President McKinley issued a proclamation, announcing to the people of the Philippine Islands that the United States assumed sovereignty, and declaring, among other things, that all importations of goods should be subject to the rates of duty in force at the time of importation.

On April 11, 1899, the ratifications of the treaty with Spain were exchanged, and the treaty was proclaimed by the President.

In the island of Porto Rico a similar customs tariff was established by an order made in August, 1898, and republished in February, 1899, which order was substantially identical in terms with the Philippine order.

In the year 1900 a series of test cases were brought—

First. To determine the validity of the collection of duties upon imports from Porto Rico under the Dingley tariff law after the ratification of the treaty and before the act of April 12, 1900, establishing a temporary civil government for the island of Porto Rico, commonly known as the "Foraker Act," took effect.

Second. To determine the constitutionality of the Foraker Act in so far as it imposed duties on imports from Porto Rico into the United States.

Third. To determine the legality of the collection of customs duties by the military officers in the island of Porto Rico under the order of the President above referred to after the ratification of the treaty.

Fourth. To determine the constitutionality of the Foraker Act in so

far as it imposed duties on imports from the United States into Porto Rico.

Fifth. To determine whether imports from the Philippine Islands into the United States after the ratification of the treaty were subject to duty under the Dingley tariff law.

On May 27, 1901, the Supreme Court decided, in De Lima *v.* Bidwell (182 U. S., 1), that Porto Rico was not a foreign country within the meaning of the Dingley tariff law, and that therefore there was no warrant of law for collecting duties on imports from that island from the date of the ratification of the treaty, April 11, 1899, to the date that the Foraker Act took effect, May 1, 1900.

The court further decided, in the first Dooley case (182 U. S., 222), that the order of the President establishing a customs tariff in Porto Rico applied to imports from foreign countries only, and therefore not to imports from the United States after the ratification of the treaty, and that until Congress should constitutionally legislate on the subject such goods were entitled to free entry, and that the President had not the power to impose a customs tariff in Porto Rico upon imports from the United States after the treaty had taken effect.

The court further decided, in Downes *v.* Bidwell (182 U. S., 244), that the Foraker Act, in so far as it imposed duties on imports from Porto Rico into the United States, was constitutional, and that the duties involved in that case were lawfully collected.

On December 2, 1901, the Supreme Court further decided, in The Fourteen Diamond Rings (183 U. S., 176), that the legal status of the Philippines after the ratification of the treaty was the same as that of Porto Rico—that is to say, that the Philippines were not, after the ratification, a foreign country within the meaning of the Dingley tariff law.

It also decided, in the second Dooley case (183 U. S., 151), that Congress has power to impose a tariff upon goods sent from the United States to Porto Rico.

Thereupon, in view of these decisions, a suit was brought in the Court of Claims in behalf of Warner Barnes & Co. (Limited), a British trading corporation, to recover duties paid in the Philippines upon imports from the United States from the date of the ratification of the treaty, April 11, 1899, to November 15, 1901, the date when the tariff enacted by the Philippine Commission took effect. The petition in this suit was filed on January 18, 1902. Counsel for the claimants submitted to the Attorney-General a memorandum showing that this case was governed by the decisions of the Supreme Court in the first Dooley case, the Fourteen Diamond Rings case, and De Lima *v.* Bidwell, and endeavored to arrange for the entry of judgment for the amount claimed. The Attorney-General, however, decided to attempt to distinguish those cases and to defend the suit in the Court of Claims. In spite of the best endeavors of the claimant to bring the case on for a speedy hearing, the case was not tried until the month of April, 1904. On May 3, 1904, judgment was given by the Court of Claims dismissing the petition.

In the meantime and on the 1st of July, 1902, Congress passed the act for the civil government of the Philippine Islands, and by section 2 of that act provided that:

"The action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes, as set forth by said order, was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments are hereby approved."

The Court of Claims held that an actual state of war existed in the islands, which prevented the treaty from taking full effect; that the President therefore had power to impose these duties as a military measure, and that the second section of the act of July 1, 1902, above quoted, ratified the collection of these duties and left the claimant without remedy.

In the meantime and prior to the passage of the act of Congress a number of suits had been filed in the Court of Claims in behalf of other claimants similar in all respects to the claim of Warner Barnes & Co., and by an arrangement with the Assistant Attorney-General all proceedings in the other suits were held in abeyance pending the determination of the Warner Barnes case.

An appeal from the judgment of the Court of Claims in the Warner Barnes case was duly taken to the Supreme Court of the United States, and the case was regularly reached on the call of the docket and argued in March, 1905. In the meantime the Lincoln case, a suit identical in principle with the Warner Barnes case and in which the claimants were New York merchants, was taken to the Supreme Court on writ of error to the district court for the southern district of New York.

The Warner Barnes case was argued in the Court of Claims for the Government by Charles E. Magoon, esq., law officer of the War Department, by direction of the Secretary of War, and by Mr. Assistant Attorney-General Pradt, and a special brief on the question of ratification was prepared by the direction of Hon. William H. Taft, Secretary of War.

In the Supreme Court the argument of the Warner Barnes and Lincoln cases was conducted by the Solicitor-General.

An elaborate brief was submitted covering all the points which had been advanced by the Government in the Court of Claims. On April 3, 1905, the Supreme Court rendered a unanimous opinion, written by Mr. Justice Holmes, in which it held that the former decisions in the first Dooley case and the Diamond Rings case were controlling upon all the questions involved except that of ratification. Upon this question it decided that as the act of Congress ratified only the actions of the military authorities taken in accordance with the provisions of the President's order of July 12, 1898, and its amendments, and as the collection of duties upon imports from the United States after the ratification of the treaty was not authorized by the order, therefore the collection of duties on imports from the United States was not ratified by the act. The court further expressly decided that the President had not the power to impose these duties. (Lincoln *v.* U. S.; Warner Barnes *v.* U. S., 197 U. S., 419–429.

The Government thereupon asked leave to file a petition for a rehearing, and on May 29, 1905, the Supreme Court allowed a petition for rehearing to be filed, addressed solely to the question of ratification of the collection of these duties by Congress. An elaborate brief and petition were thereupon filed by the Attorney-General and the Solicitor-General, and we understand from the statement made to counsel by the Attorney-General that this petition and brief were prepared by the honorable Secretary of War.

On November 13, 1905, the court granted a rehearing as to the question "whether Congress ratified the collection of the sums sought to be recovered in the suit." The reargument was had on January 18, 1906, on that question. The argument for the Government was made by the Solicitor-General and the Attorney-General, and in behalf of the claimants by John G. Carlisle, esq., and F. R. Coudert, esq. The court held the case under advisement for over four months, and on the 28th of May, 1906, handed down a decision, written by the Chief Justice and concurred in by all the justices except Justice White and Justice McKenna, by which the court adhered to the conclusion previously announced.

Copies of the two opinions of the Supreme Court are hereto annexed as Exhibits A and B.

The mandate of the Supreme Court has been issued and judgment entered in the Court of Claims in the Warner Barnes case for the sum of $71,161.95, the amount found by the Court of Claims to have been exacted by the military authorities under the terms of the order of July 12, 1898, between April 11, 1899, and November 15, 1901. Judgment will be entered in due course in the Lincoln case.

After the original decision of the court was handed down, in April, 1905, a large number of additional claims were filed in the Court of Claims and are now pending. Upon the petition for a rehearing the Attorney-General submitted a statement of the amount of the claims filed "which would come under the decision herein." This statement was found to be inaccurate, and a corrected statement was filed on May 26, 1905, covering all claims filed in the Court of Claims for the recovery of duties on imports from the United States and from Spain, which, as the Attorney-General stated in his memorandum, were included—

"Because of the provision of the treaty, article 4, that 'the United States will, for the term of ten years from date of the exchange of ratifications of the present treaty, admit Spanish ships and merchandise to the ports of the Philippine Islands on the same terms as ships and merchandise of the United States.'"

A copy of the corrected list of claims filed by the Attorney-General is annexed and marked "C," and we have indicated as far as known to us the nationality of the several claimants.

The amount of these claims filed up to July 1, 1902, as stated by the Attorney-General, and exclusive of the Warner Barnes claim, was over $454,000, and those filed on and since July 1, 1902, amounted to something over $2,000,000 more, including the imports from Spain.

Almost all of the claimants are foreign subjects or natives of the Philippine Islands, many of the latter having retained their Spanish allegiance. The great bulk of the claims for imports from the United States have been presented in behalf of British, German, and Swiss firms and trading companies. The claimant in the Warner Barnes case, in which judgment has been recovered, is a British trading company and in law a British subject.

The Supreme Court having decided that Congress has power to impose a tariff of customs duties upon merchandise imported into Porto Rico or the Philippine Islands from the United States, and Congress having enacted such a tariff for the Philippines on March 8, 1902, Congress would have had the power to authorize the collection of all the duties involved in all these cases by an act passed prior to the date of the importation. The object of the bill now under discussion is to ratify, approve, and confirm all duties collected in the Philippines upon all goods imported into the islands from all foreign countries and from the United States "as fully in all respects as if the same had been expressly authorized by an act of Congress before their levy and collection." In other words, it is an attempt to legislate the claimants out of court.

Coming now to the discussion of our points:

FIRST.

The proposed act is unconstitutional, in that it deprives claimants of their property without due process of law and appropriates it to the public use without compensation.

The Supreme Court, in the Warner Barnes case (197 U. S., 419) and in the opinion on the reargument, filed May 28, 1906 (copies of which are annexed), has decided that the United States has in its possession large sums of money belonging to the claimants; that this money was taken from the claimants by military officers of the United States under the order of the President without any warrant of law, and that the claimants, whose suits, brought under existing laws, are pending in the Court of Claims, are entitled to judgment for the moneys so exacted. For Congress now to pass an act declaring that the collection of all these duties is ratified with the same force as if their collection had been authorized by a prior act amounts to nothing more nor less than an attempt to confiscate the claimants' property. It attempts to deprive the claimants of their property without due process of law and appropriates it to the public use without compensation. Such an act would be a clear and palpable violation of the fifth amendment of the Constitution. The Supreme Court has expressly decided, in the case of De Lima *v.* Bidwell (182 U. S., 199–200), that after suit has been brought for the recovery of duties Congress has not the power to ratify the collection. In the opinion on the reargument in the Warner Barnes case the court did not base its decision on the lack of power to ratify, for it held that it was not the intention of Congress in the act of July 1, 1902, to ratify that which the President had not power to do. In declaring this intention, however, the court said:

"Moreover, the act of July, 1902" (the act of Congress claimed to ratify the collection of these duties), "was passed with full knowledge and after a careful consideration of the decisions of this court, and Congress was aware that grave doubt, at least, had been thrown upon its power to ratify a tax under circumstances like the present. (De Lima *v.* Bidwell, 182 U. S., 1, 199, 200.) This affords a special reason for believing that if it had intended to encounter the limitations of that case it would have done so in clear words, from which there was no escape."

The court thus clearly intimated that in its opinion Congress had not the power; and the decision in De Lima *v.* Bidwell (182 U. S., 1, 199, 200) is a controlling authority on the point that where, as in the present case, actions have been brought for the recovery of duties Congress has not the power to deprive claimants of their property by ratification.

The subject-matter with respect to which these moneys were exacted, and upon which this bill would, by ratification, retrospectively authorize the imposition of a tax, is the exercise of the privilege of doing a certain act, to wit, landing in Manila goods brought from New York.

Customs duties are indirect taxes; that is to say, they are not levied directly upon the merchandise imported, but upon the exercise of the privilege accorded by the sovereign of importing and landing foreign merchandise within the territorial limits of the nation. There can be no sound contention that the moneys sought to be recovered were exacted in payment of any direct or property tax. They were clearly levied and collected as customs duties.

It is the law in these cases that, at the time of this exaction, claimants had the right to enjoy this privilege without the payment of any tax.

In the first opinion in the Warner Barnes case (197 U. S., 428) the court said:

"Apart from the question of the duration of the President's order, it plainly was an order intended to deal with imports from foreign countries only and Philippine ports not in the actual military control of the United States."

In the first Dooley case, reaffirmed in every particular in these cases, the court said (182 U. S., p. 235):

"The proper construction of that order is, that it ceased to apply to goods imported from the United States from the moment the United States ceased to be a foreign country with respect to Porto Rico, and that until Congress otherwise constitutionally directed, such merchandise was entitled to free entry."

And at page 236 (182 U. S.):

"In our opinion, the authority of the President as Commander in Chief to exact duties upon imports from the United States ceased with the ratification of the treaty of peace, and her right to the free entry of goods from the ports of the United States continued until Congress should constitutionally legislate upon the subject."

In the first opinion in the Warner Barnes case (197 U. S., 429) the court said further:

"The fact that there was an insurrection of natives not recognized as belligerents * * * just outside its (Manila's) walls, did not give the President power to impose duties on imports from a country no longer foreign."

These quotations show clearly that it is the settled law of these cases that the claimants were entitled to free entry of their goods, both because the order did not apply to them and because the President had no power to impose these duties.

The provision in the fifth amendment, that no person shall be deprived of his property without due process of law, requires with respect to the levy and collection of taxes that Congress must state the subject-matter and fix the rate of the tax by law before taking the property of any person in payment. This is an elementary principle of constitutional law. Due process of law is not limited in scope to judicial proceedings. It prohibits every deprivation of property by any department or agency of the Government in whatever form, particularly the taking of property under the guise of taxation for the support of the Government.

With respect to all indirect taxes upon the exercise of a privilege due process of law requires that the taxpayer shall have notice that the tax has been lawfully imposed and the option of exercising or not exercising the privilege. If he exercises it, he becomes liable to the tax. Thus he has the opportunity of knowing in advance what he will have to pay for the exercise of this privilege. Where customs duties are levied due process requires that the importer shall have an opportunity to be heard as to the nature and value of his goods.

This has been held in many cases.

An act of Congress imposing duties prospectively which failed to provide for giving the importer a hearing before some tribunal or officer as to the value and nature of his goods on whose importation the duties were levied would violate the requirement of due process of law.

"The importers in this case had full notice of the proceedings before the board of general appraisers upon their appeal to said board, and ample opportunity to be heard on the question of the market value of the imported goods. It can not, therefore, be properly said that they have been subjected to penalties without notice or an opportunity to be heard or been deprived of their property without due process of law." (Passavant *v.* United States, 148 U. S., 214, 222.)

Obviously when a customs tax is imposed retrospectively there can be no option as to the exercise of the privilege of importing or as to paying the duty and no opportunity for a hearing as to the nature and value of the goods, hence no due process of law.

An act of Congress, passed at the present time, imposing a tax upon the importation of all merchandise brought into Manila from New York between April 11, 1899, and November 15, 1901, would violate this constitutional requirement. It matters not whether in passing such an act Congress is acting under the power to levy and collect taxes, duties, imposts, and excises, or under the power to make rules and regulations for the government of the territory of the United States. In the exercise of either power Congress is equally bound by the limitations contained in the Constitution and amendments.

The Supreme Court has finally declared the law to be that in legislating under the power to rule the Territories Congress is limited by the prohibitions contained in the first ten amendments, and is bound by the limitations arising from the fundamental principles upon which our system of government is based.

Downes *v.* Bidwell, 182 U. S., 244, 277, 282.
Dorr *v.* United States, 195 U. S., 138, 147.
See, also,
Calder *v.* Bull, 3 Dall., 386.
Fletcher *v.* Peck, 6 Cr., 87, 135.
Wilkinson *v.* Leland, 2 Pet., 627, 657.
United States *v.* Lee, 106 U. S., at 218, 219.
Cooley Const. Lim., 6th Ed., p. 443.

Congress has not the power to impose, under the guise of ratification, a retroactive tax which it has not power at the time it acts to impose by direct legislation.

It was argued by the counsel for the Government that the question of the power of Congress to ratify the collection of these duties is sustained by the maxim that every ratification relates back and has equal force with a prior mandate; that as, under the second Dooley case (183 U. S., 151), Congress had the power to impose these duties on the 11th of April, 1899, it follows from this maxim that it must have power to ratify their collection.

This argument begs the question. Furthermore the maxim is inapplicable to an act imposing a retroactive tax. It came into use as part of the law of principal and agent, and originally meant no more than that where the principal has ratified a contract made by one who assumed to act as his agent, he is as firmly bound by the contract as if his agent had had authority to act in his behalf at the time the contract was made. The maxim has also, of late years, been applied to remedial acts of the legislature confirming acts of individuals, corporations, or minor legislative or administrative bodies which might have been held invalid or irregular because of some technical defect, and where the act of ratification carries out the true intent of all the parties to a transaction and works substantial justice.

The cases cited by counsel for the Government before the court are all to the effect that the legislature has power to pass remedial acts and that such acts do not violate the requirement of due process of law.

The doctrine of these cases is summed up in the case of Foster *v.* Essex Bank (16 Mass., 245), quoted with approval in Freeborn *v.* Smith (2 Wall., 160, 175), as follows:

"The truth is there is no such thing as a vested right to do a wrong, and the legislature which, in its acts, not expressly authorized by the Constitution, limits itself to correcting mistakes and to providing remedies for the furtherance of justice, can not be charged with violating its duty or exceeding its authority."

The court, in the same case, said:

"Such acts are of a remedial character, and are the peculiar subjects of legislation. They are not liable to the imputation of being assumptions of judicial power."

The cases cited by counsel for the Government do not hold, nor does any case we know of hold, that where Congress has not power to impose a tax retrospectively it nevertheless has power to ratify the collection of a tax whose payment was enforced by the Executive wholly without warrant of law. It can not be that the fact that these moneys, wrongfully exacted from the claimants, are in the custody of the United States can have any bearing upon the power of Congress to ratify their collection. The whole course of action pursued in collecting these duties, especially after the decision of the court in the first Dooley case, shows that it was considered doubtful whether the collection of duties in the Philippines on imports from the United States was lawful and that this doubt was resolved by the authorities in favor of the Government. The theory of law upon which these suits are being prosecuted and upon which they have been decided in our favor, is that the Government has in its possession moneys which rightfully belong to the claimants. To hold that the possession of these moneys by the Government gives Congress power to transfer the title from the claimants to the Government is to hold that Congress has power to confiscate the property of the people without either just compensation or due process of law.

It has been squarely held in De Lima *v.* Bidwell (182 U. S., 199) that Congress has not this power.

The case of Kimball *v.* Town of Rosendale (42 Wis., 407) is directly in point upon the proposition now under discussion.

In that case it appeared that the legislature of Wisconsin in 1871 had passed an act authorizing the town of Rosendale to subscribe to the stock of a railroad company under certain conditions, one of which was that the railroad should deliver its proposition for the issue of the stock to the town clerk and should within three months thereafter deliver to such clerk a copy or copies of the proposition bearing the written assent of a majority of the taxpayers. The act further empowered the town to issue bonds in payment for the stock and levy taxes for the payment of the bonds. The town did subscribe the stock and issue the bonds and levy the taxes, but its action was irregular, because the railroad failed to file the written assent of the taxpayers within the three months.

Taxes were assessed for several years by the town on the plaintiff and others. The plaintiff sued to recover the amount of such taxes collected from him.

In 1877 the legislature passed a special act declaring that the several acts of the officers of the town in subscribing for the stock, issuing its bonds and assessing, levying, and collecting the taxes to pay the same had or done in good faith in attempting to comply with the statute above recited "are hereby declared legal and valid to all intents and purposes, and shall be so taken and held to be in all the courts of this State."

The question decided by the supreme court of Wisconsin was whether the legislature had power to ratify the action of the town officers in view of an amendment to the State constitution adopted in 1871, after the passage of the original act authorizing the town to subscribe to the stock, which amendment prohibited the legislature "from enacting special or private laws in nine several cases," the sixth being "for assessment or collection of taxes, or for extending the time for collection thereof."

The court held that this provision against the assessment and collection of taxes by special act prohibited equally the ratification by special act of the collection of taxes irregularly assessed; that the attempted ratification was void, and that, as the officers of the town had failed to comply with the provisions of the act authorizing the subscription, plaintiff was entitled to recover the amount of his taxes.

See, also, opinion of Peckham, J., in Cromwell *v.* MacLean (123 N. Y., 474, 491-494.)

In Smith *v.* Stevens (10 Wall., 321), the question at issue was as to the validity of a deed made by an Indian. At the time of the making of the deed an act of Congress was in force vesting the title to cerain lands in certain Indians, including this grantor, and forbidding any future disposition of them except by the Secretary of the Interior upon request of the party interested. The deed in question was made without the intervention of the Secretary. Some two years after this transaction Congress passed a joint resolution removing the restriction on alienation. It was claimed in behalf of the plaintiff in error that this act ratified and validated this deed.

Upon this point the court says, at page 327:

"It is hardly necessary to say that a joint resolution passed nearly two years after this transaction, removing the restriction on alienation, can not relate back and give validity to a conveyance, which, when executed, was void, nor have we any reason to suppose that Congress contemplated that any such effect would be claimed for its legislation on the subject."

This case is followed in Jones *v.* Meehan (175 U. S., 132).

This bill is open to the further objection that it amounts to a delegation of the legislative power to the executive in violation of the first and eighth sections of the first article and of the second paragraph of the third section of the fourth article of the Constitution.

The provisions of the Constitution referred to are as follows:

ART. I, SEC. 1. "All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives."

ART. I, SEC. 8. "The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to regulate commerce with foreign nations and among the several States."

ART. IV, SEC. 3, second paragraph. "The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States."

The grant of these powers to Congress prohibits by implication their exercise by the President. Nor can Congress delegate any part of the legislative power to the President.

"That Congress can not delegate legislative power to the President

is a principle universally recognized as vital to the integrity and maintenance of the system of government ordained by the Constitution." (Field *v.* Clark, 143 U. S., 659, 692.)

Even if this ratification would have the force of a prior mandate, it still remains true that the President in originally establishing this tariff was legislating.

Admitting, for the argument, that the President's order by its terms authorized the collection of duties on imports from the United States after the ratification of the treaty, this order is not less an act of legislation by the President with respect to such imports because it was made in July, 1898, than if it had been made on April 11, 1899. By the treaty the United States was no longer foreign to the Philippines, and the spirit and the letter of the tariff laws authorized the President to collect duties on imports from foreign countries only. Therefore when he performed the executive act of collecting the duties from the United States he must also have performed the legislative act of imposing them.

If this was legislation by the President, it could not be ratified by Congress, because that would amount to a delegation of the legislative power.

This bill attempts to establish a new principle of law, that Congress has power to ratify an unconstitutional act of the President.

It is the law of these cases that the President had not the constitutional power to levy and collect these duties. In imposing them by the order of July 12, 1898, the President, as appears upon the face of the order, was exacting a military contribution during a war in the exercise of his constitutional powers as Commander in Chief, and in collecting them through his military subordinates during the war he was acting in the same capacity. But the war having terminated upon the ratification of the treaty, the authority of the President either to impose or collect duties under the war power ceased. From this time on he had no further power to legislate with respect to the Philippine Islands except in so far as the necessities of the case required the maintenance and administration of a de facto civil government. Beyond this he had no more power to legislate in the Philippines than elsewhere in the United States.

This is clearly laid down in the opinion in the Warner Barnes case, at page 429, where the court says:

"The fact that there was an insurrection of natives not recognized as belligerents in another part of the island, or even just outside its (Manila's) walls did not give the President power to impose duties on imports from a country no longer foreign." (See Dooley *v.* United States, 182 U. S., 222, 234.)

His act, therefore, in collecting these duties was in violation of the Constitution.

No case upon the subject of ratification has gone so far as to hold or imply that Congress can deprive a citizen of property by ratifying an unconstitutional act of the President.

Counsel for the Government cited the following cases, Cross *v.* Harrison (16 How., 164), Prize cases (2 Black, 635), Hamilton *v.* Dillin (21 Wall., 73), Brown *v.* United States (8 Cr., 131), The Grapeshot (9 Wall., 129), to show that such a ratification would be within the power of Congress.

None of these cases holds that Congress has power to ratify an unconstitutional act of the President.

Hamilton *v.* Dillin is the only one of these cases referred to in the opinion of the court in the Warner Barnes case. That case involved really but one question—whether Congress could authorize the President to, and the President in the exercise of the war power could, impose a license fee as a condition upon trading with the enemy. The court held that under the war power of the United States both Congress and the President have the power to impose any limitations upon trade with the enemy, and that Congress can ratify an act which they had previously authorized and which the President had power to do without authorization.

With regard to the constitutionality of the act of July 13, 1861, which authorized the President to regulate commercial intercourse with the insurgent States, the court says, at page 97:

"As before stated, the power of the Government to impose such conditions upon commercial intercourse with an enemy in time of war as it sees fit is undoubted. It is a power which every other government of the world claims and exercises, and which belongs to the Government of the United States as incident to the power to declare war and to carry it to a successful termination. We regard the regulations in question as nothing more than the exercise of this power. It does not belong to the same category as the power to levy and collect taxes, duties, and excises. It belongs to the war powers of the Government, just as much so as the power to levy military contributions or to perform any other belligerent act."

Clearly, then, the doctrine of Hamilton *v.* Dillin does not apply here. It is the law of these cases that these duties were not exacted under the war power of the President and that the President had no power in any capacity to impose them.

In Cross *v.* Harrison (16 How., 164, 201) the court held that the President had power to impose duties on imports from foreign countries and that Congress had also ratified this collection (9 Stat., 412; 10 Stat., 178). This is very far from being an authority for the proposition that Congress can ratify an unconstitutional act of the President.

In Brown *v.* United States (8 Cranch, 110) the questions involved, as clearly appears from the opinion of Chief Justice Marshall (pp. 121–129), were whether Congress by the declaration of war against Great Britain in the act of June 18, 1812, had authorized the President to condemn British property found in the United States on land at the beginning of hostilities, and, if not, whether the President had the power to condemn without such authorization. Both questions were answered in the negative. There is no question in the case as to the power of Congress, by subsequent legislation, to legalize an unconstitutional act of the President.

In The Grapeshot (9 Wall., 129) it was held that the President had power during the civil war to establish provisional courts within the insurgent territory of Louisiana and that Congress had power upon the close of the war and the consequent dissolution of the court to enact that all judgments and decrees of the provisional court should be transferred to the circuit court of the United States and have the same effect as if the suits had been originally brought therein.

In the Prize cases (2 Black, 635) the court decided by a majority of the justices that the President had the power, as a war measure, to proclaim and enforce a blockade, without prior authorization by Congress, and decided, also, that Congress had ratified that action. The court did not, however, decide that if the President in so doing had exceeded his constitutional power, Congress, by ratifying, could have deprived the claimants of their right of recovery.

The four justices who dissented (Chief Justice Taney, Justices Nelson—who wrote the dissenting opinion—Catron, and Clifford) held that the President, in proclaiming and enforcing a blockade without prior authorization by Congress, acted beyond his constitutional power, and that his seizure of claimants' property amounted to confiscation, just as in these cases the court has held that the act of the military authorities in the Philippines in exacting the payments of these duties was confiscation. Upon the question of the power of Congress to ratify an unconstitutional act of the President, they say (p. 697):

"Congress on the 6th of August, 1862, passed an act confirming all acts, proclamations, and orders of the President after the 4th of March, 1861, respecting the Army and Navy, and legalizing them, so far as was competent for that body, and it has been suggested, but scarcely argued, that this legislation on the subject had the effect to bring into existence an ex post facto—civil war with all the rights to capture and confiscation jure belli from the date referred to. An ex post facto law is defined when, after an action, indifferent in itself or lawful, is committed, the Legislature then, for the first time, declares it to have been a crime, and inflicts punishment upon the person who committed it. The principle is sought to be applied in this case. Property of the citizen or foreign subject engaged in lawful trade at the time and illegally captured, which must be taken as true, if a confirmatory act be necessary, may be held and confiscated by subsequent legislation. In other words, trade and commerce authorized at the time by acts of Congress and treaties may, by ex post facto legislation, be changed into illicit trade and commerce with all its penalties and forfeitures annexed and enforced. * * * Here the captures were without any constitutional authority and void; and, on principle, no subsequent ratification could make them valid."

To hold that Congress has this power would be to establish a rule by which the underlying principle of the separation of the functions of the Executive and of the Legislature could be set at naught and great abuses introduced.

If Congress has the power to ratify this unconstitutional act of the President in collecting these duties, it must have the power to ratify all other unconstitutional acts and to give validity, by ratification, to the exercise of the legislative power by the Executive. This would, in effect, make the Executive the master of the Legislature and destroy the balance of power which the Constitution was intended to preserve. We say it would make the Executive the master of the Legislature. It is easy to furnish an example. The Executive might legislate and act to such an extent that his actions would go far beyond the possibility of recall. He might commit so enormous a wrong that Congress, although it had refused to authorize, would be compelled to ratify. If this doctrine that Congress has power to ratify an unconstitutional act of the Executive be sound, let it be supposed that the President concluded that the public revenue of the United States was insufficient to meet the expenditures, and thereupon, by Executive order, imposed a duty of 5 cents a pound upon all coffee, or any other article now on the free list, imported into the United States. The collectors of customs would undoubtedly follow the order and collect the duties.

Can it possibly be the law that after three millions or any other sum had been collected as duties a future Congress would have power to ratify this action and give to such a confiscation of property the full sanction of a prior law? If so, let us suppose that the President and a majority of the Congress entertain conflicting opinions upon the subject, and that, therefore, no bill can be passed by Congress to provide revenue and receive the approval of the President. Could the President change the existing laws, increase the tariff or the internal-revenue laws, and then obtain a ratification of all his acts by a subsequent Congress? These assumed cases may seem extravagant, but they are identical in principle with the present case if this bill is constitutional.

SECOND.

The act is unjust and makes an unfair discrimination between the parties affected by this bill and others similarly situated.

The act expressly provides that it is not intended to and shall not be held to apply to suits to recover duties collected and paid which have been already determined by the Supreme Court.

It so happens that only two cases were actually before the Supreme Court—the Warner Barnes case, which involves some $71,000, and the Lincoln case, which involves about $700. Following a well-established precedent with respect to all claims for the recovery of taxes unlawfully exacted, counsel filed all their claims in time to save the bar of the statute of limitations, and then by agreement with counsel for the Government took these cases to the Supreme Court as test cases. Counsel might otherwise have had judgments entered in all the cases dismissing the petitions, and then have appealed in all the cases to the Supreme Court, and had that court reverse the judgments below in all the cases, and directed judgments to be issued in conformity with the opinion. This, however, would have thrown an utterly useless amount of labor both upon the Court of Claims and the Supreme Court. No practical good which counsel could have foreseen would have been accomplished by entering a hundred judgments in identical form, taking a hundred additional appeals, and entering a hundred judgments of reversal. The course which was followed has always been adopted and is the only reasonable and sensible course to pursue under similar circumstances; having been adopted in these cases by agreement with the Government's representative, good faith requires that the result should not be disturbed by legislative enactment.

While the other cases were not actually on the docket of the Supreme Court, yet the Attorney-General, upon the petition for rehearing in the statement to which we have alluded, told the court that the other claims pending in the Court of Claims, amounting to over $3,000,000, all depended upon the decision in the Warner Barnes case.

Thus, while the opinion of the Supreme Court was rendered in only two cases, yet this opinion applies, and was understood by that court to apply, to every one of the cases in the Court of Claims enumerated in the statement filed by the Attorney-General. All the questions at law in all these cases have now been finally determined, and all that remains to be done is to have the claims audited and judgments rendered for the amounts actually paid. It is therefore manifestly unjust, when it is apparent that the Government wrongfully retains moneys belonging to these claimants, as expresly decided by the Supreme Court, to attempt by this bill to put all the claimants out of court expressly excepting those whose cases have been actually upon the docket of the Supreme Court.

The recital in the preamble of the bill that "it is inequitable" that these importers should recover their duties because they have added the duties to the price of their goods is unsupported by a shred of testimony, and applies with equal force to every dollar of the hundreds of millions of customs duties which have been refunded by the Government.

THIRD.

The proposed act amounts to the repudiation of a debt of the United States.

It is utterly inconsistent with all ideas of fair and upright dealing for the Government to give foreign subjects and its own citizens the right to sue the United States in the Court of Claims and to submit the controversy to the judgment of that court and of the Supreme Court, and then, having lost, to attempt to repudiate the obligation imposed upon it by the decision of its own tribunal. The Government of the United States has never yet adopted such a policy, but, on the contrary, has for more than half a century allowed itself to be sued, and has always without exception, so far as we know, paid its obligations when established by the judgment of the Supreme Court. Congress has so far not only acquiesced in the decisions of the Supreme Court in the insular cases, but has refunded all the Porto Rican claims covered by the decision in the first Dooley case, with interest at 6 per cent until the date of judgment (act of April 29, 1902, chap. 640, 31 Stat., 176; act of March 3, 1905, 58th Cong., sess. III, ch. 1447, p. 1013), and with respect to importations from both Porto Rico and the Philippines passed a special act authorizing the Secretary of the Treasury to refund such of the duties as had been paid without protest which could not have been recovered under existing laws (act of March 3, 1903, chap. 1016, 31 Stat., 1224; Dewell *v.* Mix, 116 Fed., 664; Flint Eddy *v.* Bidwell, 123 Fed., 200). The importers who were compelled to pay duties on imports from Porto Rico and the Philippines have meantime, under the authority of the decisions in De Lima *v.* Bidwell and the Diamond Rings, recovered judgments against the collectors of customs amounting to over a million of dollars, and all these judgments have been paid out of the Treasury under the provisions of the general laws. (R. S., § 989.)

Why, then, should these claimants, many of them subjects or citizens of friendly powers which give our citizens the right to sue their governments in their courts, and are therefore, under section 1068 of the Revised Statutes, entitled to sue the United States in the Court of Claims, and all of whom have the right, under the decisions of the Supreme Court, to recover judgments for their moneys wrongfully taken from them and wrongfully withheld, be singled out as the objects of an act of confiscation?

It is safe to say that if an act of this character should be passed by a smaller State—for an apt illustration let us say Venezuela—the foreign governments, the rights of whose subjects were concerned, as they are here, would not hesitate to make a naval demonstration, and would proceed, if necessary, to collect the claims by force. Would this Government permit Venezuela, or any other of the South or Central American Republics, to repudiate claims of American citizens against their government after their highest court had decided in a test case that their government was wrongfully withholding moneys belonging to our citizens? Certainly not. If we remember rightly, this Government has recently endeavored to enforce a claim of an American citizen or corporation against Venezuela, even after the highest court of that country had decided against the claim, on the ground that the decision was a denial of justice.

Will the United States assume the position before the world that it will repudiate its obligation to pay the claims of foreign subjects when its highest court, after two full arguments and the utmost deliberation, has declared that it is legally bound to pay them, and for immunity rely upon the fear of other nations to become involved in a dispute with us because of our wealth and power?

With respect to the imports from Spain into the Philippines after the ratification of the treaty the bill is a direct repudiation of Article IV of the treaty of Paris, by which Spanish ships and goods from Spain are to enjoy the same privileges in the Philippines for a period of ten years as ships and goods from the United States. The Supreme Court having decided that imports from the United States were entitled to free entry, imports from Spain were, under the treaty, entitled to free entry until the act of March 8, 1902, imposing a tariff by authority of Congress, took effect. This was conceded by the Attorney-General, as shown above, page 10.

The bill would therefore give just cause of offense to Spain, and go far to make a breach in the friendly relations now reestablished between the United States and that country.

FOURTH.

The bill is an interference by Congress with the judicial power of the United States, in that it attempts to nullify a judgment of the Supreme Court.

The preamble of the act upon its face is a confession that the act requires justification, but many of the recitals in it are most inaccurate. Thus it is recited that in a cause pending in the Supreme Court that court has decided that section 2 of the act of July 1, 1902, "properly construed, only applies to such a tariff of customs levied and collected in the Philippine Islands before April 11, 1899, and does not extend to and confirm and ratify such duties collected from July 12, 1898, to March 9, 1902."

The decision of the court was that the ratification did not extend to the imposition and collection of duties upon imports from the United States from April 11, 1899, to November 15, 1901. But the court expressly held that the imposition of duties by the President at the rates established by his order of July 12, 1898, instead of at the rates established by the laws of the United States upon imports from foreign countries into the Philippines from April 11, 1899, was ratified and approved by the act of July 1, 1902. The court says, in the opinion rendered May 28, 1906, after reargument:

"In these cases, however, the ratification act was not otherwise meaningless. When the treaty was ratified the applicable laws of the United States became operative, but the President nevertheless continued in force the tariff created by the order of July 12, 1898, and by an order of April 21, 1899, established a collection district with Manila as the chief port of entry, and under these orders collections of duties were made. This involves the questions whether after April 11, 1899, the President could have enforced any tariff upon goods imported into the Philippines from foreign countries other than such as existed under acts of Congress or might be sanctioned by Congress, and that question was put at rest by this ratification."

The preamble goes on to recite that—

"It was the intention of Congress, although not properly carried into the language of the law, to approve and ratify what had been done by the President and the officers of the Philippine government in the establishment and collection of a tariff of duties from July 12, 1898, to March 8, 1902."

We submit that where, as in this case, the Supreme Court has expressly decided what Congress intended by an act it is not for a subsequent Congress to say that the former act meant a different thing. As President Roosevelt very appropriately stated in his speech at the dinner given in honor of Justice Brown by the Association of the Bar on May 31, 1906—

"It is sometimes a good thing to be heard first. It is always a good thing to have the right to speak last. That right belongs to the Supreme Court. The President and Congress are all very well in their way. They can say what they think they think, but it rests with the Supreme Court to decide what they have really thought."

Moreover, we submit that Congress, having, in the act of July 1, 1902, stated that only the action of the President taken by virtue of the authority vested in him as Commander in Chief, and only such action of his subordinates as was authorized by the terms of the order of July 12, 1898, was ratified, must have intended to ratify only the collection of such duties as the President's order, as construed by the Supreme Court, authorized, and such action of the President as he had the constitutional power to carry into effect.

As pointed out in the Supreme Court's opinion on the reargument, if Congress by the act of July, 1902, had intended to ratify the collection of all duties in the Philippine Islands on imports from the United States as well as upon imports from foreign countries, it could very easily have said so in so many words. That it did not use plain language to express that intention is strong evidence that it did not intend, as a matter of fact, to ratify the collection of duties on imports from the United States, and there is nothing in the debates in Congress to show that it intended to ratify what was actually done as distinguished from what was lawfully done. Its intention as a matter of law not to ratify the collection of duties on imports from the United States is conclusively settled by the decision of the Supreme Court in the Warner Barnes case.

For these reasons we submit that this bill should not become a law.

JOHN G. CARLISLE,
FREDERIC R. COUDERT,
HENRY M. WARD,
Counsel for claimants in suits pending in the Court of Claims.

HILARY A. HERBERT,
BENJAMIN MICOU,
Of counsel.

JUNE, 1906.

EXHIBIT A.

Supreme Court of the United States. Nos. 149 and 466.—October term, 1904. No. 149. Frederic W. Lincoln, Henry W. Peabody, John R. Bradlee, and Charles D. Barry, trading as copartners under the firm name and style of Henry W. Peabody & Co., plaintiffs in error, *v.* The United States. In error to the district court of the United States for the southern district of New York. No. 466. Warner, Barnes & Co., Limited, appellant, *v.* The United States. Appeal from the Court of Claims. April 3, 1905.

Mr. Justice Holmes delivered the opinion of the court:

These are suits to recover duties exacted from the plaintiffs in error and appellants upon merchandise shipped by them from New York to Manila, and landed at the latter port between April 11, 1899, the date when the ratifications of the treaty with Spain were exchanged, and October 25, 1901. The duties were levied under an order of the President dated July 12, 1898. The case of Peabody & Co. was decided on demurrer to the answer of the United States, which set up that during the time mentioned there existed an armed insurrection in the Philippine Islands of such size as to call for military operations by the United States; that, although Manila was in our possession, it was held only by force of arms as a part of hostile territory, and that the President's order was a lawful exercise of the war power of the United States. The district court overruled the demurrer and dismissed the suit. (Fed. Rep.) The case of Warner, Barnes & Co. was decided on a finding of facts by the Court of Claims, and that court also dismissed the petition. (C. Cl. R.) These facts mainly concern the magnitude of the insurrection and need not be stated.

It will be observed that the President's order relied upon was an order issued during the war with Spain, nine months before the treaty of peace was made. It was a measure taken with reference to that war alone and not with reference to the insurrection of the native inhabitants of the Philippines, which did not happen until much later. Aguinaldo declared hostilities on February 4, 1899. The natural view would be that the order expired by its own terms when the war with Spain was at an end. The order directs that "upon the occupation of any forts and places in the Philippine Islands by the forces of the United States," the duties shall be levied and collected "as a military contribution." Of course, this was not a power in blank for any military occasion which might turn up in the future. It was a regulation for and during an existing war, referred to as definitely as if it had been named. (See Dooley *v.* United States, 182 U. S., 222, 234, 235.) However this may be, we are of opinion that the cases before us are governed by the decision in Fourteen Diamond Rings (183 U. S., 176, 180, 181). In that case it was decided that after the title passed to the United States there was nothing in the Philippine insurrection of sufficient gravity to give to the islands the character of foreign countries within the meaning of a tariff act. That means that there was no such "firm possession" by an organized hostile power as made Castine a foreign port in the war of 1812. (United States *v.* Rice, 4 Wheat., 246, 254.)

Whatever sway the Philippine Government may have had in Luzon we suppose that probably at any time the United States could have sent a column of a few thousand men to any point on the island, as was stated by the Secretary of War in his report in 1899, and as the United States was willing that the Court of Claims should find. In the language of the above-mentioned decision, "If those in insurrection against Spain continued in insurrection against the United States, the legal title and possession of the latter remained unaffected."

Apart from the question of the duration of the President's order, it plainly was an order intended to deal with imports from foreign countries only and Philippine ports not in the actual military control of the United States. But even had it been intended to have a wider scope we do not perceive any ground on which it could have been extended to imports from the United States to Manila, a port which was continuously in the possession as well as ownership of the United States from the time of the treaty with Spain. Manila was not like Nashville during the civil war, a part of a State recognized as belligerent and as having impressed a hostile status upon its entire territory. (Hamilton *v.* Dillon, 21 Wall., 73, 94–96.) The fact that there was an insurrection of natives not recognized as belligerents in another part of the island, or even just outside of its walls, did not give the President power to impose duties on imports from a country no longer foreign. (See Dooley *v.* United States, 182 U. S., 222, 234.)

We see no sufficient ground for saying that the collection of these duties has been ratified by Congress. The only act needing mention is that of July 1, 1902, chapter 1369, section 2, 32 Statutes, 691, 692. That act ratifies the action of the President "heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898," etc., together with the subsequent amendments to that order. "And the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provision of said order and subsequent amendments, are hereby approved." Without considering how far the first part of the section extends, the approval of the action of the authorities is confined to those which were in accordance with the provision of the order, which, as we already have intimated, the collection of these duties was not. (See, further, De Lima v. Bidwell, 182 U. S., 1, 199, 200.)

Judgments reversed.

True copy.

Test:

[SEAL.]

JAMES H. MCKENNEY,
Clerk Supreme Court United States.

EXHIBIT B.

Supreme Court of the United States. Nos. 149 and 466.—October term, 1904. 149. Frederic W. Lincoln, Henry W. Peabody, John E. Bradlee, and Charles D. Barry, trading as copartners under the firm name and style of Henry W. Peabody & Co., plaintiffs in error, v. The United States. In error to the district court of the United States for the southern district of New York. 466. Warner, Barnes & Co. (Limited), appellant, v. The United States. Appeal from the Court of Claims. May 28, 1906.

Mr. Chief Justice Fuller delivered the opinion of the court:

These are suits to recover duties exacted from plaintiffs in error and appellants upon merchandise shipped by them from New York to Manila, and landed at the latter port between April 11, 1899, the date when the ratifications of the treaty with Spain were exchanged and the treaty proclaimed, and October 25, 1901. The duties were levied under an order of the President, dated July 12, 1898. The cases were argued in this court March 3, 1905, and the judgments reversed April 3, 1905. (197 U. S., 429.)

We ruled that the order of July 12, 1898, was a regulation for and during the then existing war with Spain, referred to as definitely as if it had been named, and that the right to levy duties thereunder on goods brought from the United States ceased on the exchange of ratifications. (Dooley v. United States, 182 U. S., 222.)

And that after title passed, April 11, 1899, there was nothing in the Philippine insurrection of sufficient gravity to give to the islands the character of foreign countries within the meaning of a tariff act. (Fourteen Diamond Rings, 183 U. S., 176.) As to the subsidiary point that whether the exaction of the duties was lawful or not, it had been ratified by the act of July 1, 1902 (32 Stat., 691, 692, c. 1369, § 2), we were of opinion that the ratification of "the actions of the authorities taken in accordance with the provisions of said order and subsequent amendments" was confined to actions which were taken in accordance with the provisions of the order and amendments, which these exactions were not. May 29, 1905, we allowed petitions for rehearing to be filed addressed solely to the matter of ratification, and subsequently (November 13) a rehearing was granted "as to the question whether Congress ratified the collection of the sums sought to be recovered in these suits."

The cases were reargued January 18 and 19 on that question.

That the moneys exacted from plaintiffs in error and appellants were illegally exacted is not open to question under our order, unless the act of July 1, 1902, operated to the contrary. The second section of that act reads as follows: "That the action of the President of the United States heretofore taken by virtue of the authority vested in him as Commander in Chief of the Army and Navy, as set forth in his order of July 12, 1898, whereby a tariff of duties and taxes as set forth by said order was to be levied and collected at all ports and places in the Philippine Islands upon passing into the occupation and possession of the forces of the United States, together with the subsequent amendments of said order, are hereby approved, ratified, and confirmed, and the actions of the authorities of the government of the Philippine Islands, taken in accordance with the provisions of said order and subsequent amendments, are hereby approved."

The order of July 12, 1898, by President McKinley, as Commander in Chief, directed that upon occupation of any ports or places in the Philippine Islands by the forces of the United States an accompanying tariff of duties and taxes should be levied and collected as a military contribution, and that regulations for its administration should take effect and be in force in the ports and places occupied. Manila was captured August 13, and the next day the custom-house was opened and taxes were collected according to the prior Spanish tariff up to November 10, 1898, until which date the order of July 12 had been suspended.

On the rehearing an order of the military governor of the Philippines of October 26, 1898, which embodied the full text of the customs tariff and regulations, was brought forward, and was in all essential respects a repetition of the order of July 12.

The Porto Rican cases were decided May 27, 1901, and in June the Secretary of War cabled the commission at Manila that: "The most obvious distinction between the status of Porto Rico and the Philippines, after the cession, indicated in the opinions of the court, is in the fact that Porto Rico was at the time of cession in full peaceable possession, while a state of war has continued in the Philippines. As the question of the President's power to impose duties in the Philippine Islands under the existing conditions of military occupation has not been decided by the court, the President has determined to continue to impose duties as heretofore."

Undoubtedly the order of July 12, 1898, contemplated vessels from America as well as others, yet that order, having been made in time of war, for a military contribution, when the Philippines did not belong to us, must be taken to have contemplated them, as it contemplated those from other countries, as vessels foreign to the country, and to have imposed the tax upon them qua foreign. The military tax was, so to speak, a seizure of Spanish revenues. That was what the order meant when it was passed, and a change of circumstances did not change its meaning. Neither was the meaning changed by any amendment. The ground on which it was kept in force by the Secretary of War, June 8, 1901, was that the Philippines were still in a state of war. If that view had been correct the order would have applied and would have had lawful effect, but it turned out not to be correct.

The ratification may be assumed to apply to the order as actually made, and not to have been limited to such an order or so much of this order as the President had a right to make. But it does not construe the order, and as it confines the ratification to actions in accordance with the order and amendments, the question what actions were in accordance with them is for us. The statute does not ratify all actions or all collections of taxes, as it easily might have done, but only actions in accordance with the order. If the order properly construed did not purport to apply to vessels unless they were either enemy or foreign, then when a vessel ceased to be foreign the order did not apply, and a tax upon such a vessel, not being in accordance with the order, is not ratified by the act. This construction is favored by the consideration that the suits had been begun when the act of July 1, 1902, was passed, and that, even if Congress could deprive plaintiffs of their vested rights in process of being asserted, Hamilton v. Dillin (21 Wall., 73), still it is not to be presumed to do so on language which, literally taken, has a narrower sense.

Moreover, the act of July, 1902, was passed with full knowledge and after careful consideration of the decisions of this court, and Congress was aware that grave doubt, at least, had been thrown upon its power to ratify a tax under circumstances like the present. (De Lima v. Bidwell, 182 U. S., 1, 199, 200.) This affords a special reason for believing that if it had intended to encounter the limitations of that case it would have done so in clear words from which there was no escape.

It should also be remembered that there was a powerful opposition in Congress, and that the phraseology of the act probably represents all that it was deemed safe to ask. Every consideration requires that the ambiguous language of the act should not be stretched beyond the exact and literal meaning of the words. In a literal sense they ratify only actions in accordance with the order construed as it would have been construed by this court had it come before us upon the day when it was made.

It is not a sufficient answer to say that the ratification was meaningless unless it embraced duties collected on imports from the United States after April 11, 1899, because the exactions before were legal. The instances are many where Congress, out of abundant caution, has ratified what did not need, or was afterwards found not to have needed, ratification. (Cross v. Harrison, 16 How., 164; Prize cases, 2 Black, 635.)

It would be inadmissible to lay down as a general rule that a particular ratification covered what was not, in the judgment of the courts, included or intended to be, simply because it might be thought to have been otherwise unnecessary.

In these cases, however, the ratification act was not otherwise meaningless. Duties were collected under the order of July 12, 1898, as a military contribution while the war with Spain was in progress. The treaty was signed December 10, 1898, and the President on December 21 issued an order proclaiming the sovereignty of the United States in the islands and directing duties and taxes to be collected in future as public revenues for the support of the government. When the treaty was ratified, the applicable laws of the United States became operative, but the President, nevertheless, continued in force the tariff created by the order of July 12, 1898, and by an order of April 21, 1899, established a collection district with Manila as the chief port of entry, and under these orders collections of duties were made. This involves the question whether after April 11, 1899, the President could have enforced any tariff other than such as existed under acts of Congress or might be sanctioned by Congress. And that question was put at rest by this ratification.

Much more might be said, but we think it would needlessly prolong this opinion.

Notwithstanding the able argument of the Attorney-General, we adhere to the conclusion previously announced.

Judgments reversed.

True copy.

Test:

JAMES H. MCKENNEY,
Clerk Supreme Court United States.

EXHIBIT C.

Claims filed up to July 1, 1902.

22761.	Jan. 25, 1902.	Smith, Bell & Co. (British)	$2,000.00
22808.	Feb. 27, 1902.	Guiterrez Hermanos (Spanish)	69,649.98
22809.	Feb. 27, 1902.	Juan B. Gomez (Spanish)	9,876.88
22810.	Feb. 27, 1902.	Juan B. Gomez (Spanish)	1,563.55
22812.	Mar. 3, 1902.	Warner, Barnes & Co. (British)	700.00
22816.	Mar. 5, 1902.	Perez & Co. (Spanish)	700.00
22817.	Mar. 5, 1902.	Perez & Co. (Spanish)	8,009.00
22823.	Mar. 13, 1902.	Ker & Co. (British)	90,000.00
22825.	Mar. 13, 1902.	Ker & Co. (British)	2,150.00
22879.	May 19, 1902.	Jacob H. Ankrom (German)	72,568.43
22904.	June 21, 1902.	Pacific Oriental Trading Co. (American)	104,374.53
22905.	June 21, 1902.	Pacific Orjental Trading Co. (American)	33,148.86
22907.	June 25, 1902.	Robinson & Co. (British)	60,000.00
	Total		454,552.23

Claims filed on and since July 1, 1902.

22914.	July 1, 1902.	C. Heinszen & Co. (German)	$125,000.00
23117.	Nov. 28, 1902.	Pacific Oriental Trading Co. (American)	125,761.18
24313.	Oct. 30, 1903.	The American Commercial Co. (American)	3,011.37
24314.	Oct. 30, 1903.	The American Commercial Co. (American)	267,556.21
24315.	Oct. 30, 1903.	The American Commercial Co. (American)	3,591.52
24316.	Oct. 30, 1903.	The American Commercial Co. (American)	550,875.34
27736.	Apr. 11, 1905.	Stahl & Rumcker (German)	6,500.00
27737.	Apr. 11, 1905.	Lenora T. Aylade Zobel (Filipino)	5,500.00
27738.	Apr. 11, 1905.	Fabricade Tabacos La Insular (Filipino)	400.00
27739.	Apr. 11, 1905.	Alfredo Chicote Beltran or Alfredo Chicote (Filipino)	5,500.00
27757.	Apr. 12, 1905.	The Standard Oil Co., of New York (American)	173,221.44
27772.	Apr. 17, 1905.	John M. Switzer (German)	20,000.00
27773.	Apr. 17, 1905.	Calder & Co. (British)	4,000.00
27774.	Apr. 17, 1905.	Lambert & Presty (British)	2,600.00
27775.	Apr. 17, 1905.	Manila Navigation Co. (American)	3,100.00

27776.	Apr. 17, 1905.	Philippine Lumber and Development Co. (American)	$1,400.00
27777.	Apr. 17, 1905.	John Parsons (American)	3,000.00
27778.	Apr. 17, 1905.	Teodore de los Reyes (Filipino)	1,900.00
27779.	Apr. 17, 1905.	Successors of R. Bren (Filipino)	375.00
26013.	Aug. 18, 1904.	Kuenzle & Strieff (Swiss)	140,000.00
26014.	Aug. 18, 1904.	Kuenzle & Strieff (Swiss)	175,000.00
26015.	Aug. 18, 1904.	Holliday, Wise & Co. (British)	117,000.00
27176.	Dec. 22, 1904.	Edward A. Keller Sturche (Swiss)	79,790.89
27177.	Dec. 22, 1904.	Edward A. Keller Sturche (Swiss)	2,226.27
27591.	Apr. 1, 1905.	Compania General de Tabacos de Filipinas (Spanish)	25,936.55
27592.	Apr. 1, 1905.	E. C. McCullough & Co. (British)	72,050.00
27593.	Apr. 1, 1905.	Ynchansti Companie (Filipino)	9,740.00
27594.	Apr. 1, 1905.	American Hardware and Plumbing Co. (American)	14,610.00
27595.	Apr. 1, 1905.	Newhall & Fenner (American)	5,357.00
27596.	Apr. 1, 1905.	Findlay & Co. (British)	19,967.00
27597.	Apr. 1, 1905.	Macondray & Co. (British)	40,395.00
27598.	Apr. 1, 1905.	Sackerman & Co. (German)	36,525.00
27599.	Apr. 1, 1905.	Lutz, Moll & Co. (German)	50,000.00
27600.	Apr. 1, 1905.	Behm, Myer & Co. (German)	100,000.00
27608.	Apr. 1, 1905.	Sprungli & Co. (Swiss)	3,477.86
27712.	Apr. 10, 1905.	Manuel T. Figueras (Filipino)	20,500.00
27713.	Apr. 10, 1905.	Compania Maritima (Filipino)	5,750.00
27727.	Apr. 10, 1905.	Conrad Struckmann et al. (German)	92,361.88
27728.	Apr. 11, 1905.	Hoskyn & Co. (British)	4,700.00
27729.	Apr. 11, 1905.	Union Farmacentica Filipinas (Filipino)	2,100.00
27730.	Apr. 11, 1905.	Cesar Garcia, administrator of one Gomez (Filipino)	150,000.00
27731.	Apr. 11, 1905.	Manuel Earnshaw & Co. (British)	3,900.00
27732.	Apr. 11, 1905.	Juan Tuason, liquidator of G. Hollman & Co. (Filipino)	40,000.00
27733.	Apr. 11, 1905.	Meerkamp & Co. (German)	900.00
27734.	Apr. 11, 1905.	Reyes & Smith (Filipino)	25,000.00
27735.	Apr. 11, 1905.	Kuenzle & Strieff (Swiss)	3,400.00
27780.	Apr. 17, 1905.	Forbes, Munn & Co. (British)	50,000.00
27781.	Apr. 17, 1905.	Felix Ullmann (German)	5,000.00
27782.	Apr. 17, 1905.	E. J. Smith (Filipino)	25,000.00
27783.	Apr. 17, 1905.	D. H. Gulick (Filipino)	2,500.00
27650.	Apr. 10, 1905.	Levy Brothers (American)	5,000.00
27651.	Apr. 10, 1905.	Henry D. Wolf (American)	5,500.00
27652.	Apr. 10, 1905.	Erlanger & Galinger (German)	20,000.00
27653.	Apr. 10, 1905.	Heacock & Freer (British)	5,000.00
27654.	Apr. 10, 1905.	Carlos Gsell (Swiss)	4,600.00
27655.	Apr. 10, 1905.	L. J. Lambert (American)	3,000.00
27656.	Apr. 10, 1905.	Daniel Denniston (American)	2,000.00
27657.	Apr. 10, 1905.	The B. W. Cadwalader Co. (British)	7,000.00
27658.	Apr. 10, 1905.	John Gibson (British)	3,500.00
27659.	Apr. 10, 1905.	El Verdadero de Manila (Filipino)	10,000.00
27660.	Apr. 10, 1905.	The Singer Manufacturing Co. (American)	8,500.00
27661.	Apr. 10, 1905.	Mariano y Chaco (Filipino)	5,000.00
27662.	Apr. 10, 1905.	M. A. Clarke (American)	15,000.00
27663.	Apr. 10, 1905.	Greilsammer Bros. (German)	1,200.00
27664.	Apr. 10, 1905.	Camille Alkam (Filipino)	7,500.00
27665.	Apr. 10, 1905.	Francisco Reyes (Filipino)	7,000.00
27666.	Apr. 10, 1905.	Froloch & Kuttner (German)	12,000.00
27667.	Apr. 10, 1905.	J. F. Ramirez (Filipino)	4,100.00
27668.	Apr. 10, 1905.	Rafael Reyes (Filipino)	15,000.00
27669.	Apr. 10, 1905.	San Miguel Brewery (American)	4,600.00
27670.	Apr. 10, 1905.	J. M. Tuason & Co. (Filipino)	8,000.00
27671.	Apr. 10, 1905.	Alfredo Roensch (Filipino)	8,000.00
27672.	Apr. 10, 1905.	N. T. Hashim & Co. (Filipino)	30,000.00
27673.	Apr. 10, 1905.	Pons & Co. (Filipino)	100.00
27674.	Apr. 10, 1905.	Santos & Jaehring (Filipino)	2,200.00
27675.	Apr. 10, 1905.	Blanc & Brunschwig (German)	1,400.00
27676.	Apr. 10, 1905.	Paul Hube (German)	2,400.00
27677.	Apr. 10, 1905.	Serre & Co. (Filipino)	600.00
27678.	Apr. 10, 1905.	Viuda de M. Soler (Filipino)	1,900.00
27679.	Apr. 10, 1905.	A. G. Sibrant, Siegert (German)	1,400.00
27680.	Apr. 10, 1905.	Ramon Montes (Filipino)	2,100.00
27681.	Apr. 10, 1905.	Lutz & Co. (German)	1,600.00
27682.	Apr. 10, 1905.	Rita Donaldson Sim Valdez (Filipino)	10,000.00
27683.	Apr. 10, 1905.	La Compañía Electricista (Filipino)	8,200.00
27820.	Apr. 24, 1905.	Angel Ortigm (Filipino)	30,480.00
27830.	Apr. 26, 1905.	Rueda Hermanos (Filipino)	1,417.00
27831.	Apr. 26, 1905.	Hubert y Guanis (Filipino)	1,800.00
27832.	Apr. 26, 1905.	Vinda de E. Bota (Filipino)	600.00
27833.	Apr. 26, 1905.	Cortijo & Co. (Filipino)	650.00
27834.	Apr. 26, 1905.	Perez Hermanos (Filipino)	350.00
27835.	Apr. 26, 1905.	Luciano Cordoba (Filipino)	1,600.00
		Total	2,886,776.51

Mr. HALE. I move to lay the amendment on the table.

The motion to lay on the table was agreed to.

Mr. BACON. Without formally again moving the amendment which was moved by the Senator from Wyoming [Mr. CLARK], relative to the payment for the indexing, I desire simply to insert in the RECORD for the purpose of completing the papers which I hold in my hand, which are the resolutions under which this work was done, a letter from the Secretary of State, one from the chairman of the Judiciary Committee of the House, and another from the Attorney-General.

Mr. HALE. There is no objection to that.

Mr. BACON. There is also a memorandum giving a history of the matter of less than half a page. I ask that the entire matter may be inserted, and, that being done, I will not again move the amendment for the purpose of having it done.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

To pay the persons who prepared the four volumes of Consolidated Index to the United States Statutes at Large, from March 4, 1789, to March 3, 1903, under Senate resolution of June 19, 1902, for expenses incurred and for services, $10,000, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and be paid upon vouchers approved by the chairman of the Committee on the Judiciary of the Senate.

CONSOLIDATED INDEX OF THE UNITED STATES STATUTES.

Mr. HOAR submitted the following resolution; which was considered by unanimous consent, and agreed to:

"Resolved, That the Senate Committee on the Judiciary cause to be prepared a consolidated index to the United States Statutes at Large from March 4, 1789, to March 3, 1903."

(Senate Journal, June 19, 1902, page 502.)

[Memorandum.]

As directed by the foregoing resolution, the Senate Committee on the Judiciary caused a consolidated index to be prepared. The work was performed under the personal direction of the late Senator HOAR, as chairman.

It was Senator HOAR's judgment that a consolidation of the State Department's indexes of the Statutes at Large, bringing together all acts of Congress since 1789, under the headings established by the State Department—headings now familiar to all—would be the most useful form of an index. That has been done. The consolidated index comprises four large volumes, of over 1,100 pages in each volume. The work has been done with most scrupulous care. From four to seven persons were employed a large portion of the time for three years.

Compensation.—In accordance with the suggestion of Senator HOAR before work upon the index was begun, the State Department has been asked to make an estimate of what would be a reasonable compensation for the work of preparation. This seemed proper, because the indexes of the several volumes of the Statutes at Large are, under the law, prepared by the State Department.

Three communications are attached:

1. Estimate of compensation by Acting Secretary of State.
2. Suggestion of the Attorney-General as to distribution and printing of the consolidated index.
3. Letter from the chairman of the Judiciary Committee of the House of Representatives, stating his estimate of the value of the index.

DEPARTMENT OF JUSTICE,
Washington, March 1, 1906.

Hon. C. D. CLARK,
Chairman Committee on the Judiciary, United States Senate.

SIR: I am in receipt of four volumes of Consolidated Index of United States Statutes at Large, 1789–1903, transmitted by Mr. Goodwin, at your direction, and also your letter of the 21st instant, in which you request that I advise you as to the number which should be printed for the use of the Department, and as to the matter of their distribution.

I suggest that these volumes be printed and distributed in the same manner as the Statutes at Large and the Revised Statutes. If the distribution is made in that manner, this Department will need something over 800 copies, but will require additional copies from time to time as the number of districts are increased. Under the plan of distribution suggested, the Department will be able to secure from time to time such numbers of copies as may be necessary to supply its needs.

I further suggest that the copies intended for this Department should be bound in three volumes instead of four, with covers of yellow duck instead of calf.

Very respectfully,

H. H. HOYT,
Acting Attorney-General.

COMMITTEE ON THE JUDICIARY,
HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., March 8, 1906.

Hon. C. D. CLARK, *Washington, D. C.*

MY DEAR SIR: For some little time we have been using the Consolidated INDEX of the United States Statutes at Large in four volumes, commencing March 4, 1789, down to and including March 3, 1903, and after much personal use of the same, and hearing so many views expressed by gentlemen who have very carefully examined them, I can testify to their great value.

I have also found them to be accurate. I am confident that it would save much time and labor to have the same published and distributed according to the laws provided for similar publications. There is no question but what it is the most valuable work we have had. I have very readily found matters within a few minutes that ordinarily would have taken hours of time. One gentleman told me that he spent two hours trying to find a subject and could not do it until he used this index, and then he found the matter within a few minutes.

Of course it will take time and considerable use to determine as to their accuracy, but I do not think there is any question as far as this is concerned. We certainly commend it as a valuable work.

Very truly, yours,

JOHN J. JENKINS, *Chairman.*

DEPARTMENT OF STATE,
Washington, D. C., March 10, 1906.

Hon. C. D. CLARK,
Chairman Committee on the Judiciary,
United States Senate.

SIR: I have the honor to acknowledge the receipt of your letter of the 3d instant, in which you state that you are sending to the Department four volumes of a Consolidated Index of the Statutes at Large from 1789 to 1903, for its examination, and that you would be glad if the Department would give you its views with regard to the reasonable compensation that should be made to Mr. Goodwin, who has made this index.

The four volumes have been received and have been examined by the librarian and the law clerk of the Department. They agree in the opinion that, if the work has been carefully and accurately done, which can only be proved by a thorough test, the volumes will be of great value and assistance to all who use them, and that a compensation of $2,500 per volume, or $10,000, for the entire work would be a fair compensation.

I have the honor to be, sir,
Your obedient servant,

ROBERT BACON,
Acting Secretary.

Mr. SPOONER. I offer an amendment to come in at the end of the bill.

The VICE-PRESIDENT. The Senator from Wisconsin proposes an amendment, which will be stated.

The SECRETARY. At the end of the bill insert:

For salaries and other expenses of the United States court for China, $20,500.

Mr. HALE. That is to carry out the law just passed.

The amendment was agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

HOUSE BILLS REFERRED.

The following bills were severally read twice by their titles, and referred to the Committee on Military Affairs:

H. R. 2997. An act for the relief of Capt. Sidney F. Shaw;

H. R. 3357. An act granting an honorable discharge to James B. Mulford;

H. R. 3393. An act granting an honorable discharge to Galien E. Green;

H. R. 3498. An act for the relief of Stephen M. Honeycutt;

H. R. 3507. An act to correct the military record of George H. Keating;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 4554. An act to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski;

H. R. 8631. An act for the relief of James M. Darling;

H. R. 8375. An act for the relief of John B. Ford;

H. R. 9577. An act for the relief of Charles H. Stockley;

H. R. 11153. An act to correct the military record of Robert B. Tubbs;

H. R. 12105. An act for the relief of Thomas Ross;

H. R. 13122. An act to correct the military record of John Allen;

H. R. 15673. An act for the relief of Harry A. Young; and

H. R. 16659. An act to correct the military record of Tobe Holt.

The following bills were severally read twice by their titles, and referred to the Committee on Naval Affairs:

H. R. 5651. An act for the relief of William H. Beall;

H. R. 7676. An act authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy;

H. R. 7741. An act waiving the age limit for admission to the Pay Corps of the United States Navy in the case of pay clerk Walter Delafield Bollard, United States Navy;

H. R. 13669. An act to provide for raising Commodore Perry's flagship *Niagara;*

H. R. 13895. An act to correct the naval record of Michael Sheehan;

H. R. 14634. An act for the relief of George H. Chase;

H. R. 15027. An act to remove the charge of desertion against Cornelius O'Callaghan;

H. R. 19007. An act to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy; and

H. R. 18380. An act to complete the naval record of Charles W. Held.

H. R. 7014. An act to provide American registers for the steamers *Marie* and *Success* was read twice by its title, and referred to the Committee on Commerce.

The following bills were severally read twice by their titles, and referred to the Committee on Claims:

H. R. 11978. An act to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.; and

H. R. 15909. An act to reward the widow and minor son of Capt. Charles W. Dakin, and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the U. S. Army transport *Meade;*

The following bills were severally read twice by their titles, and referred to the Committee on Pensions:

H. R. 7235. An act granting an increase of pension to Abel W. Payne; and

H. R. 19611. An act granting an increase of pension to Jacob Kinkerly.

The following bills were severally read twice by their titles, and referred to the Committee on Public Lands:

H. R. 8966. An act to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park; and

H. R. 20019. An act restricting the right of entry under the desert-land law to surveyed public lands, and limiting the right of assignment of such entries.

H. R. 19500. An act for the relief of the Indian traders Marion Wescott, F. F. Green, and J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin; was read twice by its title, and referred to the Committee on Indian Affairs.

REGULATION OF RAILROAD RATES.

Mr. TILLMAN. Mr. President, I desire to submit a conference report on the bill H. R. 12987, known as the "rate bill." I ask that it be printed and that the bill as amended in the conference shall be printed, and in the morning at the earliest practicable moment I will call it up.

Mr. KEAN. I should like to ask the Senator what changes have been made in the report?

Mr. TILLMAN. The changes, you mean, since we reported last?

Mr. KEAN. Since the last conference report.

Mr. TILLMAN. There were only two items in disagreement. Those were the pass amendment and the pipe-line amendment. The pass amendment has been fixed up, I think—I hope, at least—satisfactorily. It will certainly be tight enough. The other has been altered by the insertion of the word "company" after "railroad."

The VICE-PRESIDENT. The report will be printed and the bill will be printed as it will be when amended.

Mr. TILLMAN. As it will be when it becomes a law.

The report submitted by Mr. TILLMAN is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 45, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested; persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars; and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in

an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad company."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established, the several carriers in such through route shall file, print, and keep open to public inspection as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment, as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert ": *Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'"

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In line 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out " : *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert ", as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. TILLMAN. It will be recalled that when we presented the first conference report we had incorporated a provision extending for sixty days the time when the rate law should go into effect. By some strange oversight the Senate had appeared to forget that this complicated machinery could not be put in running order immediately, and the conferees provided that it should not take effect until sixty days. But we got such a—well, I will use a slang phrase and I will say such a lambasting here, because we had presumed to put something in that was not in order, that we did not feel willing to try that any more. It will be absolutely necessary that the joint resolution which I send to the desk shall be considered and passed immediately, and I ask unanimous consent for its present consideration.

The VICE-PRESIDENT. The Senator from South Carolina asks for the present consideration of a joint resolution, which will be read at length.

The joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June, 1896, shall go into effect, was read the first time by its title and the second time at length, as follows:

Resolved, etc., That the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

Mr. BACON. I suggest to the Senator it might be well to let the joint resolution lie until after the conference report has been acted upon.

Mr. TILLMAN. I know it is pretty difficult to describe what I have tried to describe in that joint resolution, the title and all the phraseology which describes what I desire to have accomplished. It is not an act, but it will be an act before this joint resolution is signed. The other measure will become an act before this can be passed. So I do not see why we can not start it on its passage. But if Senators who are lawyers feel disposed to say it is a little too previous, I am willing to let it lie over. Somebody has to take the responsibility besides me though.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution just read?

Mr. BAILEY. I suggest that an easy way out of it would be to allow the joint resolution to remain pending, and if the conference report is adopted in the Senate to-morrow, then, after the rate bill is sent to the President for his approval, this joint resolution can be passed through both Houses.

Mr. TILLMAN. It has got to be approved, too.

Mr. BAILEY. It must be approved.

Mr. CULLOM. It can be taken up and passed by the Senate immediately after the conference report shall have been adopted.

Mr. BAILEY. It can be passed here, and the President, of course, would be communicated with, and he would not sign the bill until the joint resolution comes to him; and he can sign both at the same time.

Mr. KEAN. The Senator can call up the joint resolution immediately after the conference report is disposed of.

Mr. TILLMAN. Then I ask that the joint resolution be printed.

The VICE-PRESIDENT. The joint resolution will go over, and it will be printed under the rule.

PUBLIC BUILDINGS BILL.

Mr. SCOTT. I do not know whether the Senate has forgotten the unfinished business, but it is the public buildings bill. I call attention to it.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. SCOTT. There are some corrections that the committee want to have inserted. On page 7, after the amendment that was added to line 4, I want to have an item inserted which was inadvertently overlooked.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment which will be read.

The SECRETARY. On page 7, after line 4, insert:

For additional work and completion of work on approaches of the United States post-office at Gainesville, Tex., $2,500.

The amendment was agreed to.

Mr. SCOTT. On page 33 of the bill there are two misprints. On line 9 I move to strike out "fifteen" and insert "twenty."

The VICE-PRESIDENT. Without objection, the committee amendment will be considered as open for the purpose of amendment.

The SECRETARY. On page 33, line 9, after the word "Wisconsin," strike out "fifteen" and insert "twenty;" so as to read:

United States post-office at Beloit, Wis., $20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. There is another misprint in line 16, page 33. The printed bill reads "$7,400." It should read "$7,500." There is a mistake in "four" there. It should be "five."

The VICE-PRESIDENT. The committee amendment will be considered as open to amendment.

The SECRETARY. On page 33, line 16, after the word "thousand," strike out "four" and insert "five;" so as to read:

United States post-office at Lander, Wyo., $7,500.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. On page 30, line 7, after the words "New Hampshire," it should read "twenty" in place of "fifteen."

The VICE-PRESIDENT. The committee amendment heretofore agreed to will be considered as open to amendment.

The SECRETARY. On page 30, line 7, in the committee amendment, after the words "New Hampshire," strike out "fifteen" and insert "twenty;" so as to read:

United States post-office at Keene, N. H., $20,000.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. SCOTT. I send to the desk a letter from the Secretary of the Treasury and ask the Secretary to read it, and then I will offer an amendment. The Senate will have to be the judge as to whether it will accept it or not. I ask the careful attention of the Senate to the reading of that letter.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

TREASURY DEPARTMENT, *Washington, June 27, 1906.*

DEAR SIR: I have several times recommended the sale of the assay office at New York and the purchase of a new site. This recommendation has never received serious consideration. Something must be done, and it is a question of doubt in my mind whether these previous recommendations should be followed or whether the present assay office should be repaired. The sole argument in favor of the former is the fact that the sale of the present site will purchase a new one and erect an excellent building. The present site, however, adjoins the subtreasury, and there are some advantages in allowing it to remain. It is now in a dangerous condition and liable to collapse any day.

I will be glad to have your committee consider the alternate proposition. If it is to be repaired, an appropriation should be made of $350,000. This, I think, would put the Assay Office in good condition and connect the basement with the subtreasury, so as to avoid the passage of gold on the outside.

Very truly, yours,

L. M. SHAW.

Hon. N. B. SCOTT,
Chairman Committee on Public Buildings and Grounds,
United States Senate.

Mr. SCOTT. I offer the following amendment, and then it will be for the Senate to determine what they want to do. It is an amendment drawn by the Secretary of the Treasury.

The VICE-PRESIDENT. The Senator from West Virginia proposes an amendment, which will be read.

The SECRETARY. In section 2, page 6, after line 2, insert:

Assay office, New York City, N. Y., $350,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment just reported.

The amendment was agreed to.

Mr. DICK. I desire to offer the following amendment.

The SECRETARY. Amend section 8, at the foot of page 21, by inserting the following:

United States post-office at Mansfield, Ohio, $65,000.

Mr. DICK. Mr. President, this amendment is in the nature of a correction of an omission made by the House committee, which agreed upon this amount for this purpose. To that effect I have the statement of the chairman of the committee, as has also my colleague, who has received a letter from him of the same import.

In any event, Mansfield is a city of 25,000 people, whose postal receipts aggregate about $65,000 annually. It is a county seat, with large postal business, and is now paying more than $2,000 annually for crowded quarters. I think perhaps it is the only case of a city so large and so important without a public building in the State of Ohio.

The VICE-PRESIDENT. Without objection—the question is on agreeing to the amendment submitted by the Senator from Ohio. [Putting the question.]

Mr. CULBERSON. I respectfully submit that we ought to have an opportunity to vote on these amendments. Of course if a solitary objection can defeat an amendment, probably it would be done; but I submit that the amendment itself ought to be submitted to the Senate.

The VICE-PRESIDENT. The amendment was submitted to the Senate. The Chair called for the ayes and the noes.

Mr. CULBERSON. I understood the Chair to say the amendment would be agreed to unless there was objection.

The VICE-PRESIDENT. The Chair started to say it, but corrected himself and asked for a vote.

Mr. CULBERSON. Very well. I will ask for a vote on the amendment.

The VICE-PRESIDENT. The Chair will put the question again.

Mr. WARREN. I should like to know what the amendment is.

The VICE-PRESIDENT. It will be again read.

The SECRETARY. On page 21, after line 25, insert:

United States post-office at Mansfield, Ohio, $65,000.

Mr. WARREN. Mr. President, I want to appeal to the Senator from Ohio. Ohio is a great State and is most ably represented here on this floor. I have been very much interested in statements made in favor of putting back the figures to where the House had them in regard to certain places in Ohio. That State has, according to the list now in this bill, fifteen public buildings, I think. They amount to more than any of the other States in the Union, excepting, perhaps, Pennsylvania and New York.

While I should be delighted to vote for this subject-matter or for this project in another bill, it seems to me that if we go on and load up this bill now under consideration in that proportion as to other States we are going to get a very ungainly and unsafe measure to handle.

I wish to say another thing in this connection——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wyoming yield to the Senator from Ohio?

Mr. WARREN. I do.

Mr. FORAKER. The Senator, perhaps, was so occupied that he did not hear the statement of my colleague that this item was omitted by accident in the printing of the bill. It was considered in the House committee and it was agreed to there and ordered to be put into the bill, and everybody supposed it had been reported, but when the bill came from the Public Printer it was out. The chairman of the committee, Mr. BARTHOLDT, wrote me a letter to that effect, and I ought to have had it here to read, but I mislaid it somehow. I will at a later date, if necessary, for I imagine I have not lost it, produce it. He stated that to my colleague, and he stated it to others here. So this item was considered in the committee.

There is not another city in our State of any size that has not a public building. It is the one where Senator Sherman lived all the years of his public life.

Mr. WARREN. The Senator will argue himself out of court if he continues along that line, because if every town of any size in Ohio already has a public building, other States that have less than a half dozen public buildings, all told, will probably insist that this one remain unprovided for at present.

Mr. FORAKER. The Senator was talking, and I was afraid he had not heard the statement of my colleague.

Mr. WARREN. It is true I did not hear the statement made that it was left out in the House by mistake.

I will state that we have a list of bills in the House of every public-building bill that was introduced there and duly considered by its committee. We also have a list of every public-building bill introduced in the Senate and considered by the Senate committee, and you may search in vain for a single missing one for Ohio. Every last one of them the House asked for, or the Senate, favorably considered in this Congress for Ohio, so far as we know, is here present in this bill.

If the item was left out by the House, and of course I accept

the Senator's statement that it was, it is something I had no knowledge of until now, and I am sorry.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Ohio.

Mr. SCOTT. Mr. President, I do hope Senators will remember that if we live (and if we do not somebody else will occupy our positions here) there will be another public-buildings bill in the course of human events, and we should not load this bill down so that when it goes over to the other end of the Capitol we may lose the entire measure.

I had an intimation that this bill should not carry over a certain amount if we hoped to get it through. While I am friendly to every Senator upon this floor, and would be glad to do him a personal favor at any time, I do hope that Senators will refrain from so loading this bill down as to endanger its loss.

The VICE-PRESIDENT. The question is on agreeing to the amendment. [Putting the question.] In the opinion of the Chair, the "noes" have it.

Mr. DICK. I ask for the yeas and nays.

The yeas and nays were not ordered.

The VICE-PRESIDENT. The amendment is rejected.

Mr. McLAURIN. Mr. President, I gave notice this morning that I would move to amend, on page 19, line 20, so as to make the appropriation for the United States post-office and other governmental offices at Greenville, Miss., $100,000 instead of $60,000. After consulting Mr. HUMPHREYS, the Representative of the district in which Greenville is located, and taking his suggestions, I shall not offer that amendment; but I wish to say that I hope the conferees on the part of the Senate will see their way clear to make the appropriation $75,000 instead of $60,000.

Greenville is a city with a considerable amount of business. It is a growing city. It is on the river, at the end of one of the great railroad systems between Washington, Miss., and the Mississippi River. I think at no distant day there will be established there a Federal court-house, and an appropriation of $60,000, after taking out the amount of money necessary to buy a site, would not provide a building sufficient for the post-office, the district court, and other governmental offices.

I wish to say, while I am on my feet, that the reduction of the amount as it appears in the bill as it came from the House for the United States post-office at Hattiesburg, Miss., from $15,000 to $7,500 to buy a site is a mistake, for the reason that $7,500 will not now buy in that city a piece of land half as large as this Chamber, and in a year from now $15,000 will not buy a piece of ground half as large as this Chamber in the city of Hattiesburg.

That city, by the census of 1900, contained something like four or five thousand people. Now it contains about three or four times that number. It is a very rapidly growing city, as is evidenced by the postal receipts, which were $25,000 for last fiscal year, and for the fiscal year 1905–6 there will probably be nearly double that amount.

I think it is a great mistake for the Senate to cut down the appropriation of $15,000, as it was made by the House, for the post-office at Hattiesburg, to $7,500; and I hope the conferees on the part of the Senate—for it is apparent that it will be necessary to have a conference—will put back the amount at $15,000.

Mr. PILES. Mr. President, I reserved an objection to the committee amendment reducing the appropriation for a building site at Bellingham, Wash., from $25,000 to $10,000, and also reducing the appropriation for a similar site at North Yakima, Wash., from $20,000 to $10,000.

While I appreciate that the Senate intends to sustain the committee amendments and put the whole matter in conference, I should like to say a few words in respect to the cities of Bellingham and North Yakima for the benefit of committee. Bellingham is a seaport city and has a population of something like 28,000. Its water commerce in 1904—I have not the figures for 1905—was over $5,000,000. That city has grown during the last three years to wonderful proportions and is rapidly increasing in its growth. It has two great transcontinental railroad systems—the Great Northern and the Northern Pacific, and a direct connection with the Canadian Pacific, besides local roads and water lines. Its postal receipts during the last fiscal year were over $40,000.

It is simply impossible to purchase a suitable building site in that progressive city at the present time for $10,000. A business lot on one of the business streets of the city can not be bought for less than $30,000 or $60,000.

Now, as to the city of North Yakima, instead of having a population of 3,000 and being a little country town, as the committee seem to have supposed, it is situated in one of the finest fruit regions, I think, in the western country. It is a city of from eight to ten thousand people. There has recently been set aside by the reclamation department of the Government $2,450,000 for the irrigation of lands in the Yakima Valley, of which the city of Yakima is the center, and an expenditure is contemplated of from nine to twelve million dollars in irrigating lands in that valley. It is impossible now to buy first-class land in that fruit region within 2 miles of that city for less than five hundred to a thousand dollars an acre. People engaged in the fruit business there can and do make as much as a thousand dollars per acre per annum on their fruit land. If this were a small, backwoods town, a site might be bought for a public building for the insignificant sum of $10,000, but North Yakima is a progressive city situated in the heart of a great agricultural and fruit-raising section.

I hope the committee will take into consideration these facts when the bill goes into conference and give to these cities the amounts awarded by the House.

I do not care to take up any more time of the Senate at present on this matter.

Mr. SPOONER. Mr. President, few men, unless they have visited the North Pacific coast, have any adequate conception of the great rapidity with which that country is developing. What the Senator from Washington says as to the status of the two places he has mentioned I know to be quite accurate, for within a year I had the very great pleasure of visiting the Pacific coast—Seattle, Spokane, and other places—and I know about the places the Senator has mentioned. It is absolutely not to be doubted that an appropriation of $10,000 to buy an adequate site for a public building in either of those places is equivalent to no appropriation at all. I do not know what the House bill allows on that subject.

Mr. WARREN. I have it here. The House allowed $25,000 for the public building at Bellingham and $20,000 for the public building at North Yakima. These amounts have been cut down by the Senate committee in each case to $10,000.

Mr. PILES. Twenty-five thousand dollars and $20,000 is the lowest possible figure for which a suitable site can be purchased at the respective cities.

Mr. SCOTT. Mr. President, the Senator from Washington [Mr. PILES] knows a great deal more about the cities of which he has spoken than I do, though I am somewhat familiar with the western country. I happen to know that a fruit farm in the town of North Yakima sold with the fruit trees on it, bearing some of the finest apples I ever saw, for $5,000. It also had a house on it. The Senator from Washington tells us that a site can not be bought there for less than fifteen or twenty-five thousand dollars. What I state is of my own personal knowledge.

Mr. PILES. I will ask the Senator when the sale to which he refers was made?

Mr. SCOTT. About two years ago.

Mr. PILES. Was it within the corporate limits of the city?

Mr. SCOTT. I think not in the corporate limits, but right adjoining.

Mr. PILES. The Senator states that was about two years ago. At the present time, I will say to the Senator, that no man can, in my judgment, buy a first-class fruit farm within a mile of the town of North Yakima for less than $1,000 an acre.

Mr. SCOTT. Mr. President, I do not care to get into a discussion as to the value of property except where I think I have some knowledge of it.

The Committee on Public Buildings and Grounds in their deliberations during the night did the best they could, and it is for the Senate, and not for me as chairman of the committee or for any member of the committee, to say that the Senate shall not do just what it pleases. If it wants to increase the amount carried by this bill, of course it has a perfect right to do so.

I appeal to the Senator from Washington [Mr. PILES], the Senator from Wisconsin [Mr. SPOONER], and the Senator from Wyoming [Mr. WARREN], as western men—and I think I have been in the West perhaps as much as any Senator on this floor who has not lived in the West—I appeal to Senators that they should at least have some confidence in the Senators who expect to represent the Senate as conferees on this bill.

Mr. PILES. I have nothing further to say, Mr. President.

The bill was reported to the Senate as amended, and the amendments were concurred in.

Mr. PENROSE. I offer the amendment which I send to the desk, to come in on page 14, after line 4.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 14, after line 4, it is proposed to insert:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to contract for the erection and completion on the site already acquired by the Government of the United States for the purpose of a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation

of the United States post-office and other Government offices in the city of Albuquerque, Territory of New Mexico, the cost of said building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $200,000. The building shall be unexposed to danger from fire by an open space of at least 20 feet on each side, including streets and alleys.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

Mr. SCOTT. I believe there was provision for a building in one Territory incorporated in the bill, that being a building at Oklahoma City, Okla.; but it was stricken out because there were no appropriations for the other Territories. I simply want the Senate to remember that we struck out the provision for a building at Oklahoma City.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

Mr. PENROSE. I desire to offer the amendment which I send to the desk, to come in on page 7, after line 22.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 7, after line 22, it is proposed to insert:

For the improvement of the public building at Pottsville, Pa., by the addition of a new roof and the construction of a new cornice, $25,000.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Pennsylvania.

The amendment was rejected.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

HOUR OF MEETING.

Mr. KEAN. I move that when the Senate adjourns to-day, it be to meet at 11 o'clock to-morrow morning.

The VICE-PRESIDENT. The question is on the motion of the Senator from New Jersey.

The motion was agreed to.

DANIEL B. MURPHY.

The bill (H. R. 13142) for the relief of Daniel B. Murphy was read twice by its title.

Mr. KEAN. A similar Senate bill was reported to-day by the Senator from Ohio [Mr. FORAKER]. I ask unanimous consent for the present consideration of the House bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that Daniel B. Murphy, late adjutant of the Twenty-fifth Regiment New Jersey Volunteer Infantry, shall be held and considered to have been honorably discharged from that regiment on February 18, 1863, and that the Secretary of War shall issue to him an honorable discharge as of that date.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the bill (S. 4477) for the relief of Daniel B. Murphy be indefinitely postponed.

The motion was agreed to.

AMERICAN REGISTRY FOR BARK HOMEWARD BOUND.

The bill (H. R. 11932) to grant American registry to the bark *Homeward Bound* was read twice by its title.

Mr. GALLINGER. The Committee on Commerce has reported favorably a Senate bill similar to that. The House bill is only three or four lines long. There is no objection to it anywhere, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Commissioner of Navigation to register as an American vessel the bark *Homeward Bound*, now sailing under a limited American register.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LEGAL REPRESENTATIVES OF LAPÈNE & FERRÉ.

Mr. SPOONER. Mr. President, some time ago I entered a motion to reconsider the vote by which the bill (S. 1532) for the relief of the legal representatives of the late firm of Lapène & Ferré was passed in order that I might investigate it. I have not had an opportunity to investigate it, but I have talked with the Senator from Minnesota [Mr. CLAPP], who reported the bill, and I ask leave to withdraw the motion to reconsider.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws his motion to reconsider the vote by which the bill named by him was passed. The bill therefore stands passed.

WABASH RIVER BRIDGE.

The bill (H. R. 20451) to authorize the construction of a bridge across the Wabash River was read twice by its title.

Mr. KEAN. I move that the Senate adjourn.

Mr. BERRY. I ask the Senator to withhold his motion a moment.

Mr. KEAN. Very well.

Mr. BERRY. A Member of the House from Indiana, Mr. OVERSTREET, told me about this bill being of very great importance. In order that it may go through, on behalf of the Committee on Commerce, I, representing the bridge part of that committee, ask unanimous consent that the bill be now considered.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PHINEAS HYDE.

Mr. CARMACK. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 6495) granting an increase of pension to Phineas Hyde, to report it without amendment. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Phineas Hyde, late of Company I, Eighth Regiment Connecticut Volunteer Infantry, and to pay him a pension of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STATUE OF GEN. HENRY LEAVENWORTH.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the joint resolution (H. J. Res. 43) authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans., to report it without amendment. I call the attention of the Senator from Kansas to the joint resolution.

Mr. LONG. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution. It authorizes the Secretary of War to deliver to the General Henry Leavenworth Monument Committee, of Leavenworth, Kans., such condemned bronze cannon as he may deem proper, to be used in the erection of a life-size statue to the memory of the late Gen. Henry Leavenworth, at Leavenworth, Kans.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 10 o'clock and 28 minutes p. m.) the Senate adjourned until to-morrow, Friday, June 29, 1906, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 28, 1906.

CONSUL.

William C. Teichmann, of Missouri, to be consul of the United States of class 8 at Elbenstock, Saxony, to fill an original vacancy.

The nomination of William C. Teichmann for this office, sent to the Senate on the 27th instant, is hereby withdrawn.

ASSISTANT TREASURER.

William Boldenweck, of Illinois, to be assistant treasurer of the United States at Chicago, Ill., to succeed William P. Williams, whose term of office has expired by limitation.

APPRAISER OF MERCHANDISE.

Thomas O'Shaughnessy, of Illinois, to be appraiser of merchandise in the district of Chicago, in the State of Illinois, to succeed Luman T. Hoy, resigned.

UNITED STATES ATTORNEY.

Edwin W. Sims, of Illinois, to be United States attorney for the northern district of Illinois, commencing September 1, 1906, vice Charles B. Morrison, resigned, to take effect on that date.

UNITED STATES MARSHAL.

Luman T. Hoy, of Illinois, to be United States marshal for the northern district of Illinois, vice John C. Ames, whose term expired December 17, 1905.

COLLECTORS OF CUSTOMS.

John C. Ames, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois, to succeed William Penn Nixon, whose term of office has expired by limitation.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina. (Reappointment.)

PENSION AGENT.

Charles Bent, of Morrison, Ill., to be pension agent at Chicago, Ill., vice Jonathan Merriam, term expired.

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa. (Reappointment.)

SECRETARY OF LEGATION.

Jacob Sleeper, of Massachusetts, now secretary of the legation at Habana, to be secretary of the legation of the United States at Caracas, Venezuela, vice Norman Hutchinson, nominated to be secretary of the legation at Stockholm.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. Stanhope E. Blunt, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Lieut. Col. Frank Heath, Ordnance Department, from June 25, 1906, to fill an original vacancy.

To be lieutenant-colonels.

Maj. Rogers Birnie, Ordnance Department, from June 25, 1906, vice Blunt, promoted.

Maj. Ira MacNutt, Ordnance Department, from June 25, 1906, vice Heath, promoted.

Maj. Frank Baker, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Maj. Orin B. Mitcham, Ordnance Department, from June 25, 1906, to fill an original vacancy.

Maj. Lawrence L. Bruff, Ordnance Department, from June 25, 1906, to fill an original vacancy.

To be majors.

Capt. John T. Thompson, Ordnance Department, from June 25, 1906, vice Birnie, promoted.

Capt. Charles B. Wheeler, Ordnance Department, from June 25, 1906, vice MacNutt, promoted.

Capt. William S. Peirce, Ordnance Department, from June 25, 1906, vice Baker, promoted.

CORPS OF ENGINEERS.

Lieut. Col. Daniel W. Lockwood, Corps of Engineers, to be colonel from June 27, 1906, vice Ernst, retired from active service.

Maj. James L. Lusk, Corps of Engineers, to be lieutenant-colonel from June 27, 1906, vice Lockwood, promoted.

Capt. Chester Harding, Corps of Engineers, to be major from June 27, 1906, vice Lusk, promoted.

PROMOTIONS IN THE NAVY.

Professor of Mathematics Phillip R. Alger, to be a professor of mathematics in the Navy, with the rank of captain, from the 21st day of June, 1906, vice Professor of Mathematics William W. Hendrickson, retired.

Professor of Mathematics Thomas J. J. See to be a professor of mathematics in the Navy, with the rank of commander, from the 21st day of June, 1906, vice Professor of Mathematics Phillip R. Alger, promoted.

Second Lieut. Walter N. Hill to be a first lieutenant in the Marine Corps from the 26th day of June, 1906, vice First Lieut. Provence McCormick, jr., resigned.

Robert Tittoni, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 26th day of June, 1906, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

CONNECTICUT.

William F. Bidwell to be postmaster at Killingly, in the county of Windham and State of Connecticut. Office will become Presidential July 1, 1906.

William C. Hungerford to be postmaster at Oakville, in the county of Litchfield and State of Connecticut. Office will become Presidential July 1, 1906.

George W. Merritt to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut, in place of George E. Schofield, resigned.

ILLINOIS.

Frank J. Clendenin to be postmaster at East Moline, in the county of Rock Island and State of Illinois. Office will become Presidential July 1, 1906.

IOWA.

Isaac Patterson to be postmaster at St. Ansgar, in the county of Mitchell and State of Iowa, in place of Andrew N. Lund. Incumbent's commission expired January 31, 1906.

KANSAS.

Isaac B. Davis to be postmaster at Marysville, in the county of Marshall and State of Kansas, in place of Isaac B. Davis. Incumbent's commission expired June 27, 1906.

MASSACHUSETTS.

William H. Foote to be postmaster at Westfield, in the county of Hampden and State of Massachusetts, in place of William H. Foote. Incumbent's commission expired May 26, 1906.

George M. Solomon to be postmaster at Hinsdale, in the county of Berkshire and State of Massachusetts. Office will become Presidential July 1, 1906.

MICHIGAN.

Albert U. King to be postmaster at Augusta, in the county of Kalamazoo and State of Michigan. Office will become Presidential July 1, 1906.

MINNESOTA.

Samuel C. La Due to be postmaster at Fertile, in the county of Polk and State of Minnesota, in place of Brown Duckstad, resigned.

MISSISSIPPI.

Mattie O. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi, in place of Robert S. Golden, deceased.

MISSOURI.

R. K. Megown to be postmaster at Monroe City, in the county of Monroe and State of Missouri, in place of James P. Patton. Incumbent's commission expired May 19, 1906.

William H. Yancey to be postmaster at La Belle, in the county of Lewis and State of Missouri, in place of John G. Richmond. Incumbent's commission expired June 24, 1906.

NEW JERSEY.

Joseph Hodapp to be postmaster at Spotswood, in the county of Middlesex and State of New Jersey. Office will become Presidential July 1, 1906.

NEW YORK.

Charles G. Curtis to be postmaster at Callicoon, in the county of Sullivan and State of New York. Office will become Presidential July 1, 1906.

Henry D. Ford to be postmaster at Central Valley, in the county of Orange and State of New York. Office will become Presidential July 1, 1906.

John A. Hanna to be postmaster at Dover Plains, in the county of Dutchess and State of New York. Office will become Presidential July 1, 1906.

Emmons R. Stockwell to be postmaster at Theresa, in the county of Jefferson and State of New York, in place of Emmons R. Stockwell. Incumbent's commission expired June 25, 1906.

NORTH DAKOTA.

David Larin to be postmaster at Mayville, in the county of Traill and State of North Dakota, in place of David Larin. Incumbent's commission expires June 30, 1906.

OHIO.

Sherman H. Eagle to be postmaster at Gallipolis, in the county of Gallia and State of Ohio, in place of Sherman H. Eagle. Incumbent's commission expired May 15, 1906.

William F. Hains to be postmaster at Wilmington, in the county of Clinton and State of Ohio, in place of William F. Hains. Incumbent's commission expired June 27, 1906.

PENNSYLVANIA.

G. Gillette Saxton to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania, in place of Sarah M. Lowell, resigned.

TENNESSEE.

Gillis T. Johnston to be postmaster at Kingston, in the county of Roane and State of Tennessee. Office will become Presidential July 1, 1906.

VERMONT.

William G. Foss to be postmaster at Wells River, in the county of Orange and State of Vermont. Office will become Presidential July 1, 1906.

WYOMING.

Derealous C. Bowman to be postmaster at Basin, in the county of Bighorn and State of Wyoming. Office will become Presidential July 1, 1906.

WITHDRAWAL.

Executive nomination withdrawn from the Senate June 28, 1906.

E. Scott Hotchkiss, of Wisconsin, for promotion to be consul of the United States of class 9 at Hobart, Tasmania, to fill an original vacancy, which was sent to the Senate on the 15th instant.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 28, 1906.

CONSUL-GENERAL.

Clarence Rice Slocum, of New York, now consul at Weimar, for promotion to be consul-general of the United States of class 5 at Boma, Kongo Free State.

CONSULS.

William Coffin, of Kentucky, to be consul of the United States of class 9 at Maskat, Oman.

William C. Teichmann to be consul of the United States of class 8 at Eibenstock, Saxony.

Louis J. Rosenberg, of Michigan, to be consul of the United States of class 7 at Seville, Spain.

William J. Yerby, of Tennessee, to be consul of the United States of class 9 at Sierra Leone, West Africa.

E. Scott Hotchkiss, of Wisconsin, now consul at Brockville, for promotion to be consul of the United States of class 9 at Calgary, Alberta, Canada.

INDIAN INSPECTOR.

William H. Code, of Arizona, to be an Indian inspector (chief irrigation engineer), to take effect June 28, 1906.

ASSISTANT TREASURER AT CHICAGO.

William Boldenweck, of Illinois, to be assistant treasurer at Chicago, Ill.

APPRAISER OF MERCHANDISE.

Thomas O'Shaughnessy, of Illinois, to be appraiser of merchandise in the district of Chicago.

PENSION AGENT.

Charles Bent, of Morrison, Ill., to be pension agent at Chicago, Ill.

UNITED STATES ATTORNEYS.

John C. Rose, of Maryland, to be United States attorney for the district of Maryland.

Edwin W. Sims, of Illinois, to be United States attorney for the northern district of Illinois, commencing September 1, 1906.

MARSHALS.

John F. Langhammer, of Maryland, to be United States marshal for the district of Maryland.

Luman T. Hoy, of Illinois, to be United States marshal for the northern district of Illinois.

Edwin R. Durham, of Missouri, to be United States marshal for the western district of Missouri.

Ruel Rounds, of Idaho, to be United States marshal for the district of Idaho.

DISTRICT BOARD OF CHARITIES.

John Joy Edson, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906.

George M. Kober, of the District of Columbia, to be a member of the board of charities of the District of Columbia for the term of three years from July 1, 1906.

SECRETARIES OF EMBASSY.

Peter Augustus Jay, of Rhode Island, now secretary of the legation at that place, to be secretary of the embassy of the United States at Constantinople, Turkey.

Lewis Einstein, of New York, now second secretary of the legation at that place, to be second secretary of the embassy of the United States at Constantinople, Turkey.

SECRETARIES OF LEGATION AND CONSULS-GENERAL.

Irwin B. Laughlin, of Pennsylvania, now second secretary of the legation at Tokyo, to be secretary of the legation and consul-general of the United States at Bangkok, Siam.

Montgomery Schuyler, jr., of New York, now secretary of the legation and consul-general at Bangkok, to be secretary of the legation and consul-general to Roumania and Servia.

Thomas Ewing Moore, of the District of Columbia, now secretary of the legation and consul-general to Roumania and Servia, for promotion to be secretary of the legation of the United States at Peking, China.

SECRETARIES OF LEGATION.

Norman Hutchinson, of California, now secretary of the legation at Caracas, to be secretary of the legation of the United States at Stockholm, Sweden.

Jacob Sleeper, of Massachusetts, now secretary of legation at Habana, to be secretary of the legation of the United States at Caracas, Venezuela.

COLLECTORS OF CUSTOMS.

Robert Smalls, of South Carolina, to be collector of customs for the district of Beaufort, in the State of South Carolina.

Christopher D. Jones, of North Carolina, to be collector of customs for the district of Beaufort, in the State of North Carolina.

John C. Ames, of Illinois, to be collector of customs for the district of Chicago, in the State of Illinois.

SURVEYOR OF CUSTOMS.

George H. Ludde, of Iowa, to be surveyor of customs for the port of Burlington, in the State of Iowa.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet George William Kleineberg, of California, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

Cadet Archibald Howard Scally, of Maine, to be a third lieutenant in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

Chief Engineer John Quincy Walton to be a constructor in the Revenue-Cutter Service of the United States, in accordance with the act of Congress approved June 23, 1906.

MEMBER OF MISSISSIPPI RIVER COMMISSION.

Maj. James L. Lusk, Corps of Engineers, United States Army, for appointment as member of the Mississippi River Commission provided for by the act of Congress approved June 28, 1879, entitled "An act to provide for the appointment of a Mississippi River Commission for the improvement of said river from the Head of the Passes near its mouth to its headwaters."

APPOINTMENTS IN THE ARMY.

GENERAL OFFICER.

Col. Walter T. Duggan, First Infantry, to be brigadier-general from June 26, 1906.

TO BE SECOND LIEUTENANTS.

Corps of Engineers.

Cadet Harold Storrs Hetrick.
Cadet William Albert Johnson.
Cadet James Josephus Loving.
Cadet Frederick Blundon Downing.
Cadet Edmund Leo Daley.
Cadet Henry Abercrombie Finch.
Cadet Edward Dahl Ardery.
Cadet Fredric Erastus Humphreys.
Cadet Charles Kellogg Rockwell.

Artillery Corps.

Cadet George Milburn Morrow, jr.
Cadet James Wilson Riley.
Cadet Lloyd Patzlaff Horsfall.
Cadet Charles Gearhart Mettler.
Cadet Charles Bluer Gatewood.
Cadet Joseph Halley Pelot.
Cadet Morgan Lewis Brett.
Cadet Henry Walter Torney.
Cadet Forrest Estey Williford.
Cadet James Syer Bradshaw.
Cadet Earl McFarland.
Cadet Joseph Andrew Green.
Cadet Alexander Garland Pendleton.
Cadet John Cleves Henderson.
Cadet Harold Wood Huntley.
Cadet Walter Marantette Wilhelm.
Cadet Edward White Wildrick.
Cadet Walter Edward Donahue.
Cadet Alexander Garfield Gillespie.
Cadet Edwin De Land Smith.
Cadet John Sedgwick Pratt.

Cavalry Arm.

Cadet Richard Coke Burleson.
Cadet Jonathan Mayhew Wainwright.
Cadet Frederick Thibaut Dickman.
Cadet Walter Stephen Sturgill.
Cadet Adna Romanza Chaffee, jr.
Cadet Roy F. Waring.
Cadet Dawson Olmstead.
Cadet George W. De Armond.
Cadet John George Quekemeyer.
Cadet Frank Maxwell Andrews.
Cadet Harry Dale Ross Zimmerman.
Cadet Cortlandt Parker.
Cadet Joseph Choate King.
Cadet Ralph McTyeire Pennell.
Cadet Pierre Victor Kieffer.
Cadet George Leroy Converse, jr.

Infantry Arm.

Cadet Arthur Dean Minick.
Cadet Charles Alexander Lewis.
Cadet Paul Revere Manchester.
Cadet Byard Sneed.
Cadet Oscar Westover.
Cadet Hally Fox.
Cadet Martyn Hall Shute.
Cadet Matt Enright Madigan.
Cadet William Edward Lane, jr.
Cadet Fred Alden Cook.
Cadet George Gordon Bartlett.
Cadet Henry Black Clagett.
Cadet Clyde Rush Abraham.
Cadet Harry Albert Schwabe.
Cadet John Conrad Maul.
Cadet George Harris Paine.
Cadet Donald Allister Robinson.
Cadet René Edward De Russy Hoyle.
Cadet George Engelman Turner.
Cadet Philip Mathews.
Cadet Richard Herbert Jacob.
Cadet Ralph Allen Jones.
Cadet Calvert Lloyd Davenport.
Cadet Horace Fletcher Spurgin.
Cadet Robert Nelson Campbell.
Cadet Howard Kendall Loughry.
Cadet Hugo Daniels Schultz.
Cadet Max Akin Elser.
Cadet George Rivers Byrd.
Cadet William Torbert MacMillan.
Cadet Marcellus Hagans Thompson.
Cadet William Watts Rose.

MEDICAL DEPARTMENT.

To be assistant surgeons, with the rank of first lieutenant, from June 20, 1906.

Albert Gallatin Love, of Tennessee.
Harold Wellington Jones, of Missouri.
Omar Walker Pinkston, of Missouri.
Mathew Aaron Reasoner, of Illinois.
Henry James Nichols, of New York.
Louis Hedven Hanson, of Wisconsin.
Lucius Locke Hopwood, of Iowa.
Charles Ernest Freeman, of Missouri.
Ferdinand Schmitter, of New York.
Howard Alden Reed, of Pennsylvania.
Henry Blodgett McIntyre, of Vermont.

PROMOTIONS IN THE ARMY.

Under the provisions of an act of Congress approved April 23, 1904, I nominate Col. Oswald H. Ernst, Corps of Engineers, to be placed on the retired list of the Army, with the rank of brigadier-general from the date on which he shall be retired from active service.

ARTILLERY CORPS.

Lieut. Col. John D. C. Hoskins, Artillery Corps, to be colonel from June 22, 1906.

Maj. William B. Homer, Artillery Corps, to be lieutenant-colonel from June 22, 1906.

Capt. Henry C. Davis, Artillery Corps, to be major from June 22, 1906.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Wallace McNamara, Twenty-seventh Infantry, from June 30, 1905.

Second Lieut. William J. Schmidt, Twenty-sixth Infantry, from July 17, 1905.

Second Lieut. David A. Henkes, Twenty-eighth Infantry, from July 20, 1905.

Second Lieut. Guy E. Bucker, Second Infantry, from July 28, 1905.

Second Lieut. Robert G. Peck, Twenty-seventh Infantry, from July 28, 1905.

Second Lieut. Robert J. Binford, Fifteenth Infantry, from July 28, 1905.

Second Lieut. John A. Brockman, Seventh Infantry, from July 29, 1905.

Second Lieut. Robert W. Adams, Second Infantry, from August 8, 1905.

Second Lieut. Sheldon W. Anding, Eighth Infantry, from August 8, 1905.

Second Lieut. William G. Murchison, Eighth Infantry, from August 11, 1905.

Second Lieut. Charles C. Finch, Eleventh Infantry, from August 15, 1905.

Second Lieut. John S. McCleery, Twentieth Infantry, from August 21, 1905.

Second Lieut. Elvin H. Wagner, Seventeenth Infantry, from August 30, 1905.

Second Lieut. Thomas W. Brown, Twenty-seventh Infantry, from September 2, 1905.

Second Lieut. Otis R. Cole, Nineteenth Infantry, from September 10, 1905.

Second Lieut. Shelby C. Leasure, Fourteenth Infantry, from September 12, 1905.

Second Lieut. Daniel E. Shean, Sixteenth Infantry, from September 22, 1905.

Second Lieut. Charles F. Herr, Nineteenth Infantry, from September 22, 1905.

INFANTRY ARM.

To be first lieutenants.

Second Lieut. Vernon W. Boller, Twentieth Infantry, from June 17, 1905.

Second Lieut. Fred H. Turner, Twenty-third Infantry, from October 4, 1905.

Second Lieut. Edwin C. Saunders, Twenty-ninth Infantry, from October 6, 1905.

Second Lieut. Walter Krueger, Thirtieth Infantry, from October 10, 1905.

Second Lieut. Beverly C. Daly, Thirteenth Infantry, from October 11, 1905.

Second Lieut. Asa L. Singleton, Fifth Infantry, from October 24, 1905.

Second Lieut. Arthur L. Bump, Eighth Infantry, from October 29, 1905.

Second Lieut. Willis E. Mills, Ninth Infantry, from October 30, 1905.

Second Lieut. Gilbert A. McElroy, Thirteenth Infantry, from October 30, 1905.

Second Lieut. Harry W. Gregg, Fourteenth Infantry, from November 2, 1905.

Second Lieut. Sylvester C. Loring, Twenty-seventh Infantry, from November 11, 1905.

Second Lieut. William E. Roberts, Twenty-second Infantry, from November 15, 1905.

Second Lieut. Staley A. Campbell, Seventeenth Infantry, from November 29, 1905.

Second Lieut. John R. Brewer, Twenty-third Infantry, from December 25, 1905.

Second Lieut. Leo A. Dewey, Seventeenth Infantry, from December 28, 1905.

Second Lieut. John P. McAdams, Eleventh Infantry, from January 2, 1906.

Second Lieut. Nolan V. Ellis, Eleventh Infantry, from January 4, 1906.

Second Lieut. Richard Wetherill, Nineteenth Infantry, from January 12, 1906.

Second Lieut. John B. Barnes, Twenty-ninth Infantry, from January 18, 1906.

Second Lieut. Thomas T. Duke, Fifth Infantry, from January 24, 1906.

Second Lieut. Harry A. Wells, Twenty-ninth Infantry, from February 5, 1906.

Second Lieut. George W. Harris, Ninth Infantry, from February 5, 1906.

Second Lieut. Edward G. McCleave, Twenty-ninth Infantry, from February 7, 1906.

Second Lieut. John K. Cowan, Eighteenth Infantry, from February 7, 1906.

Second Lieut. Pat M. Stevens, Twenty-third Infantry, from February 17, 1906.

Second Lieut. George S. Gillis, Twenty-sixth Infantry, from February 18, 1906.

Second Lieut. Jacob Schick, Fourteenth Infantry, from February 23, 1906.

Second Lieut. Deas Archer, Twenty-sixth Infantry, from February 24, 1906.

Second Lieut. John J. Fulmer, Twenty-seventh Infantry, from March 3, 1906.

Second Lieut. Kelton L. Pepper, Twenty-seventh Infantry, from March 5, 1906.

Second Lieut. Harry S. Malone, Twenty-sixth Infantry, from March 7, 1906.

Second Lieut. Francis C. Endicott, Fifth Infantry, from March 10, 1906.

Second Lieut. George C. Mullen, Twenty-first Infantry, from March 20, 1906.

Second Lieut. Frederick E. Wilson, Twenty-seventh Infantry, from March 23, 1906.
Second Lieut. Henry Hossfeld, Thirtieth Infantry, from March 24, 1906.
Second Lieut. John J. Mudgett, Fifth Infantry, from April 5, 1906.
Second Lieut. Wilford Twyman, Twenty-ninth Infantry, from May 17, 1906.
Second Lieut. William St. J. Jervey, jr., Twenty-seventh Infantry, from May 24, 1906.
Second Lieut. Channing E. Delaplane, Eleventh Infantry, from May 25, 1906.
Second Lieut. Dwight B. Lawton, Thirtieth Infantry, from May 25, 1906.
Second Lieut. Laurance O. Mathews, Twenty-eighth Infantry, from May 31, 1906.
Col. Clarence R. Edwards, United States Army, Chief of the Bureau of Insular Affairs of the War Department, to be Chief of said Bureau, with the rank of brigadier-general, for a period of four years from the date of his appointment, unless sooner relieved.
Under the provisions of an act of Congress approved April 23, 1904, I nominate the officers herein named to be placed on the retired list of the Army, with increased rank from the date on which they shall be retired from active service, respectively.
Col. John Pitman, Ordnance Department, with the rank of brigadier-general.
Capt. Noble H. Creager, quartermaster with the rank of major.

PROMOTIONS IN THE NAVY.

Lieut. Commander John L. Gow to be a commander in the Navy from the 13th day of May, 1906.
Lieut. Commander George R. Clark to be a commander in the Navy from the 26th day of May, 1906.
Lieut. Commander William P. White to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).
Lieut. Commander George E. Burd to be a commander in the Navy from the 6th day of June, 1906 (subject to the examinations required by law).
Ensigns James C. Kress and William V. Tomb to be lieutenants (junior grade) in the Navy from the 1st day of July, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade.
Lieuts. (Junior Grade) James C. Kress and William V. Tomb to be lieutenants in the Navy from the 1st day of July, 1905 (subject to the examinations required by law).
To be lieutenants (junior grade) in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), upon the completion of three years' service in that grade:
Byron A. Long.
Alfred G. Howe.
Raymond S. Keys.
Ernest A. Brooks.
Clarence E. Landram.
Adolphus Andrews.
Frederick L. Oliver.
Thomas R. Kurtz.
Harold E. Cook.
Merlyn G. Cook.
John M. Enochs.
Benyuard B. Wygant.
Manley H. Simons.
Roger Williams.
Ivan E. Bass.
William S. Pye.
Burrell C. Allen.
Charles L. Bruff.
Edward E. Spafford.
Walter N. Vernon.
Lewis S. Cox, jr.
Frank R. McCrary.
Orie W. Fowler.
Percy W. Foote.
John F. Green.
George F. Neal.
Frank McCommon.
Theodore A. Kittinger.
William H. Allen.
Guy Whitlock.
John Downes, jr.
Joseph L. Hileman.
Owen H. Oakley.
John J. Hannigan.
Jesse B. Gay.
Guy W. S. Castle.
Garrard P. Nightingale.
William W. Galbraith.
John V. Babcock.
Rufus F. Zogbaum, jr.
John J. Fitzpatrick.
To be lieutenants in the Navy from the 7th day of June, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:
Byron A. Long.
Alfred G. Howe.
Raymond S. Keys.
Ernest A. Brooks.
Clarence E. Landram.
Adolphus Andrews.
Frederick L. Oliver.
Thomas R. Kurtz.
Harold E. Cook.
Merlyn G. Cook.
John M. Enochs.
Benyuard B. Wygant.
Manley H. Simons.
Roger Williams.
Ivan E. Bass.
William S. Pye.
Burrell C. Allen.
Charles L. Bruff.
Edward E. Spafford.
Walter N. Vernou.
Lewis S. Cox, jr.
Frank R. McCrary.
Orie W. Fowler.
Percy W. Foote.
John F. Green.
George F. Neal.
Frank McCommon.
Theodore A. Kittinger.
William H. Allen.
Guy Whitlock.
John Downes, jr.
Joseph L. Hileman.
Owen H. Oakley.
John J. Hannigan.
Jesse B. Gay.
Guy W. S. Castle.
Garrard P. Nightingale.
William W. Galbraith.
John V. Babcock.
Rufus F. Zogbaum, jr.
John J. Fitzpatrick.
Ensigns Caspar Goodrich and Wallace Bertholf to be lieutenants (junior grade) in the Navy from the 7th day of June, 1906, upon the completion of three years' service in that grade.
Lieuts. (Junior Grade) Caspar Goodrich and Wallace Bertholf to be lieutenants in the Navy from the 7th day of June, 1906, to fill vacancies existing in that grade on that date.
The following-named midshipmen to be ensigns in the Navy from the 2d day of February, 1906 (subject to the examinations required by law), to fill vacancies existing in that grade on that date:
William P. Sedgwick, jr.
Chandler K. Jones.
John P. Hart.
John J. McCrackin.
Passed Asst. Surg. John M. Moore to be a surgeon in the Navy from the 1st day of January, 1905 (subject to the examinations required by law).
P. A. Surg. Richmond C. Holcomb to be a surgeon in the Navy from the 17th day of December, 1905 (subject to the examinations required by law).
P. A. Surg. Edward G. Parker to be a surgeon in the Navy from the 10th day of May, 1906 (subject to the examinations required by law).
The following-named assistant surgeons to be passed assistant surgeons in the Navy from the dates set opposite their names (subject to the examinations required by law), upon the completion of three years' service in that grade:
James P. De Bruler, from January 3, 1906.
Ransom E. Riggs, from January 19, 1906.
Frederick W. S. Dean, from January 26, 1906.
Benjamin H. Dorsey, from March 2, 1906.
Clarence F. Ely, from March 6, 1906.
James R. Dykes, from April 18, 1906.
Albert J. Geiger, from May 6, 1906.
William W. Verner, from May 25, 1906.
Perceval S. Rossiter, from May 25, 1906.

Wesley H. Rennie, from May 25, 1906.
Walter S. Hoen, from June 2, 1906.
Wallace B. Smith, from June 2, 1906.
Charles C. Grieve, from June 2, 1906.
John D. Manchester, from June 10, 1906.
Paul T. Dessez, from June 10, 1906.
James S. Woodward, from June 10, 1906.
John A. Randall, from June 26, 1906.
Charles E. Ryder, from June 26, 1906.
Allen D. McLean, from June 29, 1906.
Harry L. Brown, from June 29, 1906.
Theodore N. Pease, from July 10, 1906.
Frederick G. Abeken, from July 10, 1906.

Assistant Paymaster Arthur S. Brown to be a passed assistant paymaster in the Navy from the 10th day of February, 1906 (subject to the examinations required by law).

Assistant Paymaster John R. Hornberger to be a passed assistant paymaster in the Navy from the 17th day of February, 1906 (subject to the examinations required by law).

Assistant Paymaster David G. McRitchie to be a passed assistant paymaster in the Navy from the 18th day of March, 1906 (subject to the examinations required by law).

Assistant Civil Engineer Joseph S. Shultz to be a civil engineer in the Navy from the 2d day of February, 1906 (subject to the examinations required by law).

Assistant Civil Engineer Carl A. Carlson to be a civil engineer in the Navy from the 2d day of March, 1906 (subject to the examinations required by law).

Boatswain Aaron B. Ireland to be a chief boatswain in the Navy from the 31st day of August, 1905 (subject to the examinations required by law), upon the completion of six years' service, in accordance with the provisions of an act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

The following-named boatswains to be chief boatswains in the Navy from the dates set opposite their names (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904:

Percy Herbert, from January 25, 1906.
Arthur Smith, from March 1, 1906.
John M. A. Shaw, from March 24, 1906.

Gunner Frank A. McGregor to be a chief gunner in the Navy from the 10th day of April, 1905 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Gunner Stephen Donely to be a chief gunner in the Navy from the 10th day of March, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Carpenter Herbert G. Elkins to be a chief carpenter in the Navy from the 10th day of January, 1906 (subject to the examinations required by law), in accordance with the provisions of the act of Congress approved March 3, 1899, as amended by the act of April 27, 1904.

Commander Sidney A. Staunton to be a captain in the Navy from the 12th day of June, 1906 (subject to the examinations required by law).

Lieut. Commander John H. Shipley to be a commander in the Navy from the 12th day of June, 1906 (subject to the examinations required by law).

Assistant Paymaster Clarence A. Holmes to be a passed assistant paymaster in the Navy from the 14th day of June, 1905 (subject to the examinations required by law).

Assistant Paymaster Philip J. Willett to be a passed assistant paymaster in the Navy from the 4th day of May, 1906 (subject to the examinations required by law).

P. A. Paymaster Ignatius T. Hagner to be a paymaster in the Navy from the 11th day of May, 1906 (subject to the examinations required by law).

Lieut. Col. Harry K. White to be a colonel in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Maj. Constantine M. Perkins to be a lieutenant-colonel in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Capt. William N. McKelvy to be a major in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

First Lieut. Richard P. Williams to be a captain in the Marine Corps from the 16th day of June, 1906.

Second Lieut. Robert B. Farquharson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906.

Capt. John H. Russell to be a major in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

First Lieut. Lee B. Purcell to be a captain in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

Second Lieut. Charles R. Sanderson to be a first lieutenant in the Marine Corps from the 16th day of June, 1906 (subject to the examinations required by law).

APPOINTMENTS IN THE MARINE CORPS.

Sidney S. Lee, a citizen of Virginia, and Joy C. Ross, a citizen of Michigan, to be second lieutenants in the Marine Corps from the 16th day of June, 1906.

POSTMASTERS.

ARIZONA.

J. Knox Corbett to be postmaster at Tucson, in the county of Pima and Territory of Arizona.

CONNECTICUT.

George A. Lemmon to be postmaster at Thomaston, in the county of Litchfield and State of Connecticut.

DELAWARE.

George B. Ruos to be postmaster at Bridgeville, in the county of Sussex and State of Delaware.

W. Scott Walls to be postmaster at Georgetown, in the county of Sussex and State of Delaware.

ILLINOIS.

William T. Bedford to be postmaster at La Salle, in the county of Lasalle and State of Illinois.

George E. Dexter to be postmaster at Tiskilwa, in the county of Bureau and State of Illinois.

Frank E. Eckard to be postmaster at Vandalia, in the county of Fayette and State of Illinois.

William T. Grimmett to be postmaster at Palmyra, in the county of Macoupin and State of Illinois.

Daniel E. Keen to be postmaster at Mount Carmel, in the county of Wabash and State of Illinois.

INDIANA.

Albert H. Coles to be postmaster at Warren, in the county of Huntington and State of Indiana.

John M. Johnson to be postmaster at Logansport, in the county of Cass and State of Indiana.

IOWA.

Arthur S. Hazelton to be postmaster at Council Bluffs, in the county of Pottawattamie and State of Iowa.

Elmer E. Schrack to be postmaster at Parkersburg, in the county of Butler and State of Iowa.

KANSAS.

Robert M. Armstrong to be postmaster at Council Grove, in the county of Morris and State of Kansas.

T. A. Dilley to be postmaster at Sterling, in the county of Rice and State of Kansas.

Thomas E. Dittemore to be postmaster at Eureka, in the county of Greenwood and State of Kansas.

William H. Ellet to be postmaster at Eldorado, in the county of Butler and State of Kansas.

Robert M. Hamer to be postmaster at Emporia, in the county of Lyon and State of Kansas.

Thomas E. Hurley to be postmaster at Minneapolis, in the county of Ottawa and State of Kansas.

W. H. Jones to be postmaster at Lyons, in the county of Rice and State of Kansas.

Marshall M. Murdock to be postmaster at Wichita, in the county of Sedgwick and State of Kansas.

James D. Smith to be postmaster at West Mineral, in the county of Cherokee and State of Kansas.

Charles B. Spencer to be postmaster at Iola, in the county of Allen and State of Kansas.

MASSACHUSETTS.

Charles A. Wilbar to be postmaster at Bridgewater, in the county of Plymouth and State of Massachusetts.

Isaac B. Davis to be postmaster at Westfield, in the county of Hampden and State of Massachusetts.

MICHIGAN.

William M. Beekman to be postmaster at Charlotte, in the county of Eaton and State of Michigan.

Fred N. Potter to be postmaster at Alpena, in the county of Alpena and State of Michigan.

MISSOURI.

Della Crowder to be postmaster at Lexington, in the county of Lafayette and State of Missouri.

NEBRASKA.

W. P. Hall to be postmaster at Holdrege, in the county of Phelps and State of Nebraska.

Romaine A. St. John to be postmaster at Gibbon, in the county of Buffalo and State of Nebraska.

OKLAHOMA.

W. H. Cleveland to be postmaster at Mountain View, in the county of Kiowa and Territory of Oklahoma.

Jabez A. Felt to be postmaster at Hennessy, in the county of Kingfisher and Territory of Oklahoma.

Elliott F. Hook to be postmaster at Walter, in the county of Comanche and Territory of Oklahoma.

Wallace R. Kelley to be postmaster at Kingfisher, in the county of Kingfisher and Territory of Oklahoma.

Milburn M. McCoy to be postmaster at Guthrie, in the county of Logan and Territory of Oklahoma.

Charles G. Wattson to be postmaster at El Reno, in the county of Canadian and Territory of Oklahoma.

PENNSYLVANIA.

William W. Henderson to be postmaster at Brookville, in the county of Jefferson and State of Pennsylvania.

Frank E. Hollar to be postmaster at Shippensburg, in the county of Cumberland and State of Pennsylvania.

Lynn G. Thomas to be postmaster at Canton, in the county of Bradford and State of Pennsylvania.

George E. Washburn to be postmaster at Wyncote, in the county of Montgomery and State of Pennsylvania.

SOUTH DAKOTA.

John F. Reid to be postmaster at Elk Point, in the county of Union and State of South Dakota.

TENNESSEE.

Roy P. Smith to be postmaster at Clarksville, in the county of Montgomery and State of Tennessee.

George T. Taylor to be postmaster at Union City, in the county of Obion and State of Tennessee.

TEXAS.

Robert T. Bartley to be postmaster at Ladonia, in the county of Fannin and State of Texas.

Jeff D. Burns to be postmaster at Tyler, in the county of Smith and State of Texas.

Robert E. Hannay to be postmaster at Hempstead, in the county of Waller and State of Texas.

Samuel E. Morris to be postmaster at Carthage, in the county of Panola and State of Texas.

Hal Singleton to be postmaster at Jefferson, in the county of Marion and State of Texas.

Henry O. Wilson to be postmaster at Marshall, in the county of Harrison and State of Texas.

VIRGINIA.

McClung Patton to be postmaster at Lexington, in the county of Rockbridge and State of Virginia.

WASHINGTON.

Noah O. Baldwin to be postmaster at Pomeroy, in the county of Garfield and State of Washington.

WEST VIRGINIA.

William B. Hensel to be postmaster at Gary, in the county of McDowell and State of West Virginia.

HOUSE OF REPRESENTATIVES.

THURSDAY, *June 28, 1906.*

The House met at 11 o'clock a. m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

IMMUNITY OF WITNESSES.

Mr. JENKINS. Mr. Speaker, I call up the conference report on the bill (S. 5769) defining the right of immunity of witnesses, etc., and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from Wisconsin calls up a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5769) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February eleventh, eighteen hundred and ninety-three, and an act entitled "An act to establish the Department of Commerce and Labor," approved February fourteenth, nineteen hundred and three, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment.

JOHN J. JENKINS,
DAVID A. DE ARMOND,
Managers on the part of the House.

C. D. CLARK,
KNUTE NELSON,
C. A. CULBERSON,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The House amended S. 5769 by striking out all after the enacting clause and inserting in lieu thereof the following amendment.

"A bill (S. 5769) to declare the true intent and meaning of parts of the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, and an act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and an act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903.

"*Be it enacted, etc.*, That under the immunity provisions in the act entitled 'An act in relation to testimony before the Interstate Commerce Commission,' and so forth, approved February 11, 1893, in section 6 of the act entitled 'An act to establish the Department of Commerce and Labor,' approved February 14, 1903, and in the act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February 19, 1903, and in the act entitled 'An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes,' approved February 25, 1903, immunity shall be extended only to a natural person who, as a witness on the part of the Government in any proceeding authorized by any of said statutes, testifies on oath or in obedience to a subpœna produces relevant evidence;" and that the House recede from its amendment.

JOHN J. JENKINS,
DAVID A. DE ARMOND,
Managers on the part of the House.

The conference report was agreed to.

On motion of Mr. Jenkins, a motion to reconsider the last vote was laid on the table.

CONTESTED ELECTION CASE, JACKSON AGAINST SMITH.

Mr. MILLER. Mr. Speaker, I offer the following privileged report from the Committee on Elections No. 2.

The Clerk read as follows:

Whereas the contested election case of William H. Jackson *v.* Thomas A. Smith, from the First Congressional district of Maryland, was referred to Committee on Elections No. 2, and the said committee, after careful consideration of the record therein, finds that the evidence already taken is not sufficient upon which to base a conclusion as to the proper determination of said contest: Now, therefore, be it

Resolved by the House of Representatives, That the Committee on Elections No. 2 shall be, and is hereby, authorized and empowered to take such testimony as it shall deem necessary to the determination of the questions of fact in the contested case of Jackson *v.* Smith, from the First Congressional district of Maryland, and shall have power to send for all such persons and papers as it may find necessary for the proper determination of said controversy, and determine the time, place, and manner of taking said testimony, which may be taken before the said committee, or any subcommittee, or any person selected by said committee for such purpose, and that the expenses incurred in taking said testimony shall be paid from the contingent fund of the House upon the order of said Committee on Elections No. 2.

The resolution was agreed to.

KILLING OF WILD BIRDS AND WILD ANIMALS IN THE DISTRICT OF COLUMBIA.

Mr. CAMPBELL of Kansas. Mr. Speaker, I call up the conference report on the bill (H. R. 13193) to prohibit the killing of wild birds and wild animals in the District of Columbia.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13193) entitled "An act to prohibit the killing of wild birds and wild animals in the District of Columbia," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate, and agree to the same.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,
Managers on the part of the House.

JO. C. S. BLACKBURN,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT.

The House recedes from its disagreement to the amendment of the Senate. This amendment provides that game birds may be hunted on the marshes of the Anacostia River north of the Anacostia Bridge, and on the marshes of the Virginia shore of the Potomac River east of the Aqueduct Bridge, but prohibits the hunting of such birds within 200 yards of any bridge or dwelling.

P. P. CAMPBELL,
E. L. TAYLOR,
T. W. SIMS,
Managers on the part of the House.

The conference report was agreed to.

SECTION 2871, REVISED STATUTES.

Mr. PAYNE. Mr. Speaker, I call up the conference report on the bill (H. R. 7099) to amend section 2871 of the Revised Statutes.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 7099) to amend section 2871 of the Revised Statutes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

J. H. GALLINGER,
GEO. C. PERKINS,
Managers on the part of the Senate.

STATEMENT.

The conference report recommends that the House recede from its disagreement to the amendments of the Senate and agree to the same.

The bill provides for the unlading of vessels in the nighttime carrying imported goods under certain provisions contained in the bill. The amendments of the Senate extend this privilege and these provisions to other vehicles than vessels, with the intention of including the unlading of imported merchandise from freight cars. These amendments render it necessary also to provide for the lading as well as the unlading of vessels or other vehicles in the nighttime. The extension of the privilege to those importing goods in cars carries with it the necessity of the provision for the "lading" as well as the "unlading" in the nighttime.

SERENO E. PAYNE,
JOHN DALZELL,
Managers on the part of the House.

The conference report was agreed to.

MARGARET S. MILLER.

The SPEAKER laid before the House the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller, with a Senate amendment.

The Senate amendment was read.

Mr. KEIFER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

JAMES M. ROBINSON AND SALLIE D. M'COMB.

Mr. OTJEN. Mr. Speaker, I call up the conference report on the bill (H. R. 10610) for the relief of James M. Robinson and Sallie D. McComb.

The conference report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 10610) for the relief of James N. Robinson and Sallie B. McComb, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1 and 2, and agree to the same with amendments as follows: Strike out in each amendment the words "two thousand five hundred" and insert the words "three thousand two hundred and fifty;" and agree to the same.

The effect of both of these amendments is to make the allowance under the bill $3,250 instead of $5,000, as the bill originally passed the House, and instead of $2,500, as the bill passed the Senate.

THEO. OTJEN,
G. N. HAUGEN,
T. W. SIMS,
Managers on the part of the House.

C. W. FULTON,
J. A. HEMENWAY,
THOMAS S. MARTIN,
Managers on the part of the Senate.

The conference report was agreed to.

INDEX TO REPORTS OF FIVE CIVILIZED TRIBES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of Senate concurrent resolution 21.

The Clerk read as follows:

Resolved by the Senate (the House of Representatives concurring), That there be printed 1,000 copies of the topical index to the twelve annual reports of the Commission to the Five Civilized Tribes to the Secretary of the Interior, 200 copies for the use of the Senate, 400 copies for the use of the House of Representatives, and 400 copies for the use of the Department of the Interior.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The resolution was considered and agreed to.

ANNUAL REPORT OF THE TREASURER OF THE UNITED STATES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House concurrent resolution 15.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound for the use of the Treasury Department 500 additional copies of the annual report of the Treasurer of the United States for the fiscal year ending June 30, 1905.

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The concurrent resolution was agreed to.

DIGEST OF CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed $2,000, payable out of any funds not otherwise appropriated, the manuscript of a digest of the United States customs laws and decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies for the official use of the Treasury Department. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the Superintendent of Documents is hereby authorized to reprint this document for sale at $2 per copy.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object—

Mr. LIVINGSTON. I would like to have some explanation of it.

Mr. PAYNE. What document is it?

Mr. CHARLES B. LANDIS. I would say that the purchase of this manuscript and the publication of this digest has been urged upon the committee by the Secretary of the Treasury and by the Board of General Appraisers. The reason for it is that

there is no such publication covering the same period, and they state that it is essential to the transaction of business.

Mr. PAYNE. What is the subject of the digest?

Mr. CHARLES B. LANDIS. It is a digest of the customs laws and decisions, and of the decisions of the Board of Appraisers, and, of course, affecting the general scope of importations.

Mr. PAYNE. Is there anything in it that is not already published by the Government?

Mr. CHARLES B. LANDIS. There is no digest printed covering this period.

Mr. PAYNE. Mr. Speaker, I think I will object temporarily in order to let the thing go over until I can inquire into it.

Mr. CHARLES B. LANDIS. Very well.

BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of a substitute joint resolution in lieu of House concurrent resolution No. 37.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] offers a substitute joint resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, etc., That there be printed 12,000 copies of the report on the progress of the beet-sugar industry in the United States in 1905; 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture, and that the Secretary of Agriculture be authorized to print and distribute annually hereafter 8,000 copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture.

The SPEAKER. Is there objection?

Mr. MANN. Reserving the right to object, if the gentleman will limit his resolution to the publication of the current volume, very well; but this is a permanent enactment.

Mr. CHARLES B. LANDIS. I will say that Congress has been printing each year from 20,000 to 60,000 additional copies. There is a demand for this publication, and the committee thought in the interest of economy and to save the time of the House it would place in the hands of the Secretary discretionary authority to increase the publication to 8,000 copies. Only 1,000 copies are now authorized by law.

Mr. MANN. Does the gentleman think that the demand for them will continue forever?

Mr. CHARLES B. LANDIS. I do not think so, and for that reason we did not make it mandatory, but we leave it to the discretion of the Secretary of Agriculture.

Mr. MANN. It does not seem to me that there is any occasion for making a law that relieves it. The Committee on Printing can bring in a resolution easily enough covering it when it is necessary.

Mr. CHARLES B. LANDIS. The committee was under the impression that this was a wise enactment. If the gentleman sees fit to object, however, that is his privilege.

Mr. MANN. I object to it in its present form.

The SPEAKER. Is there objection?

Mr. MANN. I object.

JOHN PAUL JONES COMMEMORATIVE EXERCISES.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following substitute in lieu of House concurrent resolution No. 30.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following concurrent House resolution, and without objection the substitute only will be read. Is there objection? [After a pause.] The Chair hears none.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the joint committee, 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Without objection, the substitute will be considered as agreed to.

The substitute was agreed to.

Mr. CRUMPACKER. Mr. Speaker, a suggestion I would like to make to the gentleman. It provides that the publication shall be made under the supervision of the "joint committee." It occurred to me that it ought to be the Committee on Printing.

Mr. CHARLES B. LANDIS. The Joint Committee on Printing.

The SPEAKER. Without objection, the amendment will be made.

Mr. CRUMPACKER. The words "on Printing" were omitted, I suppose, inadvertently.

The amendment was agreed to; and the substitute as amended was agreed to.

FOURTH ANNUAL REPORT OF RECLAMATION SERVICE.

Mr. CHARLES B. LANDIS. I ask unanimous consent for the present consideration of the following substitute amendment for Senate joint resolution 17.

The Clerk read as follows:

Strike out all after the resolving clause and insert:

"That the Director of the Geological Survey be, and he is hereby, authorized to print 4,000 copies of the Fourth Annual Report of the United States Reclamation Service, the cost thereof to be paid out of the reclamation fund."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, reserving the right to object, I want to ask whether that report has heretofore been printed, and whether this is for extra copies, in other words?

Mr. CHARLES B. LANDIS. I would say to the gentleman that these are extra copies. Up to this time simply the "usual number" has been printed, which has practically left none of these reports for general distribution.

Mr. GAINES of Tennessee. How many have already been printed?

Mr. CHARLES B. LANDIS. The "usual number"—about 1,800.

Mr. GAINES of Tennessee. Why do you need extra copies when the "usual number" has been printed?

Mr. CHARLES B. LANDIS. The "usual number" leaves to the Senate and House document rooms practically one copy for each Member, about 1,000 copies going to libraries and files; and the Director of the Geological Survey states that the demand on the Survey has been so great that in order to have anything near to a supply he will have to have additional copies. We have reduced the number provided in the Senate resolution from 9,000 to 4,000.

Mr. GAINES of Tennessee. Who does that demand come from—the people who have lands to reclaim or those who have not?

Mr. CHARLES B. LANDIS. The people who are interested in the Reclamation Service.

Mr. GAINES of Tennessee. Where do these people live?

Mr. CHARLES B. LANDIS. A great many of them live in the regions that are affected and the territory that has already been reclaimed.

Mr. GAINES of Tennessee. Where is that territory?

Mr. CHARLES B. LANDIS. In the boundless West.

Mr. GAINES of Tennessee. Well, now, you say there is just about one copy for each member. I understand that members without any land in their district that is to be reclaimed do not need and do not want these reclamation documents. I know I do not. I will say to the gentleman that what I am trying to do is to stop this wasteful printing.

Mr. CHARLES B. LANDIS. The gentleman is not more interested in that proposition than I. I will say that this resolution provides that this entire edition shall be placed with the Director of the Geological Survey. None will be placed to the credit of Members of Congress, and if we have any demand we will simply refer them to the Director of the Geological Survey.

Mr. GAINES of Tennessee. So that the Director of the Geological Survey can send them really where they can be used, and not pile them on Members of Congress who can not use them?

Mr. CHARLES B. LANDIS. That is the situation exactly.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the substitute was agreed to.

Mr. TAWNEY. I would like to ask the gentleman from Indiana why it is necessary to give this authority and expend this amount? I understand this is to carry an additional amount to that which is now allowed for printing the annual report of the Director of the Geological Survey?

Mr. CHARLES B. LANDIS. This is an authorization to print. He does not have to have it unless it is needed.

Mr. TAWNEY. He has authority now to print how many?

Mr. CHARLES B. LANDIS. The "usual number."

Mr. TAWNEY. How many is that?

Mr. CHARLES B. LANDIS. The "usual number" is 1,800, and the Director states that it is entirely inadequate. This is simply an authorization to make this publication, and if he makes it the cost, which will be about $2,500, will be charged against the reclamation fund arising from the sale of lands reclaimed.

The question was taken; and the joint resolution as amended was read the third time, and passed.

MARY WHISLER.

The SPEAKER laid before the House the bill (H. R. 14930) granting a pension to Mary Whisler, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment.

The motion was agreed to.

The SPEAKER laid before the House a bill (H. R. 717) granting an increase of pension to Oscar B. Morrison, with a Senate amendment thereto.

The Senate amendment was read.

Mr. KEIFER. I move that the House concur in the Senate amendment.

The motion was agreed to.

TAYLOR WARE.

The SPEAKER also laid before the House the bill (H. R. 13836) for the relief of Taylor Ware, with a Senate amendment thereto.

The Senate amendment was read.

Mr. YOUNG. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the bill (H. R. 19844) the sundry civil appropriation bill, and I ask unanimous consent that the reading of the report be dispensed with, and that the statement be read in lieu thereof.

The SPEAKER. The gentleman from Minnesota calls up the conference report on the sundry civil appropriation bill, and asks unanimous consent that the reading of the report be dispensed with and the statement be read in lieu of the report.

Mr. UNDERWOOD. Reserving the right to object, I should like to ask the gentleman from Minnesota a question. Is Senate amendment 78 included in this final conference report?

Mr. TAWNEY. What is the amendment?

Mr. UNDERWOOD. No. 78, in reference to fuel supplies.

Mr. TAWNEY. It is included.

Mr. UNDERWOOD. When the matter comes up for consideration I wish the gentleman would yield to me ten minutes. I should like to be heard on that proposition.

Mr. TAWNEY. I will yield to the genteman ten minutes.

The SPEAKER. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 14, 22, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two civilian instructors;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In line 4 of said amendment, after the word "necessary," insert ", not exceeding five thousand dollars."

Omit all after the word "Molokai" in line 6 of said amendment and insert in lieu thereof the following: ", and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars;" and the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "Point Arena light station, california: For rebuilding of light station and keeper's dwelling, seventy-two thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank light: Toward establishing a light-house on Staten Island, New York, and raising West Bank light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Twelfth light-house district: Toward the construction of a steam tender for the use of the light-house engineer of the twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars;

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars;"

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "seven hundred and seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May twenty-sixth, nineteen hundred and six, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for nineteen hundred and six and prior years, which is hereby reappropriated and made available on this account for the fiscal year nineteen hundred and seven;"

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "two hundred and fifty-seven thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

": *Provided*, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907; and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the price fixed for said publication and the total received therefor."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out of said amendment, in lines 3, 4, and 5, the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and sixty-three thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment, and on page 78 of the bill, in line 13, after the word "acting," insert the words "after June thirtieth, nineteen hundred and six;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior," and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-three thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million two hundred and twelve thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreeement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be available after March fourth, nineteen hundred and seven, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu

of the sum proposed insert "one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall be so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per centum interest, payable to the United States, shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 7. From and after July first, nineteen hundred and six, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year nineteen hundred and eight and annually thereafter shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"SEC. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States, from the Smithsonian Institution, the National Museum, and the Library of Congress, such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March third, nineteen hundred and five, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars. The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired army and navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. An to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Navy and Army and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting, shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings, or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than ten feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes

of the exposition other than salaries: *Provided*, That as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for other public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of fifteen thousand dollars hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March third, nineteen hundred and five.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and ninety-three, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America, to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, nineteen hundred and five, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

On amendments numbered 5 and 47 the committee of conference have been unable to agree.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House
EUGENE HALE,
GEO. C. PERKINS,
JAMES H. BERRY,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year 1907, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, namely:

On amendment No. 1: Appropriates $10,000 as proposed by the Senate for rent of building in Cedar Rapids, Iowa.

On amendment No. 2: Appropriates $15,000 as proposed by the Senate for public building at Cheyenne, Wyo.

On amendment No. 3: Appropriates $420,000 as proposed by the House, instead of $440,000 as proposed by the Senate, for repairs to public buildings.

On amendment No. 4: Appropriates $365,000 as proposed by the House, instead of $390,000 as proposed by the Senate, for heating apparatus for public buildings.

On amendment No. 6: Provides for two civilian instructors for the Revenue-Cutter Service as proposed by the Senate.

On amendment No. 7: Authorizes contract to be made for a steam vessel for destroying derelicts, to cost not exceeding $250,000.

On amendment No. 8: Appropriates $5,000 as proposed by the Senate for the International Catalogue of Scientific Literature.

On amendments Nos. 9, 10, and 11, and 12: Makes verbal correction in the text of the bill and provides for an additional counter, at $900, in connection with expenses for distinctive paper for United States securities.

On amendment No. 13: Appropriates $5,000 for salary and ex-

penses for general inspector of supplies for public buildings, as proposed by the Senate.

On amendment No. 14: Appropriates $1,200,000 as proposed by the House, instead of $1,240,000 as proposed by the Senate, for fuel, lights, and water for public buildings.

On amendments Nos. 15 and 16: Increases the amount for pay and allowances of commissioned medical officers and pharmacists of the Public Health and Marine-Hospital Service $25,000; and reduces the amount for pay of other employees in said service $25,000 as proposed by the Senate.

On amendment No. 17: Authorizes the use of $5,000 of the appropriation for the leprosy hospital in Hawaii for constructing a road and landing stage.

On amendments No. 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, and 48, relating to light-houses, beacons, and fog signals: Provides for construction of light-houses, light vessels, and steam light-house tender, as proposed by the Senate, as follows: Stonington breakwater, Connecticut; Cape Mendocino, California; Point Arena, California; Bonita Point, California; Point Pinos, California; Nantucket Shoals, Massachusetts; Ambrose channel, New York; Staten Island, New York; harbor of refuge, Delaware Bay; Pungoteague Creek, Virginia; Brunswick, Ga.; Southwest Pass, Louisiana; harbor of refuge, Milwaukee, Wis.; Niagara River, New York; Isle aux Peches, Michigan; Rock of Ages, Lake Superior; Makapuu Point, Hawaii; Humboldt Bay, California; Twelfth light-house district tender; Columbia River, Oregon, and Hinchinbrook entrance, Prince William Sound, Alaska; and strikes out the appropriation proposed by the Senate of $17,640 for Southampton Shoal light station, California.

On amendment No. 49: Appropriates $525,000, as proposed by the House, instead of $565,000, as proposed by the Senate, for supplies of light-houses.

On amendment No. 50: Appropriates $770,000, instead of $740,000, as proposed by the House, and $800,000, as proposed by the Senate, for repairs of light-houses.

On amendment No. 51: Appropriates $600,000, as proposed by the House, instead of $625,000, as proposed by the Senate, for expenses of light vessels.

On amendment No. 52: Appropriates $600,000, as proposed by the Senate, instead of $550,000, as proposed by the House, for expenses of buoyage.

On amendment No. 53: Appropriates $210,000, as proposed by the House, instead of $225,000, as proposed by the Senate, for expenses of fog signals.

On amendments Nos. 54 and 55: Appropriates $70,000, as proposed by the House, instead of $85,000, as proposed by the Senate, for surveys and resurveys of the Atlantic and Gulf coasts.

On amendments Nos. 56 and 57: Appropriates $5,000, together with unexpended balances, instead of $12,000, as proposed by the Senate, for special surveys by the Coast and Geodetic Survey.

On amendments Nos. 58, 59, 60, 61, 62, and 63: Increases the salary of an accountant from $1,800 to $2,100 and strikes out provision for a property clerk at $1,600 in the Bureau of Fisheries; appropriates $1,600 for an assistant architect and omits $900 for a draftsman, proposed by the Senate, for said Bureau.

On amendment No. 64: Appropriates $250,000, as proposed by the House, instead of $260,000, as proposed by the Senate, for propagation of food fishes.

On amendment No. 65: Appropriates $55,000, as proposed by the Senate, instead of $52,000, as proposed by the House, for maintenance of vessels of the Bureau of Fisheries.

On amendment No. 66: Inserts the provision proposed by the Senate authorizing the Census Office to publish the names of the heads of families returned at the First Census of the United States.

On amendments Nos. 67 and 68: Appropriates, as proposed by the Senate, $7,000 for equipment of the Senate post-office and $950,000 to continue the construction of the Senate office building.

On amendment No. 69: Appropriates $565,000, instead of $573,000 as proposed by the Senate and $500,000 as proposed by the House, for registers and receivers of land offices.

On amendment No. 70: Appropriates, as proposed by the Senate, $14,565 for reproducing plats of surveys in California.

On amendments Nos. 71 and 72: Strikes out the provision proposed by the Senate authorizing details to the Land Office for office examination of surveying returns and inserts the provision proposed by the Senate for surveys in Valley County, Mont.

On amendments Nos. 73, 74, 75, 76, 77, 78, 79, and 80, relating to the Geological Survey: Appropriates $75,000, as proposed by the Senate, instead of $50,000, as proposed by the House, for report of the mineral resources; appropriates $150,000, instead of $200,000, as proposed by the House, for gauging streams and determining the water supply; strikes out of the provision attached to the appropriation for testing coals and lignites the words "or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States," and appropriates $100,000, as proposed by the House, instead of $125,000, as proposed by the Senate, for survey of forest reserves.

On amendment No. 81: Provides that the additional allowance of the disbursing officer of the Geological Survey for disbursing reclamation funds shall begin after June 30, 1906.

On amendment No. 82: Appropriates $3,000 for protecting the ruin of Casa Grande, in Arizona.

On amendment No. 83: Strikes out the appropriation of $2,500 for Sully's Hill Park, North Dakota.

On amendment No. 84: Includes Aleuts among the other natives of Alaska for education and support under the appropriation of $100,000 made in the bill.

On amendment No. 85: Strikes out the appropriation of $3,705 proposed by the Senate for transportation of pupils from the Carlisle Indian school to their homes in Alaska.

On amendment No. 86: Continues available during 1907 a former appropriation made for removal of Lemhi Indians to Fort Hall Reservation, in Idaho.

On amendments Nos. 87 and 88: Appropriates $9,000, as proposed by the House, instead of $15,000, as proposed by the Senate, for reindeer in Alaska; and strikes out the provision proposed by the Senate for placing a herd of reindeer on the island of Unalaska.

On amendment No. 89: Strikes out the provision proposed by the Senate with reference to horses and vehicles for use of the superintendent of the Government Hospital for the Insane.

On amendment No. 90: Strikes out the provision proposed by the Senate with reference to disbursements for the Government Hospital for the Insane.

On amendment No. 91: Appropriates $5,000, as proposed by the Senate, instead of $4,000, as proposed by the House, for repairs of buildings for the Columbia Institution for the Deaf and Dumb.

On amendments Nos. 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, and 104, with reference to lighting the Executive Mansion and public parks: The price per annum for gas lamps using flat-flame burners is fixed at $18, instead of $20 as proposed by the Senate and $15 as proposed by the House, and for lamps with incandescent burners at $25 per annum, as proposed by the Senate, instead of $20, as proposed by the House; and fixes the rate for electric arc lights per annum at $85, as proposed by the Senate, instead of $80, as proposed by the House.

On amendment No. 105: Appropriates $40,000, as proposed by the Senate, for the erection of a memorial to Gen. Ulysses S. Grant.

On amendment No. 106: Appropriates $2,500, as proposed by the Senate, for unveiling the statue of Gen. George B. McClellan.

On amendments Nos. 107 and 108: Appropriates $825,000, instead of $900,000 as proposed by the Senate and $750,000 as proposed by the House, for military posts, and provides for procurement of plans for an adequate water supply for Fort Harrison, in Montana.

On amendment No. 109: Makes the appropriation heretofore made for constructing sea wall in front of the Government property at Galveston, Tex., available for embankment and fill and other improvements on both Fort Crockett Reservation and the land lying between Thirty-ninth and Forty-fifth streets in said city belonging to the United States.

On amendment No. 110: Strikes out the appropriation of $15,000 proposed by the Senate for a wagon road in the Yellowstone National Park.

On amendments Nos. 111 and 112: Appropriates, as proposed by the Senate, $4,500 for a bridge and $1,500 for partial reconstruction of a bridge in the Chickamauga and Chattanooga National Park, as proposed by the Senate.

On amendment No. 113: Appropriates $19,000, as proposed by the Senate, for treatment of destitute patients in Providence Hospital.

On amendment No. 114: Appropriates $19,000, as proposed by the Senate, for treatment of persons unable to pay therefor in Garfield Hospital.

On amendments Nos. 115, 116, 117, and 118: Relating to the National Soldiers' Homes, appropriates $10,000 instead of $15,000, as proposed by the Senate, for the shop building at the Pacific Branch in California, and makes verbal correction in the text of the bill.

On amendment No. 119: Makes the provision prohibiting bars or canteens.

On amendment No. 120: Strikes out the provision proposed by the Senate making the appropriation for the jail at Nome, Alaska, available for purchase of a building.

On amendment No. 121: Strikes out the appropriation of $1,000 proposed by the Senate for counsel for Mission Indians.

On amendment No. 122: Inserts the provision proposed by the Senate, authorizing the Attorney-General to select and fix the compensation of certain employees under the Spanish Treaty Claims Commission.

On amendment No. 123: Fixes the compensation of two assistants at work on law indexes at $720 as proposed by the House, instead of $600 each as proposed by the Senate.

On amendment No. 124: Strikes out the provision proposed by the Senate, authorizing the printing and distribution of a consolidated index of the United States statutes.

On amendments Nos. 125 and 126: Fixes the salaries of the United States marshals and district attorneys for the southern district of California and the district of Idaho at $4,000 each.

On amendment No. 127: Strikes out the provision proposed by the House with reference to keeping certain United States court records at Harrisburg, Pa.

On amendment No. 128: Inserts a provision, proposed by the Senate, requiring the clerks of United States courts to report and account for all moneys received by them in their official capacity, whether on behalf of the United States or otherwise.

On amendments Nos. 129 and 130: Requires the Commission for the Revision and Codification of the Laws of the United States to submit their final report to Congress, as proposed by the Senate, instead of to the Attorney-General, as proposed by the House.

On amendment No. 131: Appropriates $12,000, as proposed by the Senate, for compensation and expenses of a special master to ascertain amount of embezzlement from the assay office at Seattle, Wash., in the case of the United States *v.* George Edward Adams.

On amendments Nos. 132, 133, and 134, relating to the penitentiary at Atlanta, Ga.: Appropriates $30,000, as proposed by the House, instead of $35,500, as proposed by the Senate, for subsistence, and $15,000, as proposed by the House, instead of $17,500, as proposed by the Senate, for clothing and transportation expenses.

On amendment No. 135: Appropriates $200,000, as proposed by the Senate, for purchase of land and the entire contribution of the United States toward the erection of a building for permanent quarters in Washington for the International Bureau of American Republics and the Columbus Memorial Library.

On amendment No. 136: Appropriates $10,000, as proposed by the Senate, for purchase of manuscript for new edition of the Charters and Constitutions.

On amendments Nos. 137, 138, 139, 140, 141, and 142, relating to public printing and binding, restores to the bill the provision proposed by the House and stricken out by the Senate, providing "for the purchase and installation of, and instruction in, cost, audit, and inventory systems" for the Government Printing Office: Appropriates $5,100,000, as proposed by the Senate, instead of $5,000,000, as proposed by the House, for printing and binding; increases the allotment from the sum for printing and binding for Congress by $100,000, and specifies and limits the amount that may be used for the Census Office to $125,000.

On amendment No. 143: Inserts a provision requiring that before the $1,000,000 for reequipment of the Panama Railroad is paid the obligation of said railroad company for said sum and drawing 4 per cent interest shall be delivered to and accepted by the Secretary of the Treasury.

On amendment No. 144: Places the solicitor of customs and his assistants, provided for in the bill, under the direction of the Attorney-General, as proposed by the Senate, instead of the Secretary of the Treasury, as proposed by the House.

On amendment No. 145: Fixes the salary of the appraiser of merchandise for the port of Chicago at $4,500.

On amendments Nos. 146, 147, and 148: Corrects the numbering of sections in the bill and inserts the provision proposed by the House requiring that certain expenses of the courts in the District of Columbia shall be paid one-half out of the revenues of said District.

On amendment No. 149: Appropriates $1,325,000, instead of $1,450,000, as proposed by the Senate, on conditions which are fully set forth in the conference report, for the Jamestown Exposition.

The committee of conference have been unable to agree on the following amendments:

On amendment No. 5, appropriating $3,000,000 for site for and toward the construction of buildings for the Departments of State, Justice, and Commerce and Labor; and

On amendment No. 47, appropriating $150,000 for a lightship off Swiftsure Bank, entrance to Juan de Fuca Strait.

JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.

Mr. TAWNEY. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Speaker, I am opposed to the adoption of the conference report, for this reason: Senate amendment 78 provided:

That in examinations hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits.

Now, if that language had been allowed to remain in the bill, the Geological Survey would have continued these tests in reference to coal all over the United States and all the coal fields; but instead of leaving the language in that way the conferees have stricken out of the Senate amendment this portion of the language:

Or for the purpose of increasing the general efficiency or available supply of the fuel resources of the United States.

So that it now reads merely:

That in examinations hereby authorized of fuel materials for the use of the Government of the United States, the Director of the Geological Survey may have the necessary materials collected—

And so forth. In other words, you have got a provision in this bill appropriating $250,000 for investigation of fuel supplies, and you have limited the investigation to the fuel that is used by the United States Government. It absolutely negatives the whole proposition. You might as well negative the entire proposition. The small amount of coal that is actually purchased and used by the United States cuts no figure. It comes necessarily, the larger portion of it, from a very few coal fields immediately around the points where the Government of the United States has necessity to use fuel. What we want, and what was intended by this House when we made this provision and insisted on this matter staying in the bill, was that the entire fuel supply of the United States should be investigated. But I understand that the gentlemen on the conference committee say that they did not want to investigate this matter, because it was for the use of private individuals, and they struck that portion out because they said it would benefit private individuals. But if you will read on until the last, you will see that by the language used in the Senate amendment that was protected against, because it said:

Provided further, That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. UNDERWOOD. Certainly.

Mr. TAWNEY. The House provision was:

For the continuation of the analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States, in order to determine their fuel value, etc., under the supervision of the Director of the United States Geological Survey, to be immediately available, $250,000.

To that the Senate added an amendment:

Provided, That in examinations, hereby authorized, of fuel materials for the use of the Government of the United States, or for the purpose of increasing the general efficiency or available supply of the fuel resources in the United States, the Director of the Geological Survey may have the necessary materials collected from any part of the United States where they represent extensive deposits; and it shall be the duty of the Director of the Geological Survey to have examined, without charge, the fuels required for use by the Government of the United States, and to give these examinations preference over other work: *Provided further*, That in publishing the results of these investigations, the materials examined shall not be credited to any private party or corporation, but shall be collected and described as representing such extensive deposits.

Now, that language that the House adopted limited the field of this investigation of fuel for the use of the United States.

Mr. UNDERWOOD. The House language limited it to lands of the United States.

Mr. TAWNEY. "Analyzing and testing of the coals, lignites, and other mineral fuel substances belonging to the United States." Now, then, the Senate provision which the conferees have stricken out is, "or for the purpose of increasing the general efficiency or available supply of fuel resources in the United States." That is entirely inconsistent with the House provision. If it contemplates that the Geological Survey is to go into a

general investigation of the extent of the fuel deposits and the efficiency of the fuel supply of the entire United States, it is entirely inconsistent with the provision which the House adopted, because the House provision limited the investigations of coal, lignites, and other fuel substances belonging to the United States. The Senate provision enlarged that investigation so as to include the entire fuel supply and efficiency of the supply throughout the United States.

Now, to accomplish what the gentleman wishes to accomplish, the conferees on the part of both Houses thought the language we retained was sufficient. That language is, "That the Director of the Geological Survey, for the purposse of making examinations, may have the necessary materials collected from any part of the United States." Now, then, they can collect fuel material of all kinds from any part of the United States, and they may test the fuel—may analyze it as they are authorized to do in the House provision. It accomplishes what I supposed the gentleman from Alabama contended for when the matter was before the House, but it does not allow the Geological Survey a roving commission for the purpose of conducting investigations all over the United States in the matter of testing fuel for everybody; but he may collect the fuel from any part of the United States and test it.

Mr. DALZELL. Will the gentleman allow me an interruption?

Mr. UNDERWOOD. Certainly.

Mr. DALZELL. According to the statement of the gentleman from Minnesota, the examinations of the Geological Survey are to be confined to those fuels which are for the use of the United States. That is to say, for actual consumption for purposes of the United States. I want to ask the gentleman from Minnesota if he does not think it is a little ridiculous to appropriate $250,000 to examine fuels that we are going to use in the United States—that we are going to use in our boilers down here in the House?

Mr. TAWNEY. I will say to the gentleman from Pennsylvania that that is exactly what I said when we adopted the gentleman's amendment. He by his own amendment increased the appropriation from $100,000 to $250,000.

Mr. DALZELL. That is what the House had in view and what the Senate had in view, but what the House conferees have emasculated.

Mr. MADDEN. If the chairman will allow me——

Mr. TAWNEY. Certainly.

Mr. MADDEN. Does the chairman of the committee think that under the House language providing for coal tests that the Geological Survey would have no right to make any test except for coal to be used by the Government of the United States?

Mr. TAWNEY. No.

Mr. MADDEN. Is he willing to admit that under the language where it says the Geological Survey shall test coal owned by the United States anybody in the United States, under the language, could hand a sample of its coal to the United States, giving it title to that sample, and get the test required for scientific purposes? That is my understanding of it.

Mr. UNDERWOOD. That is not my understanding of the proposition. If I understood the language of the bill as stated by the gentleman from Illinois, I would be satisfied.

Mr. MADDEN. That is what I understood the original language was.

Mr. UNDERWOOD. If the gentleman will allow me, the language of the House bill limited these investigations to the lands owned by the United States, the public domain, the public lands of the United States.

Mr. YOUNG. It limited it to coal of the United States; it did not say "coal lands."

Mr. UNDERWOOD. Well, I mean coal lands.

Mr. YOUNG. It does not say coal lands; it says coal.

Mr. UNDERWOOD. That would limit it more, even, than I say.

Mr. GAINES of Tennessee. If it was in the land, it would belong to the United States.

Mr. UNDERWOOD. If the gentleman will allow me, this is a limitation practically to the public lands of the United States, because we own no coal otherwise. Why was that limitation put in this bill in the House? It was not because the House wanted it on the bill. It was because the men in this House who want this fuel investigation were met with a point of order and had to accept what they could get on the bill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. I will ask the gentleman to yield me five minutes more.

Mr. TAWNEY. I yield the gentleman five minutes more.

Mr. UNDERWOOD. Now, we had to take that position, but the business interests of this country want these investigations made. It is in the interest of the development of our foreign trade, and when we consented to this amendment in the bill the House did so in order to authorize the Geological Survey to test the fuels of the United States belonging to all parties. That is the only benefit we can get out of these investigations. It would be simply folly to appropriate $250,000 to investigate the coal that we have down in the bunkers of this cellar or the coal that lies out in the few remaining public lands of the West. What we want to do is to investigate these fuels, develop their use for the citizens of the United States, and let foreign citizens who want to buy our coal know what we have got. I am not at all in sympathy with the proposition even as it stands in the bill of limiting these investigations to great fuel deposits and not letting the individual coal miner get a certificate as to what he has got in his coal mine. I represent a coal district. My district has attempted to get into the trade in South America, to contest the territory of South America with British coals. We can land coal at Mobile cheaper and put it on shipboard cheaper than they can in any port in Wales or England. But I want to tell you this: The Alabama coals are not known. There are very few American coals known to the foreign trade, and when a ship goes into Rio Janeiro or any other South American port to load with coal, that is what it has got to have to finish its trip and carry out its voyage. The cost of the coal is not of so much importance to the shipmaster as the kind of coal he gets. If he buys a coal and fills his bunkers with a coal that is of small horsepower producing capacity, he makes a slow voyage, delays his trip, and costs his shipowners much money.

On the other hand, if he has the best coal for his trip to put in the bunkers of his ship he increases the speed of his vessel and saves that much time in making the voyage. Everyone can see it is very necessary for the ship captain to know what he is getting before he puts the coal in his bunkers. They know the English coals; they know the foreign coals. The foreign nations have a governmental investigation, and the foreign coal that lies in the South American port has a Government certificate behind it that it is a good coal, and when we want to develop our foreign trade and increase our foreign resources why should we deny to our own citizens that which the citizens of foreign countries have when we have to compete with them? Is there a gentleman on the floor of this House who does not want to develop our foreign trade and increase the sale of our coal products? That is the object of this provision. It is to have the coals of the United States investigated by the Government of the United States and a certificate given as to what they represent, so that the shipowner and the ship captain in any port of the world when he seeks to buy American coal will know how much horsepower there is per ton and the fixed carbon there is in that coal, how much fuel supply, and he will know definitely. There is nothing we can do that will aid us more to develop our foreign coal sales and our foreign markets for our coal material than the passage of this bill if you pass it so that we can make an investigation; but you can not do it under the terms of this bill, and I contend that this conference report ought to be voted down and sent back to conference so that it will carry out really what the people in the great manufacturing and producing sections want, and that is an investigation of all the fuel supplies of the country.

Mr. GAINES of Tennessee. Does the gentleman want Congress to make an appropriation to examine all the soils of all the farm lands for sale and publish their report and send it out to the four winds of the world?

Mr. UNDERWOOD. I think the soil investigations have been of great benefit to the people of the United States.

Mr. GAINES of Tennessee. They have investigated in the proper way for a particular purpose; but the gentleman's proposition carried out its full length would require Congress to have these officials go and examine the soil of every farm in the United States, if it is to be sold, and publish their reports and send them broadcast to the people in foreign lands.

Mr. UNDERWOOD. Not at all. It simply authorizes the man who represents the coal mine and the coal supply to send their fuel to the coal-testing plant and have it tested; but under the terms of this law they can not do it.

Mr. GAINES of Tennessee. That is we are to keep men doing this kind of work when these coal owners can employ men to do this work for them?

Mr. UNDERWOOD. Why, it is not their certificate. If you issued a certificate yourself as to what you have got in your

coal, it does not mean and does not carry the weight in the market as if it is issued by the United States.

Mr. MANN. Does the gentleman think we ought to examine all the woolen goods, for instance, for wool, and a Government certificate should be issued?

Mr. UNDERWOOD. I do not.

Mr. MANN. What is the difference?

Mr. UNDERWOOD. Because those are something that anybody can investigate.

Mr. MANN. I can not tell whether an article has good wool in it or not, and I do not think the gentleman can.

Mr. UNDERWOOD. But you can find somebody who can.

Mr. GAINES of Tennessee. You can find some one who can tell about this other matter in Nashville and in Birmingham and everywhere else.

Mr. TAWNEY. If the gentleman will yield to me for a moment, I want to make a statement and then ask unanimous consent to dispense temporarily with the consideration of this conference report. Mr. Speaker, there seems to be some grave misunderstanding in respect to the effect of the Senate amendment as amended in conference. The House provision limits the investigation to the coals, lignites, and other mineral fuel substances belonging to the United States. The Senate enlarged the scope of that investigation, and also authorized the Director of the Geological Survey to have the necessary materials for the making of these tests collected from any part of the United States. In so far as the House conferees were concerned, we felt that that was enlarging the powers of the Geological Survey to the extent to which those who favored this system and policy of paternalism desired, and that there was no necessity of using the language, which was stricken out in conference. Now, in order that the matter may be adjusted, I ask unanimous consent to lay aside for the present this conference report.

Mr. GAINES of Tennessee. What is it the gentleman wants unanimous consent for?

Mr. TAWNEY. To lay aside temporarily the report.

Mr. GAINES of Tennessee. For what?

Mr. DALZELL. I hope that will be granted.

Mr. RYAN. I desire to ask the chairman, on page 85, line 10, "for the investigation of the structural materials belonging to and for the use of the United States, consisting of stones, clays, cements," etc. I want to ask the gentleman whether this "et cetera" gives authority to permit the Director of the Geological Survey to investigate and test the strength of timber and lumber?

Mr. TAWNEY. It certainly will. That was not changed in the Senate, and it is not in conference at all.

Mr. RYAN. I want to ask what that meant. Can the gentleman tell me whether this is for testing the strength of timber?

Mr. TAWNEY. That is not in controversy between the two Houses at all.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

IMPROVEMENT OF CHANNELS ON NEW JERSEY COAST.

Mr. BURTON of Ohio. Mr. Speaker, I desire to call up a privileged resolution.

The SPEAKER. The gentleman from Ohio calls up the privileged resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Senate be requested to furnish to the House of Representatives a duplicate copy of bill (S. 6167) authorizing the State of New Jersey to improve the channels along the New Jersey coast under the State authority, the same having been lost or mislaid.

The question was taken; and the resolution was agreed to.

EXTENSION OF PUBLIC-LAND LAWS, ETC.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 12323) to extend the public-land laws of the United States to the land comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

H. C. HANSBROUGH,
REED SMOOT,
A. J. MCLAURIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The only effect of the Senate amendment is to throw open the Fort Rice Military Reservation, in North Dakota, to free homestead settlement, including the unpatented land on the reservation heretofore settled upon. The land is west of the Missouri River and does not differ materially from the other public land in that region now open to free homestead settlement.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I move that the conference report be agreed to.

The question was taken; and the conference report was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote was laid on the table.

USE OF MAILS BY TOWN TOPICS.

Mr. COCKRAN. Mr. Speaker, I move as a privileged motion to discharge the Committee on Post-Offices and Post-Roads from the further consideration of the resolution introduced on March 8, 1906, concerning the use of the mails by a publication known as "Town Topics" in the city of New York.

The SPEAKER. The gentleman from New York moves to discharge the Committee on Post-Offices and Post-Roads from the consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

Whereas at a court of general sessions of the peace in and for the county of New York, the same being a court of record of the State of New York, one Norman Hapgood was on the 31st day of October, 1905, indicted by a grand jury on a charge of libel, for that he had written and published of and concerning one Joseph M. Deuel, then and now a judge of the court of special sessions in the said city and county of New York, the following words, to wit: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence;" and

Whereas the said Norman Hapgood on the 31st day of October, 1905, was arraigned upon the said indictment before the said court and entered a plea of not guilty thereto; and

Whereas the said indictment, having been duly transferred from the said court of general sessions of the peace in and for the city and county of New York to the supreme court of the State of New York, came on for trial on the 15th day of January, 1906, in said court, before the Hon. James Fitzgerald, a justice thereof, and a jury; and the said Norman Hapgood having admitted that he had written and published the matter charged in said indictment to be libelous, justified it on the ground that the same was true, and the jury after hearing evidence rendered its verdict that he was not guilty of libel; and

Whereas it appeared from the uncontradicted evidence given on said trial that the paper of which the said Joseph M. Deuel was part owner and one of the editors, the characterization of which as "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence" by the said Hapgood was charged in said evidence to be a libel, is a weekly publication entitled, called, and known as Town Topics; and

Whereas the said verdict of not guilty and the judgment of acquittal entered thereon in favor of said Hapgood is a judicial declaration by a court of competent jurisdiction that the description of Town Topics charged in said indictment to be libelous is in fact true: Now, therefore, be it

Resolved, That the Postmaster-General be, and he is hereby, requested to inform the House of Representatives whether said paper, periodical, or publication entitled, called, and known as Town Topics, so adjudged by a competent court to be "a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence," is admitted now to the use of the mails, and whether its said occupation of extorting money by blackmail is in any way facilitated, promoted, or assisted by this Government through the operation of its Post-Office Department.

Mr. OVERSTREET. Mr. Speaker, I make the point of order that this resolution is not privileged, and therefore the motion of the gentleman from New York [Mr. COCKRAN] is not in order.

Mr. COCKRAN. Mr. Speaker, is that point open to discussion?

The SPEAKER. It is in the discretion of the Chair. The Chair will hear the gentleman briefly.

Mr. COCKRAN. I submit myself cheerfully to the discretion of the Chair. Mr. Speaker, the object of this resolution——

Mr. OVERSTREET. Do I understand the Chair is hearing the gentleman on the point of order?

The SPEAKER. Yes.

Mr. COCKRAN. I will state what the resolution is, in order to discuss it.

The SPEAKER. The Chair, in the discretion of the Chair, will hear the gentleman from Indiana state his point of order.

Mr. OVERSTREET. I merely wanted to understand the status. I did not know whether the gentleman was beginning to discuss the merits of the resolution or the point of order, and I merely inquired of the Chair whether the Chair was hearing him on the point of order.

The SPEAKER. Purely so. And the Chair will hear the gentleman from Indiana if he desires, although the Chair has heard the resolution read, and the Chair will hear the gentleman from New York [Mr. COCKRAN] on the point of order.

Mr. COCKRAN. Of course, Mr. Speaker, I suppose it goes without saying that in order to ascertain whether a resolution is privileged or otherwise we must have the nature of the resolution before the Chair and before the House. The object of this resolution, Mr. Speaker, is to ascertain by appropriate inquiry, addressed to the Postmaster-General with a view to possible remedial legislation by this House, whether the Post-Office Department is deliberately lending itself to facilitate the operation of a blackmailing enterprise.

Now, I submit, Mr. Speaker, this resolution, stated in these terms, presents a question of the very highest privilege. That its terms are justified will be apparent from the slightest scrutiny of the facts which it recites. I have placed before the House and before the committee no statement of fact on my own authority. I have no personal knowledge of the transactions to which I ask the attention of gentlemen on both sides to consider. I have placed before the House an exemplified copy of an indictment found by a grand jury in the court of general sessions of the peace in and for the city and county of New York, against one Norman Hapgood, charging him with libel for having written and published in a paper called Collier's Weekly these words of a certain publication, or rather of a certain person: "He is part owner and one of the editors of a paper of which the occupation is printing scandal about people who are not cowardly enough to pay for silence." I have submitted the plea of not guilty, interposed by Hapgood on his arrangement, and set out the fact that as he had a right to do under our Constitution, the defendant acknowledged having written and published these words and proceeded to justify them on the ground that they were in fact true.

Testimony was taken on the issue thus raised, and on that testimony the jury, after an absence, I think, of five minutes, returned with a verdict of not guilty, and the defendant was thereupon discharged by the court, which was, in effect, a judgment that this description of the publication was not a libel, but was accurate and truthful.

Several months ago I presented these facts to the House of Representatives, with the records which substantiated them, and at the same time I presented a resolution asking the Postmaster-General to inform us whether the paper so adjudged to be engaged in printing scandal is admitted to the mails, and whether its business of extorting blackmail is facilitated and promoted by this Government through its Post-Office Department.

Mr. Speaker, this is very different from a question asking the Department of Justice if it had pursued some particular wrongdoer for the perpetration of some offense or asking some other Department if it had used all its power to prevent the commission of something which may be considered criminal. It is not a question asking the Post-Office Department to decide whether certain actions are in themselves wholesome or unwholesome—moral or immoral. The nature of this enterprise is determined to be not one occasionally lapsing into crime, but a steady, organized scheme of blackmail. Here is a resolution calling attention to a solemn finding of fact, not that this paper has libeled one, two, or thirty persons—I admit no question of privilege would be presented to this House by the fact that a publication which occasionally, or even frequently, became an engine of blackmail was using the mails—but when a competent tribunal of a sovereign State solemnly adjudges the entire publication, the whole enterprise to be merely a scheme of blackmail, the question is presented whether this Government itself is aiding the commission of crime.

This is not a case of a department standing idle while crime is perpetrated and failing to prevent it. It is a case of active participation by Government in the crime itself. This publication is carrying on its occupation of blackmail now as I speak, not solely through the vice of its promoters, not simply by the skill of its editors, but through the active assistance of this Government, of which, Mr. Speaker, this House is an integral part. I submit to the House of Representatives that it is a question of the highest privilege whether this Government—in which we have an important share—can through one of its Executive Departments, created by our laws, supported by our appropriations, deliberately lend itself—actively contribute to a scheme of blackmail—make itself the most effective feature in that scheme of blackmail—for without the mails this enterprise of crime would be wholly ineffective.

I repeat, Mr. Speaker, that I make not the slightest assertion of fact on my own authority. I know nothing of this paper; I have never seen but one copy of it in my life, and that was twenty years ago. I do not know the editor. I have never seen him, to my knowledge. I can not have any personal feeling whatever about the question I submit to the House. I am not without pity for the wretch who, having some gift of expression, seems to be without means of employing it to gain a living by any other means than blackmail. I have nothing but sympathy for the unfortunates who, by reason of some blemish in their lives, become exposed to the blackmailers' pursuit and pay money to escape his exposure. The only persons revealed by these proceedings for whom I have an utter abhorrence are the degenerates [loud applause] whose appetite for scandal and whose eagerness to learn something evil of their neighbors lead them to buy such a sheet and thus make this scheme of blackmail effective. And, sir, I hope I will not have to link with these wretches the Government of the United States as an agency to aid the blackmailer in preying upon the fears of the weak or even on the apprehension of the guilty. [Loud applause.]

I do not think I am violating the confidence of the committee when I say that the gentleman from Indiana has held out to me all through the session a hope that before adjournment some favorable action would be taken on this resolution. We have discussed freely the only objection he seemed to entertain, which is that the statute does not give the Postmaster-General power to deal with this class of offenders.

Now, I submit to this House no statute is necessary to give to the Postmaster-General power to declare that the mail service of the United States shall not be used as an agency of crime. Will the gentleman from Indiana pretend that if it were known I was using the mail service to circulate poisonous articles or to send explosive bombs among innocent people whom I regarded as enemies that the passage of a special law would be necessary before the Postmaster-General could exclude me from the use of a great public facility which I was prostituting to crime? Here is a judgment of a court, and a decision that the occupation of this paper is one steady continuous crime. Yet the gentleman from Indiana would have us believe that the Post-Office Department has no power to authorize its officers, its postmasters, and its mail carriers to keep their hands clean of this infamy, which at this very moment is being perpetrated through their agency.

Mr. Speaker, at this moment the desks of Members are flooded with remonstrances from all over the country against the action of the Post-Office Department in excluding from the mails publications which, compared with this one, are models of cleanliness and decorum. Every day the Postmaster-General excludes from the mails some citizen, and absolutely destroys his means of living, on a suspicion that he may contemplate fraud, even though he denies the imputation, and there is not one scintilla of truth that he has injured anybody. This Department of the United States Government can condemn a man who may be perfectly honest to a fate worse than imprisonment. If a State by sentencing a man to imprisonment deprives him of an opportunity to make his own livelihood, it charges itself with responsibility for his support.

Without any hearing, without any formal accusation of crime, without an opportunity to advance proof of innocence, any citizen may be excluded from the mails on a mere suspicion of the Postmaster-General, condemned to a fate worse than imprisonment; for while this exclusion from the right to free communication with his fellows makes the whole country his prison house, the burden of supporting himself is forced on the shoulders of the victim, while the means of gaining that support is denied to him. And yet, Mr. Speaker, the gentleman from Indiana [Mr. OVERSTREET] would say that admission to the mails of the books of a publisher solemnly adjudged by a competent court to be engaged in the business of blackmail does not present a question of privilege. I ask this House if a system under which citizens are deprived of livli-

hood, deprived of property, deprived of character, deprived of the means of making a livelihood in the future, on the mere suspicion of the Postmaster-General that they abuse the mails, can be tolerated in this country, when the same mails are open to a publication which the solemn judgment of a court of competent jurisdiction in a sovereign State declares to be an enterprise organized merely for blackmail?

Mr. Speaker, I would be glad if the gentleman from Indiana could present here any evidence that the committee inquired into the facts on which this resolution is based or that the Post-Office Department had undertaken to examine them, and on information collected by its own agents had reversed the judgment of the State courts. I admit its competence to review any decision by a State court on a collateral proceeding or of any tribunal except one having jurisdiction of its own operations; but I challenge the gentleman from Indiana to impugn in the slightest degree the conclusions of fact reached by this State court on the character of this publication. I challenge him to say, upon his own honor, before this House that this publication is anything else than a scheme of blackmail. I challenge him to deny that the United States Government is the most effective agent in the perpetration of its crimes by allowing it to circulate through the mails, and I submit to the Speaker and the House, as a question of the highest privilege, whether this body should not inform itself fully of the course pursued by the Post-Office Department toward this criminal enterprise, and if it be found that the mails are used to facilitate and promote it, to enact adequate legislation to prevent a great arm of the public service from making itself an agency of crime, and to reestablish the honor and dignity of this Government in all its branches. [Applause.]

Mr. OVERSTREET. Mr. Speaker, just a word. The censorship of the press by the Federal Government has never been undertaken. It may be that there are in many cases just grounds for considering the propriety of legislation which might at least approach, in some degree, such censorship.

Mr. COCKRAN. Will the gentleman yield for a question?

Mr. OVERSTREET. Yes.

Mr. COCKRAN. What about the publication of Lewis, which was censored out of existence?

Mr. OVERSTREET. If the gentleman will permit me, I will state that, as I was just about to do. The statute relative to fraud orders was a law properly enacted by the Congress and now administered by the Postmaster-General. There are some who question the propriety and extent to which that law operates; but those persons interested in such legislation can prepare bills, introduce them, and press them to consideration before the proper committee having jurisdiction of such legislation. If there is any weakness in the law relative to the censorship of the press, it is just as much the province and duty of the gentleman from New York to prepare and introduce and press for consideration a measure upon that point as any other Member of this body. But, Mr. Speaker, there is no such legislation upon the statute books, nor has the gentleman from New York nor any other Member of the House introduced for consideration any legislation affecting that form of censorship. This resolution, Mr. Speaker, is what we may term "a resolution of inquiry," known generally to Members, and which the rules and precedents recognize. But, Mr. Speaker, the point I make is that the resolution of inquiry is not privileged unless the matter referred to in the resolution is privileged, and the resolution does not set out any privileged matter. I waive the preamble, because a long line of precedents establish the truth of the proposition that a preamble is no part of a resolution, and the body of the resolution itself, if this House should pass it, would make of the Post-Office Department an object of ridicule, to be inquired of for an opinion based upon a negative verdict in a criminal prosecution.

The parties referred to in this resolution defended against an indictment, and upon trial before a jury the case went off as the gentleman has indicated. But simply because the jury found for the defendant does not establish all of the evidence which the defendant had introduced, and any lawyer who ever practiced in a justice of the peace court knows that the verdict does not establish all the facts set out in the evidence by the party in whose favor the verdict has been found. I do not care to discuss the question on the merits; that is a matter for the legislation of Congress, but I repeat that it is just as much the duty of the gentleman from New York to introduce and press for consideration a law amending other laws as it is the duty of any Member of the House; but when he introduces a resolution of inquiry, that resolution must be in accordance with the rules and customs of this House. I submit that this resolution is not in line with those precedents.

Mr. COCKRAN. Mr. Speaker, I haven't the slightest idea of submitting to this House a proposal for censorship of the press. I am opposed to any interference whatever with the press. I do not think an action of libel has ever been necessary to vindicate any honest man, though it has often resulted in exposing a rogue, as it has in this instance. I have never known a man to be injured by abuse of the press, but I have known a good many to be injured by indiscriminate praise. The gentleman from Indiana suggests that I should have introduced a bill—proposed some new legislation in the line of my resolution. There is no legislation necessary. We want to know if this publication is a blackmailing enterprise. If it is, it can be excluded from the mails under the law as it stands. The object of this resolution is to get light on the fact as to its use of the mails. That fact being established, there is law enough on the statute books now to deal with it.

The SPEAKER. The Chair is prepared to rule. The only question presented to the Chair under the point of order is whether this motion is a privileged motion under the rules of the House. The motion is to discharge the Committee on Post-Offices and Post-Roads from the consideration of the resolution which has been read. After seven days the motion is privileged, providing the resolution has nothing in it which destroys that privilege.

Now, this resolution is coupled with the preamble, which recites that there was an indictment in a State court for libel, recites that the defendant justified, recites that there was a trial, recites that the defendant was acquitted, and then in the recitation in the last whereas sets forth matter which does not reflect upon the party whom the State of New York alleged had been libeled in very complimentary terms; in fact, to the contrary. The resolution refers to the preamble and certain matters alleged in the preamble, none of which are matters that are privileged under the rules of the House.

A resolution calling for information from the Department upon a question of fact is privileged, and if this resolution alone covered such information it would be privileged. The Chair has no doubt that the preamble destroys the privilege that otherwise would be contained in the resolution, and therefore the Chair sustains the point of order.

Mr. COCKRAN. Would it be in order, Mr. Speaker, to move to strike out the preamble and allow the resolution to stand?

The SPEAKER. That would bring the House to a vote on that very question, and this is a matter not before the House. It was introduced and went to the committee. This is a motion to bring it before the House, and the privilege being destroyed by nonprivileged matter, the Chair sustains the point of order, which, of course, if the ruling of the Chair is correct, prevents the House obtaining possession of the resolution in this way.

Mr. COCKRAN. Would it be competent to ask unanimous consent for the consideration of the resolution?

The SPEAKER. The Chair having sustained the point of order, the gentleman from New York asks unanimous consent to discharge the Committee on Post-Offices and Post-Roads from further consideration of the resolution, and consider it at this time.

Mr. OVERSTREET. I object.

BILLS ON THE PRIVATE CALENDAR.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

The Committee on Rules, to whom was referred the order introduced on June 25, 1906, have had the same under consideration and report the following in lieu thereof:

"*Ordered*, That bills on the Private Calendar reported from the Committee on Military Affairs, from the Committee on Naval Affairs, from the Committee on Indian Affairs (except such as propose to confer jurisdiction on the Court of Claims), from the Committee on Public Lands, from the Committee on Merchant Marine and Fisheries, from the Committee on Pensions, and from the Committee on Invalid Pensions shall have, on motion being made to proceed to their consideration in House as in Committee of the Whole, the same privilege as is given by the rules on Fridays to the motion to go into Committee of the Whole to consider bills on the Private Calendar."

Mr. DALZELL. Mr. Speaker, I understand that the gentleman from Missouri [Mr. DE ARMOND] desires to be heard on this resolution.

Mr. DE ARMOND. I would like to make a few remarks on the subject at some point in the proceedings.

Mr. DALZELL. How long a time does the gentleman want?

Mr. DE ARMOND. Five minutes.

Mr. DALZELL. I yield five minutes to the gentleman from Missouri.

Mr. WILLIAMS. Mr. Speaker, has the previous question been demanded?

The SPEAKER. No.

Mr. DALZELL. I understood the gentleman from Mississippi [Mr. WILLIAMS] had no objection to this resolution.

Mr. WILLIAMS. If the gentleman from Missouri [Mr. DE ARMOND] wants further time, I desire that it be yielded to him.

The SPEAKER. The gentleman from Pennsylvania has an hour, if he desires to use it.

Mr. DALZELL. I have yielded already to the gentleman from Missouri as much time as he wants—five minutes.

Mr. WILLIAMS. Is that all the time the gentleman desires?

Mr. DE ARMOND. Yes. Mr. Speaker, we are very near the close of the session now, and a great deal of important business remains on the Calendar, much of which I think ought to be taken up and disposed of. As to the merits of some of these private bills, as to the merits of them in general, or the demerits, I know nothing. I can hardly hope that they will be selected and called up in the order of their merit. I hardly believe that just exactly and only the right committees have been selected as those out of whose work there shall be taken for consideration the particular bills provided for under this order. Without going into comparisons or making enumerations, I think that perhaps there is included in that list one or more committees from which hardly anything of good emanates and from which comes a great deal that is not good. As to some of these committees, I think it is notorious in the House that almost everything that comes from them may well be the subject of suspicion. Whether it is due to inattention on the part of the Members or lack of equipment for the work or to something else, or to many things else, of course I do not know. Possibly there will be selected from the grist of work of the particular committee or committees which I have in view good measures and good measures alone, and if so the exception will be most notable, and this day will deserve to be in the history of certain committees a red-letter day in truth and in fact. Aside from that, however, notwithstanding what I have said is true, a great many persons desire to have different bills on the Private Calendar considered, and desire it for the best of reasons. But there are great interests in this country which desire and urge the consideration of some most important public measures. I have not the time, and if I had unlimited time at my disposal I would not care to consume it in an enumeration of these measures or in going into the merits of any of them. I might remark simply in passing that, among those things that might be considered, but certainly can not be and will not be in this House at this time, if ever, is the eight-hour labor bill. I am not going to spend any time upon that measure, but I am merely saying what is common information, what is known to everybody here and elsewhere, that millions of people, who ought to have some representation and some voice and some consideration in the Congress of the United States, earnestly desire and to the full extent of their ability earnestly urge consideration of this and other measures. While such measures lie unconsidered upon the Calendar, while consideration is contemptuously denied, while the millions who urge them are powerless here, I for one shall oppose, though of course ineffectually, the picking up of a basketful of comparatively small private measures to occupy the time of the House when measures of mighty moment are denied consideration. I know that some selection has to be made by somebody in some way, inasmuch as the bills introduced are so numerous, and indeed the bills reported are so numerous, that it is a physical impossibility to consider, much less to dispose of, all of them. But upon what lines, according to what principles, with a view to what end should selection be made and preference be given? According to my conception of duty, which is somewhat old fashioned perhaps and largely out of use here, important measures—important as they affect the interests of a great many people, important in the estimation of a great many people—are those which ought to have consideration rather than this measure or that measure, however meritorious in itself, but insignificant in comparison, consideration of which may be desired or urged by this Member or by that Member. It is late in the session, but it is not too late to take up, to consider, and to dispose of some of these very great measures now pending upon the Calendar. For the reason that it is not, and for the additional reason that it is convenient, to shove in and fill up a gap, to occupy the time with a lot of little things concerning but a few people—concerning them but to a small degree—it is for these reasons that I am opposed to this rule. [Applause.]

Mr. DALZELL. Does the gentleman from Mississippi want to use some time?

Mr. WILLIAMS. I will take it from the twenty minutes——

Mr. DALZELL. There will not be any twenty minutes on the previous question.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. When a rule is reported from the Committee on Rules and the previous question is called upon it, has not each side the right to twenty minutes to discuss it?

The SPEAKER. Providing there is no debate preceding it.

Mr. WILLIAMS. But can the gentleman cut off the right to discuss it by yielding to somebody before that?

The SPEAKER. If he gets the previous question, he can.

Mr. WILLIAMS. Very well; I will ask the gentleman to yield to me.

Mr. DALZELL. For how long?

Mr. WILLIAMS. About ten minutes—I do not think I will consume five. Mr. Speaker, I agree perfectly with the gentleman from Missouri [Mr. DE ARMOND] that this House now has time, if it chooses, as it very well may, to remain here for a few days longer, to consider some very important matters upon the Public Calendar, which have been sadly, if not criminally, neglected. It has or can make the time to give the House itself, at any rate, an oportunity to consider whether it will or will not vote up or down the so-called "eight-hour law," which, by the way, is not an eight-hour law at all, but an expression upon the part of the Government of the United States that where it goes into the market to employ labor directly or indirectly it shall be labor required to work only eight hours a day. There is in the bill not the slightest effort to interfere with the hours of labor in the States, as a labored effort has been made from certain quarters to make it appear that there is. This House might also consider some of the anti-injunction bills which have been sent to the Committee on the Judiciary. Above all things, Mr. Speaker, because it goes to our own honor, this House ought to have considered, this House has had time to consider, this House ought to remain in session until it has considered, certain bills that have been introduced for the purpose of preventing campaign contributions by corporations to corrupt the people who are corruptible for the success of political parties in this country. [Applause on the Democratic side.] I myself introduced a bill—very moderate in its character, very mild, treading upon no unsafe ground, the constitutionality of which nobody could dispute—merely providing that national banks and other corporations chartered by the Federal Government, and also corporations engaged in interstate and foreign commerce, should be mulct in damages and treated as criminals whenever they contribute to a campaign fund.

There is no doubt about the fact that we ought to put an end to the standing habit of the national banks of contributing to the campaign fund of the party in power, whichever party it is. We ought to stop the contribution by railroads engaged in interstate and foreign commerce. Whether we have constitutional power to go further or not, we have at least the constitutional power of regulating the actions of our own corporate creatures chartered by us and of corporations engaged in interstate and foreign commerce. That is not all, Mr. Speaker. The Senator from South Carolina, Mr. TILLMAN, introduced a bill that has this purpose in view. That bill has passed the Senate; that bill is lying upon the Speaker's desk or else has been sent from the Speaker's desk to the proper standing committee of this House. This House ought under no circumstances to adjourn until that bill passes this House or a bill of intendment like it amended by this House passes this House. [Applause on the Democratic side.] But, Mr. Speaker, that is not the question before this House now. It was proposed by the Committee on Rules to give the Members an opportunity to pass their local and private bills upon the Union Calendar, and for that reason to make of to-day what Friday, private-bill day, ordinarily is. There are forty-odd Members on both sides of this Chamber having bills of very great local importance to their constituents, which will be allowed by this rule to be considered and which without this rule will never be considered at this session of Congress.

If we vote against this rule we do not thereby get any opportunity to consider these other bills of which I have spoken—the anticorporation corruption fund bill or any other. If the defeat of this rule could remotely tend even to get one of those bills before the House for consideration, I would exhaust every possible parliamentary device to defeat this rule. We merely cut off opportunity for individual Members to serve their constituents, by passing the bills upon the Private Calendar, if we defeat this rule. This rule applies to no bills except those of a private character. I, for that reason, as a member of the Committee on Rules agreed that the rule should be reported, because I will be glad to see Members get an opportunity to pass the bills for their constituents, or, rather, to have them considered by the House to be passed, if the House desires to pass them. [Applause on the Democratic side.]

Mr. SULZER. Will the gentleman from Pennsylvania [Mr. DALZELL] allow me five minutes?

Mr. DALZELL. I think we have discussed this question long enough.

Mr. SULZER. I think you ought to allow me five minutes.

Mr. DALZELL. Mr. Speaker, having indulged the gentleman from Mississippi in that which he likes better than anything else, listening to the tones of his own voice, I now ask the attention of the House to the question before it. There are a number of bills on the Private Calendar that have been reported by the various committees outside of the Committee on Claims and the Committee on War Claims that are deserving of the consideration of the House. Under ordinary circumstances, whether we stayed here a week or two weeks or a month or two months, the probabilities are that these bills would not be reached for discussion in the House, and therefore it was thought wise to submit the rule which I proposed a few moments ago, which makes in order the calling up of the bills reported from various committees now on the Calendar of the House. And I will repeat for the information of the House the committees named in the rule: The Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Indian Affairs (except such bills as would propose to confer jurisdiction on the Court of Claims), the Committee on Public Lands, the Committee on Merchant Marine and Fisheries, the Committee on Pensions, and the Committee on Invalid Pensions. If there be sufficient time before adjournment to consider these bills, the opportunity will be afforded by the adoption of this rule. I ask for the previous question.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] asks for the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 120, noes 35.

So the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. SULZER. Division, Mr. Speaker.

The House divided; and there were—ayes 130, noes 31.

Mr. SULZER. No quorum, Mr. Speaker.

The SPEAKER. The Chair will count.

Mr. SULZER. The Chair has already counted on a division.

The SPEAKER. The Chair has counted. The doors will be closed; the Sergeant-at-Arms will bring in absentees; the yeas and nays will be ordered upon agreeing to the resolution. Those who are in favor of agreeing to the resolution will, when their names are called, answer "aye," and those opposed will answer "no," and those voting present will answer "present," and the Clerk will call the roll.

The question was taken; and there were—yeas 208, nays 23, voting "present" 14, not voting 134, as follows:

YEAS—208.

Acheson	Cushman	Heflin	McKinley, Ill.
Adamson	Dale	Henry, Conn.	McKinney
Alexander	Dalzell	Hepburn	McLain
Allen, N. J.	Darragh	Higgins	McMorran
Bankhead	Davey, La.	Hill, Miss.	McNary
Barnes	Davidson	Hinshaw	Madden
Barchfeld	Davis, Minn.	Hoar	Mahon
Bates	Davis, W. Va.	Houston	Marshall
Beall, Tex.	Dawson	Howard	Martin
Beidler	Denby	Howell, N. J.	Maynard
Bell, Ga.	Dickson, Ill.	Hubbard	Miller
Bonnet, N. Y.	Dixon, Ind.	Huff	Minor
Bennett, Ky.	Dresser	Humphrey, Wash.	Moon, Pa.
Bishop	Driscoll	Humphreys, Miss.	Moon, Tenn.
Bonynge	Dunwell	Hunt	Mouser
Bonfoil	Dwight	Jenkins	Murphy
Brooks, Colo.	Ellis	Jones, Wash.	Needham
Broussard	Esch	Keifer	Norris
Brownlow	Fitzgerald	Keliher	Olcott
Brundidge	Fletcher	Kennedy, Ohio	Olmsted
Burke, Pa.	Flood	Kinkaid	Otjen
Burke, S. Dak.	Floyd	Kitchin, Wm. W.	Overstreet
Burleson	Foss	Klepper	Padgett
Burnett	Foster, Ind.	Lacey	Parker
Burton, Del.	Foster, Vt.	Lafean	Parsons
Byrd	French	Lamb	Patterson, S. C.
Cabler	Fulkerson	Law	Payne
Calderhead	Gaines, W. Va.	Lee	Perkins
Campbell, Kans.	Garrett	Le Fevre	Pollard
Candler	Gilbert, Ind.	Lever	Ransdell, La.
Capron	Gill	Lilley, Conn.	Reeder
Cassel	Gillespie	Lilley, Pa.	Reynolds
Clayton	Goulden	Lindsay	Rhodes
Cochran	Graff	Littauer	Richardson, Ala.
Cocks	Graham	Livingston	Rixey
Cole	Greene	Loud	Roberts
Conner	Griggs	Loudenslager	Robinson, Ark.
Cooper, Pa.	Grosvenor	Lovering	Rodenberg
Cowherd	Hamilton	McCall	Ruppert
Cousins	Hardwick	McCleary, Minn.	Ryan
Crocker	Haskins	McCreary, Pa.	Schneebeli
Crumpacker	Haugen	McGavin	Sherley
Curtis	Hayes	McKinlay, Cal.	Sherman
Sims	Southard	Tawney	Watkins
Smith, Cal.	Southwick	Taylor, Ala.	Webber
Smith, Iowa	Sperry	Thomas, Ohio	Weems
Smith, Md.	Spight	Townsend	Wiley, N. J.
Smith, Samuel W.	Stafford	Underwood	Williams
Smith, Pa.	Steenerson	Volstead	Wilson
Smith, Tex.	Stevens, Minn.	Waldo	Wood
Smyser	Sullivan, Mass.	Wallace	Young
Snapp	Sulloway	Wanger	Zenor

NAYS—23.

Bartholdt	Garber	Kitchin, Claude	Russell
Bartlett	Gilbert, Ky.	Lamar	Sheppard
Bowie	Hay	Lloyd	Southall
Clark, Fla.	Henry, Tex.	Macon	Sulzer
Clark, Mo.	James	Patterson, N. C.	Trimble
De Armond	Jones, Va.	Pou	

ANSWERED "PRESENT"—14.

Andrus	Cooper, Wis.	Glass	Samuel
Burleigh	Currier	Gudger	Sparkman
Butler, Pa.	Fuller	Johnson	
Chapman	Gaines, Tenn.	Kline	

NOT VOTING—134.

Adams	Fowler	Lewis	Shackleford
Aiken	Gardner, Mass.	Little	Shartel
Allen, Me.	Gardner, Mich.	Littlefield	Sibley
Ames	Gardner, N. J.	Longworth	Slayden
Babcock	Garner	Lorimer	Slemp
Bede	Gillett, Cal.	McCarthy	Small
Bingham	Gillett, Mass.	McDermott	Smith, Ill.
Birdsall	Goebel	McLachlan	Smith, Ky.
Blackburn	Goldfogle	Mann	Smith, Wm. Alden
Bowers	Granger	Meyer	Stanley
Bowersock	Gregg	Michalek	Stephens, Tex.
Bradley	Gronna	Mondell	Sterling
Brantley	Hale	Moore	Sullivan, N. Y.
Brick	Hearst	Morrell	Talbott
Broocks, Tex.	Hedge	Mudd	Taylor, Ohio
Brown	Hermann	Murdock	Thomas, N. C.
Buckman	Hill, Conn.	Nevin	Tirrell
Burgess	Hitt	Page	Towne
Burton, Ohio	Hogg	Palmer	Tyndall
Butler, Tenn.	Holliday	Patterson, Tenn.	Van Duzer
Campbell, Ohio	Hopkins	Pearre	Van Winkle
Chaney	Howell, Utah	Powers	Vreeland
Dawes	Hughes	Prince	Wachter
Deemer	Hull	Pujo	Wadsworth
Dixon, Mont.	Kahn	Rainey	Watson
Dovener	Kennedy, Nebr.	Randell, Tex.	Webb
Draper	Ketcham	Reid	Weeks
Edwards	Knapp	Rhinock	Weisse
Ellerbe	Knopf	Richardson, Ky.	Welborn
Fassett	Knowland	Rives	Wharton
Field	Landis, Chas. B.	Robertson, La.	Wiley, Ala.
Finley	Landis, Frederick	Rucker	Woodyard
Flack	Lawrence	Scott	
Fordney	Legare	Scroggy	

So the resolution was adopted.

The following pairs were announced:

For this session:

Mr. FASSETT with Mr. HOWARD.

Mr. WANGER with Mr. ADAMSON.

Mr. MORRELL with Mr. SULLIVAN of New York.

Mr. CURRIER with Mr. FINLEY.

Mr. CHAPMAN with Mr. HOPKINS.

Mr. HULL with Mr. SLAYDEN.

Until further notice:

Mr. LITTLEFIELD with Mr. PATTERSON of Tennessee.

Mr. HITT with Mr. LEGARE.

Mr. LE FEVRE with Mr. CLAUDE KITCHIN.

Mr. WELBORN with Mr. GUDGER.

Mr. POWERS with Mr. GAINES of Tennessee.

Mr. SLEMP with Mr. GLASS.

Mr. VREELAND with Mr. FIELD.

Mr. LONGWORTH with Mr. STEPHENS of Texas.

Mr. FULLER with Mr. RICHARDSON of Kentucky.

Mr. HUGHES with Mr. REID.

Mr. EDWARDS with Mr. BROOCKS of Texas.

Mr. GREENE with Mr. PATTERSON of North Carolina.

Mr. DEEMER with Mr. KLINE.

Mr. SOUTHARD with Mr. HARDWICK.

Mr. BUTLER of Pennsylvania with Mr. GARNER.

Mr. HILL of Connecticut with Mr. BUTLER of Tennessee.

Mr. BIRDSALL with Mr. HEARST.

Mr. ANDRUS with Mr. THOMAS of North Carolina.

Mr. BABCOCK with Mr. LITTLE.

Mr. DOVENER with Mr. SPARKMAN (except seeds and pilot bill).

On this day:

Mr. BURLEIGH with Mr. MCDERMOTT.

Mr. WEEKS with Mr. STANLEY.

Mr. WACHTER with Mr. PAGE.

Mr. WATSON with Mr. WILEY of Alabama.

Mr. STERLING with Mr. WEISSE.

Mr. SCOTT with Mr. SMITH of Kentucky.

Mr. WM. ALDEN SMITH with Mr. SHACKLEFORD.

Mr. MURDOCK with Mr. SMALL.

Mr. MUDD with Mr. RAINEY.

Mr. MANN with Mr. RUCKER.

Mr. LAWRENCE with Mr. WEBB.
Mr. KNOWLAND with Mr. PUJO.
Mr. HALE with Mr. MOORE.
Mr. GRONNA with Mr. LEWIS.
Mr. GILLETT of Massachusetts with Mr. GREGG.
Mr. FORDNEY with Mr. GRANGER.
Mr. DAWES with Mr. GOLDFOGLE.
Mr. BOWERSOCK with Mr. ELLERBE.
Mr. ADAMS with Mr. AIKEN.
Mr. HEDGE with Mr. TALBOTT.
Mr. DRAPER with Mr. ROBERTSON of Louisiana.
Mr. LAW with Mr. REID.
Mr. KNAPP with Mr. TOWNE.
Mr. KETCHAM with Mr. RANDELL of Texas.
Mr. BINGHAM with Mr. BOWERS.
Mr. BEDE with Mr. BRANTLEY.
Mr. PEARRE with Mr. VAN DUZER.
Mr. GARDNER of Michigan with Mr. RHINOCK.
Mr. BUCKMAN with Mr. MEYER.

The result of the vote was then announced as above recorded.

The SPEAKER. The doors will be opened.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 20469. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. R. 20287. An act to authorize George Hammons, Charles Vannice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes; and

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

RETURN OF SUNDRY CIVIL BILL AND CONFERENCE REPORT TO THE SENATE.

The Clerk read as follows:

IN THE SENATE OF THE UNITED STATES,
June 28, 1906.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, with the amendments of the Senate thereto, and the message of the Senate of June 27, 1906, notifying the House of the agreement of the Senate to the conference report thereon.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

RAILROAD RATE BILL.

Mr. SHERMAN. Mr. Speaker, I ask unanimous consent for present consideration of the conference report on the railroad rate bill.

Mr. GAINES of Tennessee. I object. Let it lie over and be printed in the RECORD, so that we can read it.

The SPEAKER. Does the gentleman present the report for printing?

Mr. SHERMAN. Mr. Speaker, I do not present it for printing. I have asked unanimous consent for its consideration, and if it is not granted I shall not present it.

Mr. GAINES of Tennessee. Let it lie over under the rules.

Mr. WILLIAMS. What is this that is presented for present consideration?

The SPEAKER. The gentleman from New York asks for the present consideration of the conference report which he holds in his hand, on the rate bill.

Mr. WILLIAMS. Mr. Speaker, I suppose the gentleman wants this simply to avoid the usual twenty-four hours?

Mr. SHERMAN. Yes.

Mr. WILLIAMS. I will object. We had such an unfortunate experience the last time when the bill was laid before the House that I think it would be better that it should go over for twenty-four hours, so that the House may read the report in the RECORD and understand it fully.

RESIGNATION OF HON. TIMOTHY D. SULLIVAN.

The SPEAKER laid before the House the following letter; which was read and ordered to lie on the table:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., June 27, 1906.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, Washington, D. C.

SIR: I have this day transmitted to the governor of the State of New York my resignation as a Member of the House of Representatives of the Fifty-ninth Congress for the Eighth district of New York, to take effect July 27, 1906.

Respectfully, yours, TIMOTHY D. SULLIVAN.

PRIVATE CALENDAR.

The SPEAKER. Under the special order, the House will proceed to the consideration of bills on the Private Calendar.

HEIRS OF CHARLES W. DAKIN AND THOMAS J. HENNESSY.

The first business was the bill (H. R. 15909) to reward the widow and minor son of Capt. Charles W. Dakin and the widow and minor children of Thomas J. Hennessy, late of the San Francisco fire department, who lost their lives while fighting a fire on board of the United States Army transport *Meade*.

The bill was read, as follows:

Whereas Capt. Charles W. Dakin and Hoseman Thomas J. Hennessy, both of the fire department of the city and county of San Francisco, lost their lives while bravely fighting a fire on board of the United States Army transport Meade in the harbor of San Francisco, Cal., on the night of January 31, 1906; and

Whereas they met their deaths not from some untoward accident, but solely as a result of their heroism in sticking to their post in the presence of great and evident danger; and

Whereas by their deaths their widows and orphans were left practically penniless: Therefore

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, as a reward for the bravery and heroism shown by the late Capt. Charles W. Dakin and Thomas J. Hennessy, both of the San Francisco fire department, in fighting a fire on board the United States Army transport Meade in the harbor of San Francisco, Cal., on the night of January 31, 1906, to the widow and minor child of the said Capt. Charles W. Dakin the sum of $5,000 and to the widow and minor children of the said Thomas J. Hennessy the sum of $5,000.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

TONEY E. PROCTOR.

The next business was the bill (H. R. 11978) to reimburse Toney E. Proctor for services as appraiser of the town of Wagoner, Ind. T.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Toney E. Proctor, out of any money in the United States Treasury not otherwise appropriated, the sum of $2 per day in lieu of subsistence while acting as appraiser of the town of Wagoner, Creek Nation, Ind. T., from August 13, 1899, to April 23, 1901.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

STEPHEN TEICHNER.

The next business was the bill (H. R. 8041) authorizing a patent to be issued to Stephen Teichner for certain lands therein described.

The bill was read.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent to substitute a similar Senate bill favorably reported by a House committee and on the Calendar.

The SPEAKER. The gentleman from Minnesota asks unanimous consent to substitute a similar Senate bill favorably reported and on the House Calendar. Is there objection?

There was no objection.

The bill referrd to (S. 92) was read, as follows:

Be it enacted, etc., That the entry of Stephen Teichner, of the west half of the northwest quarter of section 35, in township numbered 152, of range 75, in the Devils Lake land district, North Dakota, held for cancellation by the Commissioner of the General Land Office and ordered canceled by the Secretary of the Interior, be, and the same is hereby, allowed, and permitted to remain of record as of the date of said entry, so that title to said land may inure to the benefit of his grantees as far as he may have conveyed the same: *Provided*, That the money paid for said lands shall not have been withdrawn, or if withdrawn shall again be paid at said land office, and that thereupon a patent shall issue in the name of said Stephen Teichner for said land.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

By unanimous consent, the bill H. R. 8041 was ordered to lie on the table.

WILLIAM H. BEALL.

The next business was the bill (H. R. 5651) for the relief of William H. Beall.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to place on the records as having been

honorably discharged the name of William H. Beall, late a paymaster's steward on gunboat Fairplay, and issue to him a discharge to bear date of August 15, 1863.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

MICHAEL SHEEHAN.

The next business was the bill (H. R. 13895) to correct the naval record of Michael Sheehan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized and directed to remove from the rolls and records in the Navy Department the record of desertion now standing on said rolls and records against Michael Sheehan, late landsman on the Potomac flotilla, and grant a certificate of honorable discharge, to date July 4, 1865: *Provided*, That the passage of this act shall not serve to entitle him to any bounty or allowance.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

JAMES H. OLIVER.

The next business was the bill (S. 1864) for the relief of James H. Oliver, a commander on the retired list of the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint James H. Oliver, now a commander on the retired list of the United States Navy, to the grade of commander on the active list of the United States Navy: *Provided*, That the said James H. Oliver shall establish to the satisfaction of the Secretary of the Navy, by examination pursuant to law, his physical, mental, moral, and professional fitness to perform the duties of that grade: *Provided further*, That the said James H. Oliver shall be carried as additional to the number of the grade to which he may be appointed under this act or at any time thereafter promoted: *And provided further*, That said James H. Oliver shall not by the passage of this act be entitled to back pay of any kind.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

CAPT. SIDNEY F. SHAW.

The next business was the bill (H. R. 2997) for the relief of Capt. Sidney F. Shaw.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Sidney F. Shaw, late captain in the Fifteenth Regiment of West Virginia Infantry and acting chief engineer of the Department of West Virginia, out of any money in the Treasury not otherwise appropriated, the pay, emoluments, and allowances of a captain of cavalry from the 3d day of April, 1864, to the 13th day of June, 1865, less the amount heretofore paid him for service for that time and any allowance that he may be entitled to as a chief engineer for that time.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

FRANCIS J. CLEARY.

The next business was the bill (S. 4593) for the relief of Francis J. Cleary, a midshipman in the United States Navy.

The bill was read, as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Francis J. Cleary, now a midshipman in the United States Navy, to the grade and rank of ensign on the active list of the Navy, to take rank with the members of his class according to proficiency as shown by order of merit at the date of final graduation: *Provided*, That the said Cleary shall be an additional number in the grade of ensign, and in any grade in which he may hereafter be advanced.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

PAY CLERK WALTER DELAFIELD BOLLARD, UNITED STATES NAVY.

The next business was the bill (H. R. 7741) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Pay Clerk Walter Delafield Bollard, United States Navy.

The bill as amended by the committee was read, as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Walter Delafield Bollard, United States Navy.

The amendment recommended by the Committee on Naval Affairs was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

STEPHEN M. HONEYCUTT.

The next business on the Private Calendar was the bill (H. R. 3498) for the relief of Stephen M. Honeycutt.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to amend the records of the War Department in such manner as to show that Stephen M. Honeycutt, private of Company E, Third Regiment North Carolina Mounted Volunteer Infantry, was enrolled, that is, enlisted and mustered into the military service of the United States, on the 25th day of March, 1864, and honorably discharged at Knoxville, Tenn., on the 8th day of August, 1865.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

HARRY A. YOUNG.

The next business on the Private Calendar was the bill (H. R. 15673) for the relief of Harry A. Young.

The Clerk read the bill, as follows:

Be it enacted, etc., That Harry A. Young shall be held and considered to have been mustered into the military service of the United States in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of captain, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th day of February, 1899.

With the following amendment:

In line 6 strike out the word "captain" and insert the word "first lieutenant."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOSHUA T. REYNOLDS.

The next business on the Private Calendar was a bill (H. R. 8478) for the relief of Joshua T. Reynolds.

The Clerk read the bill, as follows:

Be it enacted, etc., That Joshua T. Reynolds shall hereafter be held and considered to have been honorably discharged from the military service of the United States on the 10th day of February, A. D. 1864, as captain of Company F, Ninth Regiment Pennsylvania Reserve Infantry, otherwise known as the Thirty-eighth Regiment Pennsylvania Volunteers: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of this act.

The bill was ordered to be read a third time, was read the third time, and passed.

JOHN B. FORD.

The next business on the Private Calendar was the bill (H. R. 8375) for the relief of John B. Ford.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John B. Ford as a private soldier upon the original muster rolls of Company A, Seventh Regiment Iowa Volunteer Cavalry, from the 22d day of September, 1862, to the 23d day of June, 1863, the last being the date of his release from said service, and that there be issued to him a certificate of honorable discharge by the War Department, his muster having been prevented by disease contracted in the line of duty in said company after his enlistment therein and without fault on his part.

With the following committee amendments:

Strike out all after the enacting clause and insert the following:

"That John B. Ford be held and considered to have been mustered into service as a private of Company A, Seventh Regiment Iowa Cavalry Volunteers, as of date of September 22, 1862, and to have been honorably discharged as of date of April 27, 1863, and an honorable discharge be issued in accordance with this act."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

BARK HOMEWARD BOUND.

The next business on the Private Calendar was the bill (H. R. 11932) to grant American registry to the bark *Homeward Bound*.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized to register as an American vessel the bark Homeward Bound, now sailing under a limited American register.

Mr. SULZER. Mr. Speaker, I want some information about this bill. Is this to give an American registry to a foreign-built ship?

Mr. GROSVENOR. It is to give an American register to a foreign ship.

Mr. SULZER. Why? What are the reasons?

Mr. GROSVENOR. The gentleman had better get some one in favor of the bill to answer his question.

Mr. HINSHAW. Mr. Speaker, I know something about the merits of this bill. It came before the Committee on Merchant Marine and Fisheries. It was a foreign vessel, but decided to have been wrecked in American waters on the coast of California, and was repaired in America. She is owned by a man who lives in San Francisco—Captain Ellis—and this is the only property he owns. I can not give the exact amount of the repairs, but they constituted something more than one-half of the value of the vessel.

Mr. SULZER. Where was the vessel wrecked?

Mr. HINSHAW. As I understood the testimony, she was wrecked out in the Pacific—that is, it was injured in the Pacific—but it could proceed in a straight line to San Francisco, and when it became necessary to turn it, it then was found that it was wrecked, and it was declared before the authorities before whom it was tried to have been technically wrecked in American waters. I think that was so decided by the Department in Washington, by the Attorney-General's Department.

Mr. SULZER. What application, if any, has been made to the Commissioner of Navigation to grant an American register to this bark?

Mr. HINSHAW. I am not sure about that. The bark was admitted to a limited American register by the last Congress, and this is only to give it an additional register to entitle it to enter the coastwise trade. If I understand, the vessel can now ply between the Philippines and the United States.

Mr. GOULDEN. She can now ply between the Philippines and the United States under her register granted by the last Congress.

Mr. SULZER. Mr. Speaker, I do not like this practice, but on the assurance of my colleague from New York [Mr. GOULDEN], who is on the committee, and who tells me that it is a most meritorious bill, I shall not object. However, I want to state that a short time ago, I believe, a bill passed this House which I am informed is now law, that gives the Commissioner of Navigation, in certain cases, authority to grant registration to foreign-built ships. I am not sure about it, but I do not think that the Committee on Merchant Marine and Fisheries should discriminate now and then by bringing in bills granting American registration to a foreign-built ship and put it under the American flag. I do not like the looks of it, but this time I shall refrain from objecting. There should be a general law or none at all.

Mr. GROSVENOR. I want to state to the gentleman from New York that there is no such law as he refers to. The law referred to by him has been repealed, so that there can be no registry except by act of Congress. This is the least objectionable of any of the bills that have come from the committee within my knowledge.

Mr. SULZER. It is a personal discrimination.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

AMERICAN REGISTER FOR STEAMERS MARIE AND SUCCESS.

The next business was the bill (H. R. 7014) to provide American registers for the steamers *Marie* and *Success*.

The Clerk read as follows:

Be it enacted, etc., That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamers Marie and Success, wrecked in the waters of Cuba and the Isthmus of Panama, respectively, and purchased and wholly owned by the Merritt & Chapman Derrick and Wrecking Company, of New York City, incorporated under the laws of the State of West Virginia, to be registered as vessels of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs on each of the said vessels amount to three times the actual cost of each of the said wrecks to the owner.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

GALEN E. GREEN.

The next business was the bill (H. R. 3393) granting an honorable discharge to Galen E. Green.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, required to give to Galen E. Green, late first lieutenant of the Seventh Wisconsin Battery, an honorable discharge, to date on the 15th day of January, 1864, the same as though the name of said Green had been borne on the rolls of the Army to the date last named.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

HAROLD L. JACKSON.

The next business was the bill (H. R. 16069) authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Harold L. Jackson, now a captain on the retired list of the Army, to be a major on the retired list of the Army with the rank and pay of said office.

Mr. YOUNG. Mr. Speaker, I ask unanimous consent to substitute for the bill just read the Senate bill 4965, an exactly similar bill, and to lay the House bill on the table.

The SPEAKER. The gentleman from Michigan asks unanimous consent to substitute a similar Senate bill on the Calendar. Is there objection?

There was no objection.

The Senate bill was ordered to be read a third time, read the third time, and passed.

Without objection, the House bill (H. R. 16069) was laid on the table.

ROBERT B. TUBBS.

The next business was the bill (H. R. 11153) to correct the military record of Robert B. Tubbs.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion from the military record of Robert B. Tubbs, late of Company I, Eighth Regiment Michigan Cavalry, and issue to said Robert B. Tubbs, or his heirs, an honorable discharge from said service as of the date when said company was mustered out of the service of the United States.

The committee amendment was read, as follows:

In line 4, after the word "to," strike out down to and including line 9 and insert in lieu thereof the following:

"Grant an honorable discharge to Robert B. Tubbs, late a lieutenant of Company I, Eighth Michigan Cavalry Volunteers, to date August 22, 1863."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

ALLEN V. REED.

The next business was the bill (H. R. 7676) authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a rear-admiral on the retired list of the Navy.

The Clerk read as follows:

Be it enacted, etc., That the President, by and with the advice and consent of the Senate, is hereby authorized to appoint Allen V. Reed, now a captain on the retired list of the Navy, to be a rear-admiral on the retired list of the Navy, with the rank and pay of said office, the appointment to date from the 22d of November, 1898.

The committee amendments were read, as follows:

Lines 5 and 6, strike out the words "rear-admiral" and insert "commodore."

Line 7, strike out all after the word "office."

Amend the title so as to read: "A bill authorizing the appointment of Allen V. Reed, now a captain on the retired list of the Navy, as a commodore on the retired list of the Navy."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

The title was amended.

CHARLES H. STOCKLEY.

The next business was the bill (H. R. 9577) for the relief of Charles H. Stockley.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to revoke the order dismissing Charles H. Stockley from the service as second lieutenant of Company G, Purnell Legion, Maryland Infantry Volunteers, and to issue a certificate of honorable discharge for him to date from the 7th day of May, 1864, and the said Charles H. Stockley shall hereafter be held and considered to have been honorably discharged from the military service of the United States on said date.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

THOMAS ROSS.

The next business was the bill (H. R. 12105) for the relief of Thomas Ross.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to place the name of Thomas Ross, deceased, on the records as a captain of Company H, Ninth West Virginia Volunteer Infantry, and grant him an honorable discharge: *Provided, however*, That nothing shall accrue to the said Thomas Ross or his personal representatives as pay, bounty, or other emolument by virtue of this act.

The committee amendment was read, as follows:

Line 5, strike out the word "captain" and insert the word "private."

Mr. BANNON. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

After the word "records," in line 5, insert the following:

"As though mustered into the military service of the United States."

Mr. GARRETT. Mr. Speaker, I would like to ask what committee this bill comes from?

The SPEAKER. The Committee on Military Affairs.

Mr. GARRETT. Is it a unanimous report?

Mr. BANNON. Yes.

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, read the third time, and passed.

MISSIONARY BAPTIST CHURCH, ROCK SINK, FLA.

The next business was the bill (S. 1725) granting certain lands to the Missionary Baptist Church, of Rock Sink, Fla.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to convey to the trustees of the Rock Sink Missionary Baptist Church, of Rock Sink, Fla., and their successors, in trust, the following-described land for use for school, church, and cemetery purposes: The south half of lot 11, section 13, township 8 south, of range 13 east; and when no longer used for said purposes the same shall revert to the United States.

The committee amendments were read, as follows:

In line 4, after the words "directed to," insert the words "sell and," and after the word "convey," in line 4, insert the words "at one dollar and twenty-five cents an acre," and in line 6 strike out the words "in trust," and in lines 6 and 7 strike out the words "for use for school,

church, and cemetery purposes," and in lines 9 and 10 strike out the words and punctuation " ; and when no longer used for said purposes the same shall revert to the United States."

Amend the title so as to read: "A bill to sell land for cemetery and other purposes to Missionary Baptist Church, of Rock Sink, Fla."

The bill was ordered to be read a third time, read the third time, and passed.

The SPEAKER. Without objection, the title will be amended.

There was no objection, and it was so ordered.

JAMES B. MULFORD.

The next business was the bill (H. R. 3357) granting an honorable discharge to James B. Mulford.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he hereby is, authorized and directed to correct the military record of, and grant an honorable discharge to, James B. Mulford, late a private in Company B, Seventy-ninth Ohio Volunteer Infantry.

The committee amendment was read as follows:

Strike out all after the enacting clause and insert the following:

"That James B. Mulford be held and considered to have been mustered into service as a private of Company B, Seventy-ninth Regiment Ohio Volunteer Infantry, as of date of August 18, 1862, and to have been honorably discharged as of date of October 21, 1862, and that the Secretary of War is hereby authorized and directed to issue an honorable discharge in accordance with the provisions of this act."

Mr. SLAYDEN. Mr. Speaker, I should like to ask the gentleman who is in charge of the bill if the report of the committee was unanimous. I can not now identify the case.

Mr. DAWSON. I would say that it was a unanimous report.

Mr. GARRETT. Mr. Speaker, I would like to ask the gentleman the circumstances in regard to this bill, briefly.

Mr. DAWSON. Mr. Speaker, this soldier enlisted and was regularly enrolled at Hopkinsville, Ohio, but owing to some fault of the mustering officer the muster rolls were not signed. Mr. Mulford with the remainder of his company and regiment moved over into Kentucky, where it was found, on account of this defect in the muster roll, it was necessary to muster the company again. This bill makes provision for his muster as of date of the first enrollment, which was about sixty days prior to this second muster in.

Mr. GARRETT. Does the bill provide to muster him in and muster him out?

Mr. DAWSON. At the time of the second muster in Mr. Mulford was sick in the hospital and was rejected by the medical officer.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

Mr. DAWSON. Mr. Speaker, I ask unanimous consent to print in the RECORD a letter recently received relative to this bill.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The letter is as follows:

WILTON JUNCTION, IOWA, *June 6, 1906.*

To the Honorable Senate and House of Representatives of the United States at Washington, D. C.

GENTLEMEN: At a regular meeting of Henry Seibert Post, No. 250, Department of Iowa, Grand Army of the Republic, the following resolution was unanimously adopted:

Resolved, That we, as members of the Grand Army of the Republic, do most heartily indorse the efforts being put forth by our worthy Congressman, the Hon. ALBERT F. DAWSON, in behalf of our worthy citizen and comrade, J. B. Mulford, and pray that justice may be done him in a special act of Congress granting him an honorable discharge from the services of the United States Army, and we, your petitioners, would ever pray.

M. D. ALLEN, *Post Commander.*

Attest:

C. A. CURTIS, *Post Adjutant.*

GEORGE H. KEATING.

The next business was the bill (H. R. 3507) to correct the military record of George H. Keating.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to correct the military record of George H. Keating, late a private in Company G, Ninth New York Volunteer Infantry, so as to show that the said George H. Keating was duly and regularly mustered into the service of the United States as a private in said company and regiment, to date the 4th day of May, 1861, and that he faithfully served with said company and regiment until the 20th day of May, 1863, and that he was then honorably mustered out of such service.

The amendment in the nature of a substitute was read, as follows:

That George H. Keating be held and considered to have been mustered into the United States military service as a private in Company G, Ninth New York Infantry Volunteers, as of date of May 18, 1861, and honorably discharged from said service as of date of May 20, 1863, and that an honorable discharge be issued in accordance with this act: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHN ALSPAUGH.

The next business was the bill (S. 1211) to correct the military record of John Alspaugh.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to enter the name of John Alspaugh on the muster-in rolls of Company E, One hundred and fifty-third Ohio National Guard Volunteers, as of May 2, 1864, thereby substituting the said John Alspaugh for one Elias Alspaugh, who the records erroneously show was mustered in as a member of said organization, though performing no service therein.

Mr. GARRETT. I would like to ask the gentleman in charge of the bill if this is a unanimous report?

Mr. YOUNG. The report is not only unanimous, but there is nothing in the bill except that the man's name was given wrong in the muster roll, and it is simply to correct the name.

The bill was ordered to be read a third time, was read the third time, and passed.

[Mr. HAUGEN addressed the House. See Appendix.]

JOHN ALLEN.

The next business was the bill (H. R. 17122) to correct the military record of John Allen.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to revoke the dishonorable discharge which was issued in the case of Private John Allen, Company I, Thirty-second Infantry, United States Volunteers, and, if in his judgment the circumstances attending the separation of said Allen from the military service warrant it, to issue an honorable discharge as of the date of his actual separation from the military service.

Mr. SULZER. Mr. Speaker, a parliamentary inquiry. I would like to know if this is Private John Allen, formerly a Member of the House?

The SPEAKER. The gentleman will have to inquire of Tupelo.

Mr. SULZER. In my opinion, there is only one Private John Allen in all the land.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

WILBUR C. STEPHENS.

The next business was the bill (H. R. 4279) to correct the military record of Wilbur C. Stephens.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and instructed to correct the military record of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Infantry, and to grant him an honorable discharge from said regiment.

The amendment was read, as follows:

Provided, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DANIEL B. MURPHY.

The next business was the bill (H. R. 13142) for the relief of Daniel B. Murphy.

The Clerk read as follows:

Be it enacted, etc., That Daniel B. Murphy, late adjutant of the Twenty-fifth Regiment New Jersey Volunteer Infantry, shall be held and considered to have been honorably discharged from said regiment on February 18, 1863, and that the Secretary of War shall issue to him an honorable discharge as of that date: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES D. VERNAY.

Mr. PARKER. Mr. Speaker, I desire to return to Docket No. 3178, Senate bill 2325, for the relief of James D. Vernay. That bill was reported with the request of the Senate that it be returned to the Senate, and by mistake it was taken out of the Calendar and sent to the file room, where I rescued it. I move that the bill be returned to the Senate, pursuant to their request.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

MARION WESCOTT, F. F. GREEN, ETC.

The next business was the bill (H. R. 19500) for the relief of Indian traders Marion Wescott, F. F. Green, and J. I. Leige, assignee of Joseph C. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to examine and audit the accounts of licensed Indian traders Marion Wescott and F. F. Green and of J. A. Leige, assignee of Joseph F. Gauthier, a Menominee Indian trader, with the Menominee Indians of Wisconsin at the Green Bay Agency, who purchased supplies and goods, wares, and merchandise of said traders

and said Gauthier after the year 1880, and which have not been otherwise paid for.

SEC. 2. That the said Secretary shall cause to be paid, out of the funds due to said Menominee tribe of Indians in the hands of the United States Government, such sums as he shall find to be justly due and owing from such Menominee Indians to the said Marion Wescott and F. F. Green as such licensed Indian traders, and to the said J. A. Leige as assignee of Joseph F. Gauthier, a Menominee Indian, who likewise traded with his tribe, to D. H. George, as receiver of said Wescott, Green, and Leige, duly appointed by the circuit court of Shawano County, Wis., and shall charge the same, when so paid, to such Menominee tribe of Indians in his settlements with them.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JAMES M. DARLING.

The next business was the bill (H. R. 8631) for the relief of James M. Darling.

The Clerk read as follows:

Be it enacted, etc., That James M. Darling shall hereafter be held and considered to have been honorably discharged from the military service of the United States on July 11, 1864, as captain Company H, Fifty-seventh Pennsylvania Infantry Volunteers.

The bill was ordered to be engrossed and read a third time; was accordingly read the third time, and passed.

FRANK HOLWAY ATKINSON.

The next business was the bill (H. R. 16763) waiving the age limit for admission to the Pay Corps of the United States Navy in the case of Frank Holway Atkinson.

The Clerk read as follows:

Be it enacted, etc., That the age limit for admission to the Pay Corps of the United States Navy be, and is hereby, waived in the case of Frank Holway Atkinson, in consideration of his honorable service in the Navy during the Spanish war.

Mr. FOSS. Mr. Speaker, I ask that the Senate bill now on the Speaker's table be substituted for this, and that the House bill be laid upon the table.

The SPEAKER. The gentleman from Illinois [Mr. Foss] asks unanimous consent that the Senate bill on the Speaker's table, similar to the one on the House Calendar, just read, be substituted therefor. Is there objection?

There was no objection.

Mr. GARRETT. Mr. Speaker, what are the circumstances that justify this?

Mr. FOSS. This is simply a waiving of the age limit in view of the meritorious services of this man in the Spanish-American war.

Mr. GARRETT. Is it a unanimous report?

Mr. FOSS. A unanimous report.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie upon the table.

There was no objection.

SURG. JULIAN TAYLOR MILLER.

The next business was the bill (H. R. 18007) to authorize the appointment of Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Julian Taylor Miller, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

EDGAR P. SWETT.

The next business was the bill (H. R. 16670) to indemnify Edgar P. Sweet, of Alger County, Mich., for homestead lands or granting other lands in lieu thereof.

The Clerk read as follows:

Be it enacted, etc., That there is hereby granted to Edgar P. Sweet, of Alger County, Mich., 160 acres of the unreserved public land of the United States, in the State of Michigan, such as he shall select and notify to the Secretary of the Interior, in subdivisions not less than 40 acres, the same to be in lieu of land held by him but awarded by the United States General Land Office to the Cleveland Cliffs Company.

SEC. 2. That such selection shall not be made of any land lawfully held by any other person at the time of such selection as a homestead entry, or to which any other person shall have at such time any lawful claim.

SEC. 3. That immediately upon the notification to the Secretary of the Interior it shall be the duty of the Secretary of the Interior to immediately issue patent or patents, as the case may be, to said Edgar P. Sweet, for the lands so selected and notified.

SEC. 4. That this act shall take effect and be in force from and after its passage.

The following committee amendments were read:

That the Secretary of the Interior is hereby authorized and directed to issue to Edgar P. Swett a patent for 160 acres of contiguous, nonmineral public land, subject to homestead entry, to be selected by the said Edgar P. Swett within two years of the passage of this act, to indemnify said Swett on account of a previous entry made by him which was held invalid.

Amend the title so as to read: "A bill to indemnify Edgar P. Swett."

The amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

GEORGE H. CHASE.

The next business was the bill (H. R. 14634) for the relief of George H. Chase.

The Clerk read as follows:

Be it enacted, etc., That George H. Chase, late second-class fireman, U. S. S. New York, be held and considered as one and the same person as George H. Eaton, and to have been honorably discharged from the United States service as of date of July 26, 1896.

Also the following committee amendment:

In line 6 strike out the words "honorably discharged" and insert in lieu thereof the words "granted an ordinary discharge."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read a third time, and passed.

SURG. REUBEN A. CAMPBELL.

The next business was the bill (S. 369) to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized, by and with the advice and consent of the Senate, to appoint Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy with the rank of lieutenant (junior grade), to take rank and position at the foot of the list, whenever, before the expiration of his present acting commission, he shall successfully pass the examination prescribed by law for the appointment of medical officers of this grade.

The bill was ordered to be read a third time; was read a third time, and passed.

TINCUP, COLO.

The next business was the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to cause a patent to be issued to the town of Tincup, Colo., from and out of the Leadville Forest Reserve, for the west half of the southeast quarter of the southeast quarter of section 7, township 15 south, range 81 west of sixth principal meridian, for cemetery purposes, such patent to issue only after the filing of due proof with the Land Department of the incorporation of said town; and said patent to contain a clause that in case the land, or any portion thereof, shall be devoted to other than cemetery uses, the land shall thereupon revert to the United States.

Also the following committee amendment:

Strike out lines 11, 12, 13, and 14, except the three first words in line 11, and substitute therefor the following: "and the payment of the sum of $1.25 per acre as purchase price therefor."

The bill as amended was ordered to be read a third time; was read a third time, and passed.

FLAGSHIP NIAGARA.

The next business was the bill (H. R. 13669) to provide for raising Commodore Perry's flagship *Niagara*.

The Clerk read as follows:

Be it enacted, etc., That for the expense of digging out and raising the hulk of Commodore Perry's flagship Niagara, and removing it to public grounds within the limits of the city of Erie, and erecting a suitable building in which it may be deposited and kept on free exhibition to the public there is hereby appropriated the sum of $20,000, or so much thereof as may be required, out of any money in the Treasury of the United States not otherwise appropriated; said flagship to be raised and placed in a building to be erected on the grounds of the Pennsylvania Soldiers and Sailors' Home, and all said work of raising and housing the vessel and payment therefor to be performed under specifications and directions approved by the Secretary of the Navy; and the trustees of the said Soldiers and Sailors' Home are hereby made custodians of said flagship, conditioned that it shall be kept on free exhibition in the building aforesaid, under such rules as the Secretary of the Navy may prescribe, free from any expense to the Government of the United States.

The bill was ordered to be engrossed and read a third time; was read a third time, and passed.

TOBE HOLT.

The next business was the bill (H. R. 16659) to remove the charge of desertion against Tobe Holt.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert as follows:

"That Tobe Holt, alias Lewis Holt, be held and considered to have been honorably discharged from Company K, One hundred and tenth United States Colored Infantry, on May 6, 1864."

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

The title was amended so as to read: "A bill to correct the military record of Tobe Holt."

J. F. WISNEWSKI.

The next business was the bill (H. R. 4554) to remove the charge of absence without leave and reported desertion from the military record of J. F. Wisnewski.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of absence without leave and reported desertion standing against J. F. Wisnewski, late of Company K, Second Kentucky Volunteer Infantry, on the records of the War Department, and to issue to said J. F. Wisnewski, now of Buffalo, N. Y., a certificate of honorable discharge.

The amendment recommended by the committee was read, as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That J. F. Wisnewski, late captain of Company K, Second Kentucky Infantry, be held and considered to have been honorably discharged said service on August 18, 1862, and that the Secretary of War be authorized to issue an honorable discharge in accordance with this act: *Provided*, That no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

HEZEKIAH DAVIS.

The next business was the bill (S. 4197) authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis.

The bill was read, as follows:

Be it enacted, etc., That for the purpose of giving to the widow title to pension and the arrears of pay due the soldier for his services in the Oregon Indian war of 1855 and 1856, the Secretary of the Treasury be, and he is hereby, authorized and directed to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, now on file in the office of the Auditor for the War Department, the name of Hezekiah Davis, and such entry shall show that the said Hezekiah Davis was enlisted as a private by W. H. Farrar, at The Dalles, Oreg., on the 1st day of March, 1856, and was discharged on the 19th day of May, 1856, as shown by the original roll and records on file in the office of the adjutant-general of the State of Oregon.

SEC. 2. That when the name of Hezekiah Davis has been entered on the roll of Captain Humason's company, as authorized and directed, his widow, Elizabeth C. Davis, shall be granted the pay due said soldier for his services and pension under the act of June 27, 1902, in the same manner as such claims are granted to the widows of Indian war volunteers whose names now appear on the original company rolls and records of the various Indian wars: *Provided*, That nothing in this act shall be construed as granting a pensionable status to the said Elizabeth C. Davis to date prior to the passage of this act.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I send to the desk for printing under the rule the conference report on the bill (H. R. 17345) creating a United States court for China, and prescribing the jurisdiction thereof.

The SPEAKER. The report will be printed under the rule.

JAMES DEVLIN.

The next business was the bill (H. R. 20220) to correct the military record of James Devlin.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to grant an honorable discharge in lieu of the discharge heretofore granted to James Devlin, of the county of Kings, State of New York, late a hospital steward in the United States Army: *Provided*, That no pay, bounty, or other emolument shall become due or payable by virtue of the passage of this act.

Mr. PARKER. Mr. Speaker, I ask unanimous consent that the Committee on Military Affairs be relieved from the consideration of the bill S. 6492, and that it be put on its passage.

The SPEAKER. The gentleman from New Jersey asks unanimous consent that the Committee on Military Affairs be discharged from the further consideration of the similar Senate bill, and that the same be substituted for the House bill. Is there objection?

There was no objection.

The Senate bill was ordered to a third reading, read the third time, and passed.

The SPEAKER. Without objection, the House bill will lie on the table.

There was no objection.

PELEG T. GRIFFITH.

The next business was the bill (S. 1166) to correct the military record of Peleg T. Griffith.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to cause the records to be so amended as to remove the charge of absence without leave from the military record of Peleg T. Griffith, late captain Company F, One hundred and seventeenth United States Colored Troops, and that an honorable discharge be granted the said Peleg T. Griffith: *Provided*, That no pay, bounty, or other emoluments shall accrue by virtue of the passage of this act.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS F. CALLAN.

The next business was the bill (S. 5028) to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to remove the charge of desertion standing against the name of Thomas F. Callan, alias Thomas Cowan, late of Company I, Second United States Infantry, to amend his military record accordingly, and to grant said Thomas F. Callan an honorable discharge as of date of August 28, 1864: *Provided*, That no pay, bounty, or other emolument shall accrue by reason of the passage of this act.

The bill was ordered to a third reading, read the third time, and passed.

HELEN G. HIBBARD.

The next business was the bill (S. 6268) granting a pension to Helen G. Hibbard.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Helen G. Hibbard, widow of James M. Edminster, late of Company E, Ninth Regiment New Hampshire Volunteer Infantry, and pay her a pension at the rate of $12 per month.

The bill was ordered to a third reading, read the third time, and passed.

WILLIAM C. LONG.

The next business was the bill (S. 6301) granting an increase of pension to William C. Long.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of William C. Long, late of Company I, Seventeenth Regiment Pennsylvania Volunteer Cavalry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, read the third time, and passed.

EDWARD S. BRAGG.

The next business was the bill (S. 6365) granting a pension to Edward S. Bragg.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Edward S. Bragg, late brigadier-general, United States Volunteers, and pay him a pension at the rate of $50 per month.

The bill was ordered to a third reading, read the third time, and passed.

JAMES W. WATSON.

The next business was the bill (S. 1291) for the relief of James W. Watson.

The bill was read, as follows:

Be it enacted, etc., That the balance due from the Merchants' National Bank of Helena, Mont., to James W. Watson, amounting to $13,113.69 be, and the same is hereby, allowed by the Office of Indian Affairs and the accounting officers of the Treasury Department, and said accounts of James W. Watson, late acting United States Indian agent, Crow Agency, Mont., be credited therewith, allowing him to be fully discharged from any further liability therefor.

SEC. 2. That the said James W. Watson, after the balance of his accounts shall have been passed upon by the court before which they are now pending, be authorized and allowed to submit the same to the Office of Indian Affairs, for the purpose of correcting his record at that Office.

SEC. 3. That the said Watson be, and he is hereby, authorized and empowered to show before the court the expenditure of said moneys charged against him under the act of July 4, 1884, and other acts or parts of acts, by supplemental vouchers, or facts, or other testimony, which evidence shall be accepted by the court, such as showing to the satisfaction of the court the expenditure of said sum so charged back for the uses, purposes, benefit, and good of said agency and the Indians thereof.

SEC. 4. That this act shall take effect and be in full force and effect from and after its passage and approval.

The bill was ordered to a third reading, read the third time, and passed.

CHARLES W. HELD.

The next business was the bill (H. R. 18380) to complete the naval record of Charles W. Held.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby directed to so amend the naval record of Charles W. Held, late landsman, United States Navy, on United States receiving ship North Carolina

and United States ships St. Louis and Canonicus, as to show him honorably discharged, to date from June 30, 1865.

The bill was ordered to be engrossed and read a third time; and it was according read the third time, and passed.

ANN THOMPSON.

The next business was the bill (S. 4899) granting an increase of pension to Ann Thompson.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ann Thompson, widow of Samuel Thompson, late of Captains Evans and Aiken's companies, New Hampshire Militia, war of 1812, and pay her a pension at the rate of $24 per month in lieu of that she is now receiving.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

ABEL W. PAYNE.

The next business was the bill (H. R. 7235) granting an increase of pension to Abel W. Payne.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Abel W. Payne, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

JACOB KINKERLY.

The next business was the bill (H. R. 19611) granting an increase of pension to Jacob Kinkerly.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Jacob Kinkerly, late of Company A, Twelfth Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $40 per month in lieu of that he is now receiving.

With the following amendment:

Strike out "forty" and insert "twenty-four."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, and was accordingly read the third time, and passed.

JOHN M'DONOUGH.

The next business was the bill (S. 6381) granting an increase of pension to John McDonough.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John McDonough, late of Battery A, First Regiment Rhode Island Volunteer Light Artillery, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

THOMAS H. KENT.

Mr. SHERMAN. Mr. Speaker, I think the Clerk inadvertently passed Calendar No. 3784, on page 35 of the Calendar, the bill (H. R. 8825) for the relief of Thomas H. Kent.

The SPEAKER. That is the bill sending the matter to the Court of Claims?

Mr. SHERMAN. Yes.

The SPEAKER. That was excepted from the order.

CORNELIUS O'CALLAGHAN.

The next business was the bill (H. R. 15027) to remove the charge of desertion against Cornelius O'Callaghan.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Navy be, and he is hereby, authorized and directed to remove the charge of desertion against Cornelius O'Callaghan, late of U. S. S. Minnesota, and issue to him an honorable discharge from the Navy of the United States.

The following amendment recommended by the committee was read:

Strike out "an honorable" and insert "a."

The amendment recommended by the committee was agreed to.

The bill as amended was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

LAKE SCHUTTE CEMETERY CORPORATION.

The next business was the bill (S. 6256) to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it.

The bill was read, as follows:

Be it enacted, etc., That the Lake Schutte Cemetery Corporation, of Dunseith, N. Dak., be, and the same is hereby, authorized and empowered to sell and convey in fee simple all or any part of the south half of the northwest quarter of section 30, township 162 north, range 72 west, in the State of North Dakota, and that the person or persons to whom the same shall be conveyed shall take and hold the lands so conveyed free and clear of any limitation placed on the use thereof by the act under which said lands were granted to said corporation.

The bill was ordered to a third reading; and was accordingly read the third time, and passed.

STEAM YACHT WATURUS.

Mr. SHERMAN. I move to transfer the bill (S. 6004) to provide an American register for the steam yacht *Waturus* from the House Calendar to the Private Calendar.

The motion was agreed to.

The next business was the bill (S. 6004) to provide American register for the steam yacht *Waturus*.

The bill was read, as follows:

Be it enacted, etc., That the Commissioner of Navigation be, and he is hereby, authorized and directed to cause the foreign-built steam yacht Waturus to be registered as a vessel of the United States: *Provided*, That said vessel shall not at any time hereafter engage in the coasting trade under penalty of forfeiture.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

ANNUAL REPORT OF THE PHILIPPINE COMMISSION.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

I transmit herewith the Annual Report of the Philippine Commission for the year 1905. The recommendations set forth in the accompanying letter of the Secretary of War have my cordial approval.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 28, 1905.*

The message and accompanying documents was ordered to be printed and referred to the Committee on Insular Affairs.

BRIDGE ACROSS THE WABASH RIVER.

Mr. OVERSTREET. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20451) to authorize William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle to construct a bridge across the Wabash River.

The Clerk read the bill, as follows:

Be it enacted, etc., That William C. Brown, Charles E. Schaff, Hadley Baldwin, William M. Duane, and John Q. Van Winkle, their successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad bridge and approaches thereto across the Wabash River, southeasterly and near the city of Mount Carmel, Wabash County, in the State of Illinois, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. OVERSTREET. Mr. Speaker, I have an amendment which I am directed by the committee to offer.

The Clerk read as follows:

In line 4, after the word "Van Winkle," insert the following words: "and such other persons as they associate with themselves."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. OVERSTREET, the title was amended.

PENSION BILLS.

Mr. SULLOWAY. Mr. Speaker, I have three Senate pension bills, and I ask unanimous consent that the Committee on Invalid Pensions may be discharged from the further consideration of the same, and that the bills be considered at this time.

The SPEAKER. Is there objection to the request of the gentleman from New Hampshire?

There was no objection.

GEORGE B. BARNES.

The Clerk read the bill (S. 4185) granting an increase of pension to George B. Barnes.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of George B. Barnes, late of Company F, One hundred and eighty-sixth Regiment New York Volunteer Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be read a third time, was read the third time, and passed.

FRANCIS D. GARNSEY.

The Clerk read the bill (S. 6359) granting an increase of pension to Francis D. Garnsey.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Francis D. Garnsey, late of Company C, Ninety-fifth Regiment Illinois Volunteer

Infantry, and pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was ordered to be read a third time; was read a third time, and passed.

ELLA E. KENNEY.

The Clerk read the next bill, S. 6471, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Ella E. Kenney, widow of Gilbert A. Kenney, late of Company K, Tenth Regiment Rhode Island Volunteer Infantry, and Company C, Second Regiment Rhode Island Volunteer Cavalry, and pay her a pension at the rate of $12 per month in lieu of that she is now receiving.

The bill was ordered to be read a third time; was read a third time, and passed.

BRIDGE ACROSS CONTROLLER BAY, ALASKA.

The SPEAKER laid before the House the bill (S. 6522) to authorize the Alaska Pacific and Terminal Company to construct a railroad trestle across tide and shore land in Controller Bay, in the Territory of Alaska.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Alaska Pacific Railway and Terminal Company, a corporation organized under the laws of the State of Washington, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a railroad trestle and approaches thereto across the tide and shore lands in Controller Bay from the mainland to Whale Island, in the Territory of Alaska, the mainland terminus and approaches of said railroad trestle to be located at or near a point 600 feet east of the southeast corner of United States survey No. 572, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to have some explanation of this bill.

The SPEAKER. The bill is in charge of the gentleman from Arkansas [Mr. BRUNDIDGE], who does not seem to be present in the Chamber.

Mr. GAINES of Tennessee. If he brings it up, Mr. Speaker, I have no objection to it.

The bill was ordered to be read a third time; was read the third time, and passed.

RIGHT OF ENTRY UNDER DESERT LAND LAW.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20019) restricting the right of entry under the desert-land law to surveyed public land and limiting the right of assignment of such entries.

The Clerk read the bill, as follows:

Be it enacted, etc., That from and after the passage of this act the right to make entry of desert lands under the provisions of the acts approved March 3, 1877, entitled "An act to provide for the sale of desert lands in certain States and Territories," as amended by the act approved March 3, 1891, entitled "An act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area 320 acres in compact form, and has reclaimed, or has in good faith commenced the work of reclaiming same, and has marked upon the ground the exterior boundaries of such tract, shall have the preference right to make entry of such tract under said acts within ninety days after the filing of the approved plat of survey in the district land office.

SEC. 2. That from and after the date of the passage of this act no assignment of an entry made under said acts shall be allowed or recognized, except it be to an individual who is shown to be himself or herself qualified to make entry under said acts of the land covered by the assigned entry; and no assignment to any incorporation or association shall be authorized or recognized.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, this relates to desert lands entry, and there has been a great deal said at different times about that law.

Mr. MONDELL. Mr. Speaker, this bill is intended to correct or modify some provisions of the desert-land act and meet some criticisms which have been made. It limits entries to surveyed lands for one thing, and provides that no assignment may be made except to an individual who is a qualified entry man. It is approved by the Department and is in the nature of an improvement of the act and the limitation of it.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

PETRIFIED FOREST NATIONAL PARK.

Mr. LACEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as "The Petrified Forest National Park," which I send to the desk and ask to have read

The Clerk read as follows:

Be it enacted, etc., That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, or parcels of land lying and being situate in the Territory of Arizona and particularly described as follows:

Townships 16 and 17 north, ranges 23 and 24 east, Gila and Salt River meridian, Arizona.

SEC. 2. That said public park shall be known as the The Petrified Forest National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specially for the preservation from injury or spoliation of the mineralized or fossilized formations or deposits, natural curiosities, and wonders within said park.

SEC. 3. That the Secretary of the Interior be, and is hereby, authorized, in the exercise of his discretion, to rent or lease, under rules and regulations to be made by him, pieces or parcels of ground within said park for the erection of such buildings as may be required for the accommodation of visitors.

SEC. 4. That all funds arising from the privileges granted hereunder shall be covered into the Treasury of the United States as a special fund, to be expended in the care of said park.

SEC. 5. That all persons who shall unlawfully intrude upon said park, or who shall, without permission, appropriate, injure, or destroy any of the mineralized or fossilized formations or deposits found therein, or other natural wonders or curiosities therein, or commit unauthorized waste in any form upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in the sum of not more than $5,000, or be imprisoned for a period of not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court.

SEC. 6. That in cases in which a tract covered by an unperfected bona fida claim or by a patent is included within the limits of said park, the settler or owner thereof may, if he desires to do so, relinquish the tract to the Government, and may select in lieu thereof a tract of surveyed, vacant, nonmineral land open to settlement in the Territory of Arizona, not exceeding in area the tract covered by his claim or patent; and no charge shall be made in such cases for making the entry of record or issuing patent to cover the tracts selected: *Provided*, That in cases of unperfected claims the requirements of the laws respecting settlement, residence, improvements, and so forth, are complied with on the new claims, credit being allowed for the time spent on the relinquished claims.

With the following committee amendment:

Strike out the words "Townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9 on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35 in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9 in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18 in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36 in township 17 north, range 23 east."

The SPEAKER pro tempore (Mr. BOUTELL). Is there objection to the present consideration of the bill? [After a pause.] The Chair hears none.

Mr. SULZER. Mr. Speaker, I ask the gentleman from Iowa [Mr. LACEY] to yield to me.

Mr. LACEY. Mr. Speaker, I yield to the gentleman from New York.

Mr. SULZER. Mr. Speaker, when the gentleman from Pennsylvania [Mr. DALZELL] reported the special rule this morning to take up for immediate consideration certain private bills I desired time to speak in opposition to the adoption of the rule. I wanted to be heard then, not so much because I was opposed to its private bills, but because I was more interested in passing some public bills, but the gentlemen controlling the time declined to yield to me and hence I had to bide my time to say what I desired to say.

So, sir, I take advantage of this interval to express now what I wanted to speak about then, and that is, that, in my judgment, it would have been better for the people of the country generally, especially the toilers, if the Committee on Rules had brought in this morning a special rule to take up for consideration a few public bills—measures of much moment, of great merit, and affecting all the people of the land. Many of these public bills have been pending in this House since the beginning of this session, and several of them have been pending in Congress for the past dozen years. They are of more importance to the producers and toilers of our country than any other legislation which we can consider now, or which we have considered heretofore, important as some of it has been.

Let me say that I have no objection to the consideration of these private bills; perhaps many of them are good bills and ought to be passed, but they affect only a single person, or, at most, a few individuals, and they could have been considered at any time for the past month. Now, in the closing days of the session, a special rule is brought in to put them all through in a batch—in a few hours—so that Members will not be able to understand them and distinguish the good ones from the bad ones. I am opposed to these special rules to put through private bills, good, bad, and indifferent, by the wholesale.

But if a special rule was to be brought in at all to consider

pending bills and measures, it should be a rule to consider some of the bills that the people generally are in favor of and want to see enacted into law—legislation of vital importance, of far-reaching effect, and concerning the welfare of the producing masses of our country.

The bills that I seek to have called up, considered, and passed are bills which affect millions and millions of people throughout the length and breadth of the land. They are public bills, measures in the interest of the many, bills that I favor, and that every friend of humanity favors, and which are demanded by the working people in every State and the toilers from one end of the country to the other.

A SAD COMMENTARY.

It is a sad commentary on legislation to-day in Congress that the bills in the interest of the few are always taken up and considered and put through and become laws, while the bills in the interest of the many, the bills for the working people, the bills for organized labor, the bills for the toilers and the producers of our country, the bills for the people who earn their bread in the sweat of their brow, are quietly smothered in committees or delayed and put off until it is too late in the session to pass them. It is the old, old story of everything for the few and nothing for the many; everything for the rich and nothing for the poor. It is about time organized labor awoke to the necessity of looking after its own interests in legislative halls, by going into politics, and enforcing its demands for popular legislation at the ballot box. As a friend of organized labor, my advice is organize, agitate, and put none but friends guard.

In the words of Wendell Phillips:

I rejoice at every effort workingmen make to organize. I stand in the presence of a momentous power. If I have 100,000 men represented before me who are in earnest, who get hold of the great question of labor and, having hold of it, grapple with it, rip it open, invest it with light, gathering the facts, piercing the brains about them, and crowding those brains with facts, then I know, sure as fate, though I may not live to see it, that they will certainly conquer this nation in twenty years. That is your power, gentlemen. If you do your duty, and by that I mean standing together and being true to one another, you will decide all elections.

IMPORTANT LEGISLATION NEGLECTED.

Now, gentlemen, among the popular measures I desire to call to the attention of the House, some of which are sleeping on the Calendars, but most of which have been throttled in the Republican committees, are the following:

1. The anti-injunction bill—smothered in the Judiciary Committee.

2. The eight-hour bill—reported the day before yesterday from the Committee on Labor, although it was ordered to be reported over a month ago.

3. The election of Senators in Congress by the direct vote of the people—smothered in the committee.

4. The publicity of campaign expenses bill—recently reported to the House.

5. The letter carriers' bill—throttled in the committee.

6. The bill to regulate the hours of railway trainmen—dead in the committee.

7. The bill for the relief of the *Slocum* survivors—strangled in the committee.

8. The bill to prevent convict-made goods from competing with the goods manufactured by honest labor—sleeping in the committee.

9. The bill of the Civil Service Retirement Association to provide a pension fund out of their own salaries—pigeonholed in the committee.

10. The bill granting just rights to the sailors of the country—asleep in committee.

11. The bills to provide for greater safety on inland navigation and to prevent a repetition of terrible catastrophes like the *Slocum* disaster—strangled in committee.

And there are others of almost as much importance, but I am sorry to say because these bills are opposed by great corporate and financial interests it is absolutely impossible, apparently, to get them considered in this House—to have them brought to a vote so that the Members will be compelled to go on record and vote for them or vote against them. Such is the Republican policy—secretly opposed to granting labor's demands, but lacking the courage to say so honestly and do so openly.

These bills, sir, are all of great public moment. They affect the people of the entire country, and it is a shame and a disgrace that those who have introduced them, that those who favor them, that those who have been advocating them day in and day out from the beginning of this session down to the present time can not get them reported from the committee; or, if by any chance they are reported from the Committee, can not get them considered in this House.

The working people of the country understand the situation at Washington. They know the men and the political party responsible for the defeat, year in and year out, of the legislation so devoutly wished for by the toilers of the land, and I predict that in the coming campaign the working people will have something to say, and those who have been instrumental in defeating these bills will be held responsible by the voters who demand the enactment of this beneficial legislation.

THE "ANTI-INJUNCTION" BILL.

Mr. Speaker, in the time at my disposal it is impossible for me to discuss the merits of the various measures I have enumerated. I shall, however, touch briefly on a few of them. Among them I want to discuss for a few moments the so-called "anti-injunction bill." That bill has been pending in the Committee on the Judiciary ever since the beginning of this session of Congress. A great many hearings have been held, and it has been hopefully expected by the friends of the measure that it would be reported favorably and passed before we adjourned. At the last moment, however, what did the Committee on the Judiciary do? Report the bill? Not at all. By a party vote it referred the bill to a select committee of three to consider it hereafter, and hereafter, my friends, is a long, long time. [Applause on the Democratic side.]

I am in favor of this anti-injunction bill, and in every Congress since I have been in Washington I have introduced a bill to do away with the glaring evils desired to be abolished, and have advocated the measure week in and week out, only to have it smothered by the Republicans in the Committee on the Judiciary.

This year a determined effort was made by the friends of this reform to secure proper legislation, and the labor organizations of the entire country agreed upon a bill which, to my mind, is a fair and just bill in every way, and to all interests concerned. I dropped my own bill and took up the bill requested by organized labor, and every friend of the toilers of the country believed that at last we were to have some legislation on this very important question, one of the most important questions, in my opinion, of the day.

OPPOSED TO BLANKET INJUNCTIONS.

Mr. Speaker, I am opposed to the abuse of the writ of injunction—a writ only intended for the protection of property rights, but which has been perverted through the interpretation of some of the Federal judges into an instrument of oppression and for the destruction of personal liberty, especially in disputes between labor and capital, and during strikes between employers and employees. I am opposed to these far-reaching blanket injunctions in labor disputes against John Doe and Richard Roe, covering a multitude of persons, many of whom know nothing about the contents of the restraining order and have never been served with the writ. Mr. Samuel Gompers, president of the American Federation of Labor, concentrated into two sentences a clear description of both the motive behind, and the evil wrought by, these judicial usurpations, when he said:

That there is a legal remedy for some of the things which an injunction can enjoin, goes without saying; but it is the purpose of the opponents of our legislation on this subject to get rid of the trial by jury in the regular process of the law. Their purpose is to make the judge who issues the injunction the judge, the jury, and executioner, and, indeed, to take away from the workmen enjoined the constitutional right of being tried before a jury of their peers for any crime or offense with which they may be charged.

If some of the Federal judges go on with their extension of the powers of government by injunction those who run can see the beginning of the end of personal liberty in America. I have not the time to cite cases; I have not the time to read decisions; but if I did, I think I could convince every disinterested Member of this House that the writ of injunction has been greatly abused by certain Federal judges in recent disputes between labor and capital. I am with labor in this struggle, and I believe that Abraham Lincoln summed up the equities in the conflict when he said:

Labor is prior to and independent of capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.

I agree with the great emancipator, and I declare that the courts must not curtail the rights of labor by the extension of the writ of injunction.

As Mr. Justice Bradley said in Boyd *v.* United States (116 U. S., 659):

It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

Sir, I say, tyranny on the bench is as objectionable as tyranny on the throne. [Applause.] To enjoin people from as-

scalding peaceably to discuss their grievances is a violation of constitutional rights; to restrain members of labor organizations who are struggling to secure better conditions from talking to each other or peaceably meeting on the street is judicial usurpation. Such an abusive use of the restraining power of the Federal courts endangers, not only the right of trial by jury, but the right of constitutional liberty, and if Congress does not promptly put an end to it by defining and limiting the power of the Federal courts in the use of the writ of injunction, our boasted constitutional freedom will ere long degenerate into a farce. [Applause.]

In recent years some of the Federal courts have gone far beyond the limits intended by the framers of the Government in granting these blanket injunctions against entire communities. I am opposed now, always have been, and always will be, to government by injunction, and I declare that the time is at hand when Congress must take action in regard to the matter, or our liberties will be destroyed. [Applause.]

As that able thinker, distinguished writer, and profound lawyer, Mr. T. Carl Spelling has most truly said:

Rome changed from a republic to an empire by abuse on the part of the tribunes of power to enjoin. First, they used it to forbid, next to command; then came the emperor. The next use of the power may be to forbid competition. The doctrine that a right to do business is property is dangerous. The Roman tribunes of course abused this power as all unusual and inordinate power will be abused; and the people, unable to return to former conditions because the Roman employers' associations opposed and exerted an undue influence in the Roman senate, cried out *ave imperator*.

EX-SENATOR TURNER ON THE POWER TO ENJOIN.

In this connection, sir, I desire to quote what Hon. George Turner, a former Senator from the State of Washington, recently said in regard to the abuse of this power to enjoin.

It is beyond the power of the courts to attempt to enjoin strikes or to control labor organizations in their efforts to make labor strikes effective, so long as such efforts do not go to the destruction or injury of property. Men must have liberty in this country to work or not as they please and to use lawful means to induce others to refrain from working if it is to their interest to do so. This liberty is a matter of constitutional right and can not lawfully be interfered with by any form of legal procedure. An employer has no property or property right in the labor which he employs, and he has no right to come into a court of equity to invoke its jurisdiction simply because he has been deprived of such labor through the efforts of third persons.

Undoubtedly if those efforts are unlawful and result in injury, the injured party may have damages in a civil action, but equity does not interfere in a case where the common law gives a remedy in damages. Equity only interferes where, by the course of its established procedure, it is proper for it to interfere, and it has been established by the wisdom of the great men who have presided in courts of equity since their foundation that it is not proper to interfere with the personal conduct of individuals except where that conduct affects property or property rights.

These principles are laid down in the text-books and are illustrated by the decisions of the courts. The cases of In re Sawyer (124 U. S., 200) and Northern Pacific Railroad *v.* Whalen (149 U. S., 157) well illustrate them. In re Debs (158 U. S., 564) does not depart from those principles. In that case there was actual interference with physical property, actual injury and destruction of property, which property constituted an interstate highway, thus constituting a nuisance which the United States, as the sovereign, had the right, under a well-recognized head of equity, to apply to the courts to abate and enjoin.

There is no denying, however, that a number of the inferior courts of the United States have departed from these principles in dealing with labor troubles, and in doing so have set some bad precedents. Their action is an illustration of the old adage that "hard cases make bad law," and is a strong argument against any legislation which might be construed as a recognition of such a practice.

Mr. Speaker, I think Senator Turner has summed up the whole matter in a nutshell, and he has done it very much better than I could possibly do it. I am opposed, in these labor disputes, to making the courts the judge, the jury, and the executioner. I am opposed to the courts legislating, adjudicating, and executing. It is contrary to our theory of government; and I believe that this Republican Congress will be recreant to its duty if it does not pass at this session some legislation to prevent the further abuse of the writ of injunction. The Republicans in Congress can not escape their responsibility for the defeat of this anti-injunction bill so earnestly pleaded for by the toilers of the country and by every friend of organized labor. I dare the Republicans in this House to give us a chance to vote on the bill before we adjourn. [Applause on the Democratic side.]

THE "EIGHT-HOUR BILL."

Now, Mr. Speaker, another bill I want to call to the attention of the House is the so-called "eight-hour bill." This eight-hour measure has been pending in Congress ever since I came here. I have introduced it myself session after session. I have been before the committee time and time again and argued in favor of it. Sometimes it has been reported. Once or twice it has passed the House, only to be killed in the Senate, and the truth is, to my personal knowledge, the Republicans in Congress have been fooling the workingmen of the country regarding this measure for the past dozen years, and intend to keep on fooling them.

I am a friend of the toilers of the country, and I want to tell them very frankly that organized capital is against organized labor in this struggle for an eight-hour law, and that while the Republicans control Congress organized capital's voice will always be more potent in shaping legislation than the humble cry of the toiler, the feeble efforts of the wage-earner, and the modest appeals of the producer.

No measure in recent years has been so stubbornly resisted by organized greed as the heroic efforts of organized labor to place upon the statute books of the country this humane bill making eight hours a legal day's work. Over a month ago the minority of the Committee on Labor stole a march on the majority of the committee and ordered a favorable report of this bill, but the chairman of the committee neglected to make the report in accordance with the instructions of a majority of a quorum of the Committee on Labor until the day before yesterday. Then the gentleman from New Jersey [Mr. GARDNER], the chairman of the Committee on Labor, reluctantly filed a report, knowing that it would be too late for the bill to pass the House this session and become a law. He held back the report in violation of every rule and every precedent until a couple of days before the time he knew the Congress was going to adjourn. Did he do this on his own responsibility, or was he told to do it? If he was told to do it, who told him? Let us have the facts regarding this betrayal of labor. [Applause.]

If the Republicans in this House—the men, I mean, who rule the destiny of the House and who control legislation in this House—wanted to do something for all the people, something in the interest of the wage-earners and for organized labor, why did they not bring up this eight-hour bill to-day and give us a chance to vote on it, or bring in a special rule to have it considered, as they did in regard to these other petty little private bills? That is the question the Republicans will be asked to explain in the coming campaign by the voters who want something done for all the people.

This eight-hour bill is demanded by every labor organization in the country, and, take it all in all, it is the one measure they are more interested in passing than any other single act of legislation they are contending for at the present time; and it is a very simple and a very harmless measure after all. If it were a law it would do no injury to any employer of labor, but, on the contrary, in my opinion, it would be for the best interest of both capital and labor.

I am in favor of making eight hours a legal day's work on all Government work. In my judgment, no man in this country ought to be compelled to work more than eight hours a day. That is long enough. I believe if this bill becomes a law it will do more to benefit the workers and the toiling masses of the country than any other thing we can do for them at this time by way of legislation.

THE EIGHT-HOUR WORKDAY A BOON TO ALL.

Mr. Speaker, I want to say that I am a friend of the wage-earner. I want to see, and I hope the day is not far distant when we all shall see the eight-hour workday the law all over the land and rigidly enforced in every State, every city, every town, and every village in the country. I believe it will be beneficial to the laborer, advantageous to the community in which he lives, and for the best interests of the Government. Too long hours make the wage-earner a poor workman. Shorter hours, in my opinion, will produce better results all around and for all interests concerned. Every writer on political economy confirms this conclusion, and so great an authority as John Stuart Mill lays it down as a fundamental principle that any scheme for the amelioration of the social condition of the wage-earner which does not proceed on this proposition as its foundation is for all permanent purposes a delusion and a snare.

I am now, always have been, and always will be an advocate of shorter hours for a legal working day. The history of the past teaches us that every reduction in the hours constituting a day's work has resulted beneficially. We have gone on steadily, step by step, shortening the hours of labor and toil from sixteen hours to fourteen hours a day, from fourteen hours to twelve hours a day, from twelve to eleven hours, from eleven to ten hours, from ten to nine hours, and now we should go from nine to eight hours a day, and in every instance it has been for the better. Statistics conclusively prove that every decrease in the number of hours constituting a legal workday has been for the advancement of the toilers and the progress of the masses.

These reductions in the hours of labor have decreased intemperance, increased knowledge, made better homes, happier and better-clothed wives and children, brighter and more prosperous firesides, and in every way benefited the social relations, promoted happiness and contentment, and improved the moral, economical, and financial condition of the laboring and producing masses of our land. [Applause.]

REPUBLICANS RESPONSIBLE FOR DEFEAT OF EIGHT-HOUR BILL.

I charge the Republicans in Congress with being responsible for the defeat of the eight-hour bill for the past ten years. They can not deny it. The Republican party can not escape the responsibility for the continued smothering of this measure in Congress year in and year out.

If the Republicans are honest and sincere in what they say to the working people on the stump, I challenge them here and now to bring up the eight-hour bill and give the Members of the House an opportunity to vote for it. Let those who are in favor of it vote for it, and those who are opposed to it vote against it. Let us have a record vote on the measure. The Republican leaders who have charge of the legislation of the House can give us an opportunity to vote on the bill now if they want to do it. If the Republicans refuse to accept the challenge, they must take the blame for the defeat again of the commendable eight-hour bill. [Applause.]

ELECTION OF SENATORS BY DIRECT VOTE.

Now, Mr. Speaker, let me say, in the brief time at my command, a few words in favor of another measure that organized labor demands and which the people throughout the country generally favor, and that is my joint resolution to amend the Constitution so that Senators in Congress shall be elected by a direct vote of the people. This is a very important measure and it should have been reported and passed long ago. The people of this country, in my opinion, will never secure the reforms they desire until they control directly the election of United States Senators.

Ever since I have given attention to this question of the election of United States Senators I have been of the opinion that the best interests of the States, and of all the people generally, will be conserved by the election of United States Senators directly by the people at a general election. The more I have studied the question the more confirmed is my conviction that the Federal Constitution should be amended so that the people shall directly, and in the first instance, elect their United States Senators.

Long before I came to Congress I favored this change in our fundamental law, and one of the first things I did when I was sworn in as a Member of the Fifty-fourth Congress was to introduce a joint resolution to amend the Constitution so that United States Senators should be elected by the people and not by the legislatures of our respective States, and I have introduced the same resolution at the beginning of every Congress ever since that time, and, I might add, with the same result—the Republicans killed it.

I am a Democrat of the Jefferson school. I trust the people, and I believe in the people. I believe with him that governments derive their just powers from the consent of the governed. In this matter of the election of United States Senators, I want to restore to the people the right now delegated to the legislatures by the framers of the Constitution, so that the Senate, as well as this House, will be directly responsible to the people, and the Government become more and more a pure democracy, where brains, fitness, honesty, ability, experience, and capacity, and not wealth alone, shall be the true qualifications for the upper branch of the Federal Legislature.

In my judgment the people can and ought to be trusted. If the people can not be trusted, then free government is a failure, and our institutions are doomed.

There can be no doubt that the sentiment in favor of this change is increasing every year, and that a majority of the people now demand the right to vote directly for the election of United States Senators, and the demand of the people for this reform is growing more popular every year, and it is destined to come, in my judgment, in the very near future.

I am opposed to delegating away the rights of the people, and where they have been delegated away I would restore them to the people. For one hundred years and more this distrust of the people by some of the founders of the Republic as embodied in our Federal Constitution has stood as fixed and immutable as the laws of the Medes and the Persians. It is time to destroy this distrust and get back to first principles.

I am a friend of the Constitution and share in the patriotic sentiment which is prompt to challenge almost every proposition to amend it. But, sir, I sincerely believe the man who would boldly point out the defects in our great Magna Charta and honestly seek to remedy them is a better friend of the Constitution than he who will not see its faults, or, seeing them, endeavors to justify them from motives of mistaken zeal. [Applause.]

The election of United States Senators by a direct vote of the people is a step in advance and in the right direction. I hope it will speedily be brought about. It is the right kind of reform, and I hope will be succeeded by others until this Government becomes indeed the greatest, the best, and the freest Government the world has ever seen, where the will of the people shall be the supreme law of the land.

I challenge the Republicans here and now to pass this resolution to elect United States Senators by a direct vote of the people.

THE LETTER CARRIERS' BILL.

Mr. Speaker, I see that my time is getting short, and I will hurry along. Another bill I desire to call to the attention of the House is the letter carriers' bill. This bill is desired by every letter carrier in the land as a matter of right and of justice, and it is indorsed by every labor organization throughout the country. It is essentially a labor bill, in the interest of the hardest-worked and poorest-paid employees of the Federal Government. Why don't the Republicans bring in a special rule to pass the letter carriers' bill? If this House were allowed to vote on it, I undertake to say, and I know whereof I speak, that the bill would pass by an overwhelming majority. I challenge the Republican leaders in this House to give us a chance now to vote on this bill.

I am proud to say that I introduced the letter carriers' bill in this House at the beginning of this Congress. I have introduced the same bill in every Congress for the past ten years, but it never gets out of the committee of the gentleman from Indiana [Mr. OVERSTREET]. It is there now. It is sleeping in that committee, and it will never wake up—never come out. I am satisfied the Republicans on the Post-Office Committee will never report it favorably.

A FRIEND OF THE LETTER CARRIERS.

This measure to pay the letter carriers living wages is a most commendable bill. Why should it not be reported? Why should it be smothered in the committee? Why should it not be presented to the House and the Members given an opportunity to vote for it or against it? We want a record on this bill. We want to fix responsibility. We want to find out who are the friends and who are the enemies of the letter carriers. I am now, always have been, and always will be a friend of the letter carriers. I am proud to say that. They are my friends and I am their friend. The Government in all its service has no more honest, no more tireless, no more faithful employees. Their claims are just and should be recognized, and, take my word for it, sooner or later they will be recognized and granted.

The letter carriers and the post-office clerks, and all other persons whose salaries are fixed, do not get any benefit from the Dingley high-tariff law; for nearly all the necessaries of life they have to buy now they have to pay about 30 per cent more by reason of this Republican tariff law than they did ten years ago, and their salaries remain the same.

These letter carriers are the most efficient, the hardest worked in all the country's service, and the poorest paid. The letter carriers of the land are compelled to toil day in and day out—in sunshine and in storm, in winter and in summer, in all kinds of weather—long, long weary hours, and taking all other employees in the various Departments of the Federal Government as a basis for comparison, it can not be denied that the letter carriers render the most and the hardest work for the smallest remuneration.

I plead to-day, as I have pleaded in the past, for justice for the deserving letter carriers. Their request for living wages is the demand of humanity. My heart goes out to them. I can not refrain from making this appeal in their behalf for simple justice. How I wish it were in my power to aid them, to pass and enact into law this bill they all want, they all pray for; this bill that is so fair and so just, that appeals to every right-thinking citizen in all the land, and that challenges adverse criticism. How much time and money we waste here for useless and worthless things. It is terrible when one soberly considers it all—and then, again, so much for the few, so little for the many. How easy for the monopolies and the powerful to pass a bill—a bad bill—and how difficult for the poor and the weak, the many, to pass a bill—a good bill. [Applause.]

How poorly, how miserably the letter carriers are paid! And yet, take them all in all, they are courteous, long suffering, uncomplaining, honest, assiduous, and industrious. How few of our citizens ever think of their trials, their wants, their health, and their families and little ones at home. Under the present law they do not, and can not, earn enough, no matter how long they have been in the service of the Government or how many hours a day they labor, to keep body and soul together. And what do they get? A mere pittance a month that is not enough to economically support one man. It is a disgrace, a crying shame. Many of these letter carriers have wives and children—little homes—and these wives and children in many cases are to-day in want.

The head of the household does not get paid enough by the Government to live halfway decently. But it is not the Gov-

ernment's fault, it is the fault of the Republican leaders here in Congress. I want to appeal to the Republicans of this House, in the name of justice and fair play, in the name of decency, that when they are doing so much for organized capital, so much for criminal syndicates, so much for monopolies, for God's sake to do something for the poor letter carriers. [Applause.]

The SPEAKER pro tempore. The time of the gentleman from New York has expired.

THE BILL FOR THE RELIEF OF THE SLOCUM SURVIVORS.

Mr. SULZER. Mr. Speaker, I regret my time has expired. I wanted again to call attention to my bill for the relief of the *Slocum* survivors—beaten by the Republicans in the Committee on Claims; and to the civil-service retirement bill—insulted and kicked to death in the committee by the Republicans; but I will speak about these other bills at some other time. However, before I take my seat, I ask unanimous consent to extend my remarks by taking in as part of my speech a letter recently sent out by Hon. Samuel Gompers, president of the American Federation of Labor, asking that this session of Congress give some heed to the legislation I have enumerated and to report it favorably or unfavorably from the committees, so that the House of Representatives could have an opportunity to vote one way or the other on the respective bills. He asked for bread in the name of the toilers of the land, and the Republicans have given him a stone in the name of the organized capital and greed of the country. [Long applause on the Democratic side.]

The SPEAKER pro tempore. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

MR. GOMPERS'S LETTER.

AMERICAN FEDERATION OF LABOR,
Washington, D. C., April 7, 1906.

To all trade unionists of America:

DEAR SIRS AND BROTHERS: The bill of grievances printed below, formulated and adopted by the executive council of the American Federation of Labor, is expressive of the decision which organized labor of America has made manifest in its various conventions and union meetings. The presidents of all affiliated international unions were invited to meet the executive council at the headquarters of the American Federation of Labor March 21, 1906, and participate in a conference concerning matters affecting labor's interests Congressionally and administratively. The presidents or their duly credentialed representatives participated, and unanimously and enthusiastically indorsed and signed the document and participated with the executive council in the presentation and reading thereof.

Some garbled accounts of this matter have appeared in the press. In order that our fellow trade-unionists may be in possession of the document in its original form, and that their actions may conform thereto, this is presented to you in its entirety.

Let the inspiring watchword go forth that—

We will stand by our friends and administer a stinging rebuke to men or parties who are either indifferent, negligent, or hostile, and wherever opportunity affords to secure the election of intelligent, honest, earnest trade-unionists, with clear, unblemished, paid-up union cards in their possession.

Fraternally, yours,

SAML. GOMPERS,
President American Federation of Labor.
FRANK MORRISON,
Secretary American Federation of Labor.

LABOR'S GRIEVANCES.

WASHINGTON, D. C., *March 21, 1906.*

Hon. THEODORE ROOSEVELT,
President of the United States.

Hon. WM. P. FRYE,
President pro tempore, United States Senate.

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, United States.

GENTLEMEN: The undersigned executive council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of this Government and the legislation of the Congress relating to these interests. For convenience the matters of which we complain are briefly stated, and are as follows:

The law commonly known as the "eight-hour law" has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects and for its extension to all work done for or on behalf of the Government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight-hour law and principle, Congress passed and the President signed an appropriation bill containing a rider nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government, the construction of the Panama Canal.

The eight-hour law in terms provides that those intrusted with the supervision of Government work shall neither require nor permit any violations thereof. The law has been grievously and frequently violated; the violations have been reported to the heads of several Departments, who have refused to take the necessary steps for its enforcement.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese-exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now, by act of Congress, it is seriously proposed to invalidate that law and reverse the policy.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a form of conscription which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the *Slocum* in the harbor of New York, the wreck of the *Rio de Janeiro* at the entrance to the bay of San Francisco, and other disasters on the waters too numerous to mention, in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels, we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constantly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels called "barges" on the high seas, where, in case of storm or stress, they are cut loose to drift or sink and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to manage them when cut loose and sent adrift, but in vain.

The antitrust and interstate-commerce laws, enacted to protect the people against monopoly in the products of labor, and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the Constitution. Our repeated efforts to obtain redress from Congress have been in vain.

The beneficent writ of injunction intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom, and in a manner to hold that the employer has some property rights in the labor of the workmen. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact, in the last Congress labor requested the Speaker to appoint on the Committee on Labor Members who, from their experience, knowledge, and sympathy would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Recently the President issued an order forbidding any and all Government employees, upon the pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the Government employee in order that he may obtain or retain his employment.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have in an honorable and lawful manner submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law and with the progress and development made necessary by changed industrial conditions.

Labor brings these its grievances to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow-citizens who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden bearers, the wage-earners of America. As labor's representatives, we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.

Very respectfully,

SAMUEL GOMPERS, JAMES DUNCAN, JAMES O'CONNELL, MAX MORRIS, D. A. HAYES, DANIEL J. KEEFE, WM. D. HUBER, JOSEPH F. VALENTINE, JOHN B. LENNON, FRANK MORRISON, executive council American Federation of Labor.

List of representatives of labor associated with the executive council of the American Federation of Labor in the presentation of labor's grievances, March 21, 1906:

John G. Schmidt, Bakery and Confectionery Workers International Union of America.

Rudolph Schirra, Bakery and Confectionery Workers International Union of America.

Thomas H. Lockwood, Pocket Knife Blade Grinders and Finishers National Union.

Thos. R. Keenan, Brotherhood of Boiler Makers and Iron Ship Builders of America.

Peter L. Mitchell, Brotherhood of Boiler Makers and Iron Ship Builders of America.

James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders of America.

John R. P. Krey, Iron Molders Union of North America.

Ed. F. Weber, International Association of Glass House Employees.

Hugh Falvey, American Brotherhood of Cement Workers.

F. C. Gengenback, American Brotherhood of Cement Workers.

P. H. Malloy, American Brotherhood of Cement Workers.

J. J. Crowley, The Granite Cutters International Association of America.
John Lyons, The Granite Cutters International Association of America.
Frank McArdle, International Brotherhood of Foundry Employees.
Cornelius P. Shea, International Brotherhood of Teamsters.
Thos. C. Fox, International Brotherhood of Teamsters.
J. E. Toone, International Brotherhood of Teamsters.
James F. Fitzgerald, Pulp, Sulphite, and Paper Mill Workers.
Timothy Healey, International Brotherhood of Stationary Firemen.
N. A. James, International Brotherhood of Stationary Firemen.
H. E. Burns, International Brotherhood of Stationary Firemen.
F. N. Nuse, International Brotherhood of Stationary Firemen.
Christian Schlag, International Brotherhood of Stationary Firemen.
William McPherson, International Carriage and Wagon Workers.
William M. Merrick, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
Joseph H. Gallagher, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
John R. Alpine, Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers of the United States and Canada.
P. H. Cummins, International Brotherhood of Blacksmiths.
J. W. Kline, International Brotherhood of Blacksmiths.
Charles T. Smith, International Steel and Copper Plate Printers' Union of North America.
E. L. Jordan, International Steel and Copper Plate Printers' Union of North America.
T. L. Mahan, International Steel and Copper Plate Printers' Union of North America.
William Dodge, Paving Cutters' Union of the United States and Canada.
James J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
William Launer, Glass Bottle Blowers' Association of the United States and Canada.
Frank Feeney, International Union of Elevator Constructors.
Charles Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
Henry Nolda, Upholsterers' International Union of North America.
Charles E. Lawyer, International Tin Plate Workers' Protective Association of America.
George Powell, International Tin Plate Workers' Protective Association of America.
W. J. McSorley, International Union of Wood, Wire, and Metal Lathers.
R. V. Brandt, International Union of Wood, Wire, and Metal Lathers.
W. S. Crown, American Federation of Musicians.
C. P. Huestis, American Federation of Musicians.
Charles Derlin, American Federation of Musicians.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
Daniel L. Desmond, Amalgamated Sheet Metal Workers' International Alliance.
Joseph A. Daly, Amalgamated Sheet Metal Workers' International Alliance.
W. F. Gilmore, Amalgamated Society of Carpenters and Joiners.
George G. Griffin, United Brotherhood of Carpenters and Joiners.
William M. Lewis, Brotherhood of Painters, Decorators, and Paperhangers of America.
Frank X. Noschang, Journeymen Barbers' International Union.
Thomas O. Hughes, International Union of Slate Workers.
G. M. Huddleston, International Slate and Tile Workers' Union of America.
Ben Russell, International Slate and Tile Workers' Union of America.
Thomas F. Tracy, Cigar Makers' International Union of America.
J. A. Roberts, Cigar Makers' International Union of America.
Martin Hellmuth, Amalgamated Meat Cutters and Butcher Workmen of North America.
W. E. Thompson, International Ceramic, Mosaic, and Encaustic Tile Layers and Helpers' Union.
C. O. Pratt, Amalgamated Association of Street and Electric Railway Employees of America.
T. C. Parsons, International Typographical Union.
John P. Murphy, Boot and Shoe Workers' Union.
John J. Binder, International Union of United Brewery Workmen.
John Mangan, Steam Fitters' International Union.
James M. Cumming, Steam Fitters' International Union.
Charles N. Isler, Steam Fitters' International Union.
Henry Fischer, Tobacco Workers' International Union.
William Feenie, United Powder and High Explosive Workers of America.
James G. McGrindle, United Powder and High Explosive Workers of America.
Andrew Furuseth, International Seamen's Union of America.
J. L. Feeney, International Brotherhood of Bookbinders.
Rodney L. Thixton, International Stereotypers and Electrotypers' Union of North America.
Michael J. Shea, International Stereotypers and Electrotypers' Union of North America.
James F. Splann, International Stereotypers and Electrotypers' Union of North America.
F. M. Ryan, International Association of Bridge and Structural Iron Workers.
P. J. McArdle, Amalgamated Association of Iron, Steel, and Tin Workers.
Martin Higgins, International Printing Pressmen's Union.
John Golden, United Textile Workers of America.
J. T. Carey, International Brotherhood of Paper Makers, etc.
Thomas Meller, International Brotherhood of Paper Makers, etc.
H. B. Perham, The Order of Railroad Telegraphers.
Jere F. McCarthy, Central Labor Union, Washington, D. C.
Charles W. Winslow, Central Labor Union, Washington, D. C.
John B. Colpoys, Central Labor Union, Washington, D. C.
Shelby Smith, Allied Printing Trades Council, Philadelphia, Pa.
John Fitzpatrick, Chicago Federation of Labor.
P. J. Flannery, Interior Freight Handlers and Warehousemen's International Union.

A. F. OF L. POLITICAL POLICY.

That as our efforts are centered against all forms of industrial slavery and economic wrong, we must also direct our utmost energies to remove all forms of political servitude and party slavery, to the end that the working people may act as a unit at the polls of every election.

That the American Federation of Labor most firmly and unequivocally favors the independent use of the ballot by the trade unionists and workingmen, united regardless of party, that we may elect men from our own ranks to make new laws and administer them along the lines laid down in the legislative demands of the American Federation of Labor, and at the same time secure an impartial judiciary that will not govern us by arbitrary injunction of the courts, nor act as the pliant tools of corporate wealth.

Mr. LACEY. Mr. Speaker, I would like to have the attention of the House for a few minutes upon the bill itself. This House has passed this bill three times. It passed it in the Fifty-sixth Congress, the Fifty-seventh Congress, and the Fifty-eighth Congress, but, for some reason I have never been able to learn why, the bill has not received favorable action at the other end of the Capitol, and we want to send the bill over again, and I hope it will receive the attention its merits deserve. We have just in this Congress attempted to legislate for the preservation of Niagara Falls. The shores of those falls long since passed into private ownership, until it takes a heroic remedy now to protect this most wonderful piece of American scenery, justly classed as one of the wonders of the world. The petrified forest of Arizona is most of it in public ownership. The geological history of that great curiosity is one of intense interest. Millions of years ago that region was covered by the ocean. There was an arm of the sea, perhaps, in that vicinity. Floating upon that ocean were large numbers of trees, coniferous trees, of a prehistoric type, none of which to-day are found alive in America. They floated down pre-Adamite rivers, floated upon ancient arms of the sea, until the roots and limbs were worn off, and they became waterlogged and sank to the bottom of the sea, where they were gradually covered up by a deposit of sandstone and then were turned into hard agate of all the colors of the rainbow. Thousands of acres of these trees were thus buried under from 40 to 60 or 80 feet of sandstone. Subsequently the land rose from the bottom of the sea to from 7,200 to 7,300 feet above the ocean. The weather then began to wear away the sandstone. A stream carved its way through this standstone, uncovering a large portion of this old forest, and there they lie prone upon the old sea bottom, thousands of acres of these trees, some of them 150 feet long, many of the logs 5 feet in diameter, out upon the desert in Arizona, and men come from all parts of the world to see this most remarkable of all the natural wonders of the continent. Visitors have been using dynamite and inserting it in the logs in order to get crystals from within. The Department of the Interior and the Commissioner of the Land Office have repeatedly requested the passage of an act of this character that would enable the Government to take care of this great curiosity and place it alongside the wind cave, the crater lake, the geysers of the Yellowstone, and natural curiosities and wonders of that class, that are not merely national in their character, but are world wide in their interest. This bill has passed the House, as I have said, three times, each time unanimously, and I only take this much of the time of the House in order to place before it and before the country the necessity of the preservation of these remarkable remains while they are still within the control of the United States Government. This land should be set apart for our children and our children's children forever.

Mr. TAWNEY. Will the gentleman yield?

Mr. LACEY. Certainly.

Mr. TAWNEY. What is the purpose of this bill? Is it to convert this petrified forest into a national park?

Mr. LACEY. Not to convert it into a national park, but to include it in a national park that will preserve it forever.

Mr. GAINES of Tennessee. What is it good for? Will it not preserve itself?

Mr. LACEY. I am glad my friend from Tennessee [Mr. GAINES] asked that question. Not very many years ago some ingenious man found that it was practicable to use mummies for paint, and they were collected and ground up, and Egyptian ancestors were converted into paint for the use of the artists and the workmen of to-day. Some years ago some one made the discovery that these trees could be ground up into emery powder, and they built a mill out there and proposed to convert these wonders of the Arizona desert into emery. The mill still stands, but fortunately for our reputation it was discovered that there was a stone in Canada much nearer to the market that could be ground up into emery, and that did not have to be transported such a great distance to market, and would come in competition with this emery. Consequently it proved not to be a successful commercial venture, and these curiosities have thus been preserved by the mere accident of the failure of a commercial venture. The attempt has been made to turn Niagara Falls into money in the form of power, and these trees, unless protected, will disappear, at least will be destroyed in their present form, and become mere broken chips and blocks scattered over the desert.

Mr. GAINES of Tennessee. How do you propose to do it, and how much is it going to cost?

Mr. TAWNEY. Will the gentleman permit another question?

Mr. LACEY. Certainly.

Mr. TAWNEY. Has the gentleman from Iowa ever visited this forest?

Mr. LACEY. I have.

Mr. TAWNEY. What is the area of it?

Mr. LACEY. The area proposed here is about 25,000 acres.

Mr. TAWNEY. Now, it consists principally of sand and a few trees that are lying there and all broken up into small pieces.

Mr. LACEY. Has the gentleman visited it?

Mr. TAWNEY. Yes; I was there last summer.

Mr. LACEY. The gentleman only visited a small portion of it, if he says it consists of trees broken up. There are three parts to this forest.

Mr. TAWNEY. I was in three parts. They told me that was all there was of it. I do not know.

Mr. LACEY. There was one of the parts where the old sea bottom had been eroded below the original bed on which the trees rested. Where this occurred they have broken into blocks. They look like the cuts for staves or shingles; and in the other parts the erosion is not so deep, and the trees lie in their original form upon the bottom.

Mr. GAINES of Tennessee. Will the gentleman state how he proposes to preserve these, and how much money he wants?

Mr. LACEY. We do not want any money. We want to set this apart simply as a permanent reserve. It is useless for agriculture.

Mr. GAINES of Tennessee. Want to put a fence around it?

Mr. LACEY. No; it needs no fence around it. It simply needs the protection of the law.

Mr. GAINES of Tennessee. Do you want an officer to take charge of it?

Mr. LACEY. There ought to be a custodian in charge of it.

Mr. TAWNEY. As a matter of fact, the Interior Department does now prevent the carrying off or removal of any part of these petrified trees.

Mr. LACEY. They are trying to do it now as far as practicable.

Mr. TAWNEY. The land is all owned by the Government?

Mr. LACEY. No; there are some lands that may be exchanged by the consent of the Secretary. Some portion, or the bulk, of this land is owned by the Government.

Mr. TAWNEY. Some of these petrified trees project out of the bank away up 50 feet from the surface. Is it proposed to preserve those?

Mr. LACEY. In some places the sandstone has been eroded from a part of the tree, and you will see old logs protruding from the sandstone bank and projecting, not thoroughly exposed. There is one of these that is known as the "Natural Bridge."

Mr. GAINES of Tennessee. Now, if you can get some good man from Tennessee as an officer to take care of that, or from Iowa——

Mr. LACEY. No, sir; I fear we could not do that, because Tennesseans are not adapted to the care of fossils.

Mr. GAINES of Tennessee. I take that as a compliment.

Mr. LACEY. It is so intended.

Mr. DALZELL. I would like to ask the gentleman to yield to me for a privileged report.

Mr. LACEY. We will dispose of this bill in a moment. I call for a vote on the bill.

I will insert in my remarks the report upon the bill, which will describe the proposed park more fully:

[House Report No. 4638, Fifty-ninth Congress, first session.]

The Committee on the Public Lands, to whom was referred the bill (H. R. 8966) to set apart certain lands in the Territory of Arizona as a public park, to be known as the Petrified Forest National Park of Arizona, beg leave to submit the following report and recommend that said bill do pass with amendments, viz:

Strike out the words "townships 16 and 17 north, ranges 23 and 24 east," in lines 8 and 9, on page 1, and insert in lieu thereof the following:

"Sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, in township 17 north, range 2 east; also sections 4, 5, 6, 7, 8, and 9, in township 16 north, range 24 east; also sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 15, 16, 17, and 18, in township 16 north, range 23 east, and sections 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 36, in township 17 north, range 23 east."

One of the most remarkable of the natural curiosities of the American Continent is known as the Petrified Forest, or Chalcedony Forest, of Arizona. This region has not been extensively visited by the American public. When properly cared for and supplied with suitable accommodations for visitors, it will take its place with the Yellowstone, Yosemite, and Mount Ranier national parks. It is not far distant from the Grand Canyon of the Colorado, which is one of the wonders of the world.

We will quote from the report of Prof. Lester F. Ward, paleontologist of the United States Geological Survey. Mr. Ward's report will soon be published, and we only make such quotations from it as will explain the importance and necessity of the proposed park. The Territorial legislature of Arizona in 1895 recommended the establishment of this proposed park. This request led to Mr. Ward's examination, which he made last year.

In a letter written by Mr. Richard Rathbun, Acting Secretary of the Smithsonian Institution, to the Commissioner of the Land Office, in which the suggestion is made that Mr. Ward be directed to make the examination, occurs the following:

"The region near Holbrook, Apache County, Ariz., known as the 'Petrified Forest,' 'Chalcedony Park,' and 'Lithodendron (stone trees) Valley,' is of great interest, because of the abundance of its beautiful petrified conifer trees, as well as its scenic features. The trees lie scattered about in great profusion, but none stand erect in their original place of growth, as do many in the Yellowstone National Park. The National Museum possesses three splendid trunks collected there by Lieutenant Hegewald at the request of General Sherman."

The best popular account of this region is given by Mr. George F. Kuntz, and is as follows:

"Among the great American wonders is the silicified forest, known as 'Chalcedony Park,' situated about 8 miles south of Corrizo, a station on the Atlantic and Pacific Railroad, in Apache County, Ariz. * * * The locality was noticed in 1853 by the Pacific Railroad exploring survey. * * * There is every evidence to show that the trees grew beside some inland sea. After falling they became water-logged, and during the decomposition the cell structure of the wood was entirely replaced by silica from sandstone in the walls surrounding the great inland sea.

"Over the entire area trees lie scattered in all conceivable positions and in fragments of all sizes, the broken sections sometimes resembling a pile of cart wheels. * * * A phenomenon perhaps unparalleled, and the most remarkable feature of the park, is a natural bridge formed by a tree of agatized wood spanning a canyon 45 feet in width. In addition to the span, fully 50 feet of the tree lies on one side, making it visible for a length of over 100 feet."

Mr. Ward in his report, among other things, says:

"SCENIC FEATURES.

"With regard to the first of these, viz, the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Möllhausen, Marcou, Newberry, and other explorers fall far short of what might truly be said from this point of view. These petrified forests may properly be classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people.

"Some of the most important considerations that can be urged in favor of the importance of this region, compared with other petrified forests, rests upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of the Tertiary age, while the Arizona forests belong far back in the Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest.

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction to the general public. The state of mineralization in which much of this wood exists almost places them among the gems and precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery.

"LOCATION OF THE PETRIFIED FORESTS.

"It should be understood that petrified or silicified wood occurs in great quantities throughout the Triassic terrane of Arizona, New Mexico, and Utah, and there are hundreds of places where the logs are massed together or even piled one upon another; but the particular region known as the Petrified Forest of Arizona lies in the area between the Little Colorado and the Rio Puerco, 15 miles east of the junction, 17 miles east of Holbrook, and 6 miles south of Adamana station, on the Santa Fe Pacific Railroad, which measurements terminate on the outer edge of the area, on the west and north sides. It is about 8 miles square, and falls chiefly within township 17 north, range 24 east, but extends a short distance on the south into township 16 north, and on the west into range 23 east.

"The region consists of the ruins of a former plain having an altitude above sea level of 5,700 to 5,750 feet. This plain has undergone extensive erosion to the maximum depth of 700 feet, and is cut into innumerable ridges, buttes, and small mesas, with valleys, gorges, and gulches between. The strata consist of alternating beds of clay, sandstone shales, and massive sandstones. The clays are purple, white, and blue, the purple predominating, and the white and blue forming bands of different thickness between the others, giving the cliffs a lively and pleasing effect. The sandstones are chiefly of a reddish-brown color and closely resembles the brownstones of the Portland and Newark quarries on the Potomac River and at Manassas, in Virginia, but some are light brown, gray, or whitish in color. The mesas are formed by the resistance of the massive sandstone layers, of which there are several at different horizons, to erosive agencies, and vary in size from mere capstones to small buttes or tables several miles in extent, stretching to the east and to the northwest.

"The drainage of the area is to the south, and in the middle of it, having a nearly due southern course, but winding much among the buttes, is the famous Lithodendron Creek, so named by Lieutenant Whipple in 1853. It is dry most of the year, but has a gravelly bed, often 20 feet in width, and by digging holes in this gravel to a depth of 4 or 5 feet water will accumulate and stand in these holes.

"The valley of this creek is narrow in the northern and central parts of the area, and there are several short branches or affluents, but at the southern end it broadens out and its rugged, spurred, and canyoned slopes are highly picturesque. Here is located its principal petrified forest, and this is the region that has been characterized by some as Chalcedony Park. The petrified logs are countless at all horizons, and lie in the greatest profusion on the knolls, buttes, and spurs, and in the ravines and gulches, while the ground seems to be everywhere studded with gems consisting of the broken fragments of all shapes and sizes and

exhibiting all the colors of the rainbow. When we remember that this special area is several miles in extent, some idea can be formed of the enormous quantity of this material that it contains.

"THE NATURAL BRIDGE.

"Besides the fact that this bed lies wholly within the petrified-forest area, there is another important circumstance which serves to give it special prominence. One of the most celebrated objects in the whole region is the well-known Natural Bridge, mentioned by so many travelers and referred to in the documents quoted at the beginning of this report, consisting of a great petrified trunk lying across a canyon and forming a natural footbridge on which men may easily cross. This occurred on the northeast side of the above-mentioned mesa, near its rim, and the bed in which it lies is the coarse sandstone which holds all the petrified wood. The Natural Bridge therefore possesses the added interest of being in place, which can be said of but very few of the other petrified logs of the region.

"It was observed in the southwestern exposure and at other points that all the petrified logs and blocks lying in the sandstone or only recently washed out of it are surrounded by a coating of the sandstone firmly cemented to the exterior. The absence of this coating from most of those in the principal forest is due to their long exposure to the climatic influences, which ultimately disintegrate and detach the sand rock adhering to them and strip them clean to the body of the trunks themselves. That this process requires ages of time is proved by the fact that the Natural Bridge is still coated over a large part of its surface by the remains of the cemented sand rock, in which it was once completely embedded. This is true chiefly of the lower portion, and farther up the trunk it has nearly all disappeared. The trunk is in an excellent state of preservation and is complete to its base, where it is abruptly enlarged, showing the manner in which the roots were attached. This portion still lies partially buried in the sandstone, which is the same in character as that which still adheres to the lower 20 feet.

"The canyon or gulch has a due north direction and is very precipitous, beginning only 200 yards above the bridge and rapidly broadening in its descent. At the point where the bridge crosses it it is about 30 feet wide, but the trunk lies diagonally across and measures 44 feet between the points where it rests upon the sides of the canyon. The angle is nearly 45°, and the tree lies with its roots to the southeast and its top to the northwest. The canyon is here about 20 feet deep, and from its bottom and sides several small trees are growing, some of which rise considerably above the bridge. The trees are mostly cedars, but there is one cottonwood (*Populus angustifolia*). The root is quite near the brink of the canyon, but rests on a solid ledge for a distance of 4 feet, so that there is no probability that, in this dry region, it will be endangered by further erosion. The total length exposed is 111 feet, so that more than 60 feet of the upper part lie on the left bank of the canyon. At about the middle of the canyon and above where the coating of sandstone still adheres it measures 10 feet in circumference, giving a diameter of over 3 feet. At the base it is now 4 feet in diameter, but the thickness of the incrustation is not accurately known. At the extreme summit the diameter is reduced to 18 inches. As in the case of practically all the petrified logs of the region, there are no indications of limbs or branches at the top. The significance of this fact will be noted later.

"A general characteristic of the petrified trunks, not only of this region and of the general Triassic terrane of Arizona and New Mexico, but of all petrified forests, is their tendency to break across in sections or blocks of greater or less length. All travelers have remarked this, and the sketches made by Möllhausen and in the Pacific Railroad reports show them thus divided. Some observers have noted the fact that the Natural Bridge has several of these transverse cracks, and all the good photographic views of it show them. I counted four, but most of them seem to be as yet only partial, and do not probably extend entirely through the trunk. There is one, however, near the left bank that has the appearance of doing so, and the trunk is probably only kept from parting at this point by the mechanical adjustment which causes the adjacent faces to perform the office of a keystone to an arch. Any considerable shrinkage, due to climatic or other causes, would overcome this influence and the entire bridge would crash to the bottom of the canyon or roll down the escarpment in a number of huge segments.

"An examination of the relation of the Natural Bridge to the gulch which it spans shows clearly that the entire trunk was primarily embedded in the sandstone bed covering this entire region, and that with the progress of erosion which ultimately carried the entire plain to the north, as well as in other directions, leaving this small mesa, it was at last exposed and lay for a great period near the rim of the escarpment. At first it was only partially buried and later came to lie on the surface of the ground. As the land rises somewhat to the south of it, rills were formed above, and in times of heavy rain or floods it obstructed the flow of the water, forming a sort of a dam. The water lying against it long after it had ceased to overflow, it tended to disintegrate the rock upon which it lay until eventually it found its way through beneath at some point. The smallest opening of this nature would soon become a free passage for the water, and a simple continuation of the process of erosion would ultimately result in the formation of the entire gorge as it exists to-day."

We also include the following from Doctor Newberry's statement:

"I have examined these specimens with some care to determine, if possible, whether they had grown on the spot, as those of Lithodendron Creek are supposed to have done by the members of Captain Whipple's party, or whether they had been transported to their positions. In all that came under my observation I failed to notice any evidence of their having grown in the vicinity. All the trunks are stripped of their branches and exhibit precisely the appearance of those transported to some distance by the agency of water. In confirmation of this view I should say I found in the marls, with the entire trunks, rounded and water-worn fragments of wood, in some instances silicified and in others converted into lignite.

"I gathered the same impression from all the specimens of silicified wood which I observed in this formation in western New Mexico, viz, that all had been transported, but not far removed from their place of growth."

Continuing his report, Professor Ward says:

"The indications therefore all point to some degree of transportation of this material by water antecedent to petrifaction, and the great amount of it at this particular place argues for the existence of such a condition as would arrest the process and cause the floating logs to accumulate in masses, as often happens in great eddies or deltas of rivers. The character of the bed in which they occur also supports this view. The coarse sand and gravel, highly favorable to the process of silicification, denotes the proximity of the land and the cross-bedding bears witness to the existence of rapid and changing currents. As this stratum occupies the highest elevations in this region, the nature of the overlying beds is not revealed, and the question as to whether the period was followed by one of general subsidence can only be settled by a study of the higher plains lying some distance to the east and north, but it is probable that the bed sank and that the finer deposits ultimately buried it at the bottom of the Mesozoic seas there to remain until the Tertiary epeirogenic movement raised the entire country from 5,000 to 6,000 feet above sea level."

No one denies that visitors to this region usually carry away with them as much as their means of transportation will permit, but this consists usually, of course, of the smaller objects that lie in such profusion on the ground. At the first view it might seem that the immense quantity of such objects makes it impossible that any appreciable impression can ever be made upon the whole mass in this way. This is the same kind of reasoning, or rather unreasoning, that has led to the practical extinction of the buffalo and which threatens to exhaust the sources of natural gas. But the class of persons known as "relic hunters" is very large, and the number who will in the future visit the petrified forest is destined greatly to increase. They usually carry with them some concealed tools or instruments, and with these they are perpetually breaking off pieces of objects which they wish to carry away as souvenirs. This way the finest trunks are being hacked to pieces and disfigured. For example, there are several places on the Natural Bridge where this process has been going on until quite large holes or unsightly cavities have been dug in the upper side of the trunk. The small pieces, chips, and blocks that lie in such profusion on the ground vary greatly in form and coloration, and it is of course always the most symmetrical and brilliant that are first picked up, and these will eventually be so culled out that only the plain, unattractive pieces will be left.

Leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and many of them think that this can be best done by making it a national reserve and appointing proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate for this purpose for some time to come.

As nearly all visitors must approach the forests by the way of the Santa Fe Pacific Railroad, it is clearly to the interest of the road that they be made as attractive as possible, and there is no doubt that the officers of the road will gladly cooperate with the Government in this matter. A few years ago the nearest railroad station was Corrizo, which is some 6 miles west of north of the upper forest. The inconvenience of this was apparent to the railroad authorities, and they have recently established a station due north of the forests, only 7 miles from the nearest margin and about 8 miles from the Natural Bridge. This station is Adamana, the name being modified from the name of the only person living there, Mr. Adam Hanna, upon whom now falls the duty of conducting parties to the petrified forests. Mr. Hanna derives considerable revenue from this source, especially as it is usually necessary for parties to stay overnight, and he takes care of them. But this house is not convenient to the station and is not adapted for a hotel, and as the number of visitors increases it will be necessary to provide more ample accommodations. There will need to be a hotel with civilized conveniences, and it will eventually be to the interest of the railroad company to provide such, as also suitable conveyances and guides.

This tract of land is unsuitable for cultivation, and has no value outside of its scenic beauty and fossil curiosities. The people of Arizona desire that it should thus be set apart. The wanton destruction by the use of powder and dynamite will continue until the region is protected by law. Reckless men destroy these great curiosities with explosives in search for beautiful crystals from the interior of the trunks of the trees. It would seem that all that would be necessary would be to call the attention of the American Congress to this remarkable region in order to secure its preservation to our posterity.

DEPARTMENT OF THE INTERIOR,
Washington, March 13, 1900.

SIR: I have the honor to hand you herewith copy of a letter from the Commissioner of the General Land Office, dated the 6th instant, inclosing a bill entitled "A bill to set apart certain land in the Territory of Arizona as a public park, to be known as 'The Petrified Forest National Park.'"

The reasons for said proposed legislation are clearly set forth in the Commissioner's letter and the accompanying correspondence herewith submitted, and I heartily concur in the Commissioner's recommendation that the bill herewith submitted be enacted into law.

Very respectfully,

E. A. HITCHCOCK,
Secretary.

The CHAIRMAN OF COMMITTEE ON THE PUBLIC LANDS,
House of Representatives.

DEPARTMENT OF THE INTERIOR, GENERAL LAND OFFICE,
Washington, D. C., March 6, 1900.

SIR: On February 11, 1895, the secretary of Arizona forwarded to this Office a certified copy of House Memorial No. 4 of the eighteenth legislative assembly of Arizona, praying that certain lands in Apache County, Ariz., in the vicinity of Holbrook, known as the "Petrified Forest," be withdrawn from entry, with a view to creating a reservation or national park, for the purpose of preserving the natural wonders and curiosities of that region.

In connection therewith your attention is invited to departmental orders of December 15, 1896, and December 15, 1899, authorizing the temporary withdrawal from settlement, sale, or other disposal of townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridian, Arizona, reported to contain valuable deposits of this petrified wood.

I now have the honor to transmit herewith a report upon this subject from the United States Geological Survey, dated May 31, 1898, and also reports made by former Forest Superintendent J. D. Benedict and by Special Agent S. J. Holsinger, under dates, respectively, of December 2, 1898, and November 18, 1899, submitting the results of personal examinations made by them of the locality in question.

These reports show that this petrified forest—the greatest natural wonder of its kind in America—has lain buried for unknown ages under a mantle of sandstone from 15 to 20 feet in thickness, which in places has been worn away by the erosion of the elements; and that the principal breaks in the covering occur in townships 16 and 17 north, ranges 23, 24, and 25 east. (See the diagram accompanying Agent Holsinger's report.)

As presenting more fully the scenic and scientific features of this locality, I desire to invite attention to a report made upon the subject by the paleontologist of the United States Geological Survey, Prof. Lester F. Ward, which was transmitted to the Department by said Bureau December 14, 1899, and is at present retained by the Department. This report submits a copy of the above-mentioned memorial of the legislature of Arizona, and also copy of a report made by the Smithsonian Institution in regard to this petrified forest, July 7, 1899.

In connection with these papers I inclose herewith a letter from the Smithsonian Institution, dated December 15, 1899, transmitting one from Professor Ward respecting the extent of area which should be covered by his report.

The report by Professor Ward states, in regard to this region, as follows:

"With regard to * * * the scenic aspect, I can safely say that it has never been exaggerated by any who have attempted to describe this region. The pictures given in the letter of the Assistant Secretary of the Smithsonian Institution, above quoted, are not overdrawn, and the more or less glowing descriptions of Moilhausen, Marcou, Newberry, and other early explorers fall far short of what might be truly said from this point of view. These petrified forests may be properly classed among the natural wonders of America, and every reasonable effort should be made not only to preserve them from destructive influences, but also to make their existence and true character known to the people.

"Some of the most important considerations that may be urged in favor of the importance of this region, compared with other petrified forests, rest upon its geological relations. In the first place, it is much more ancient than the petrified forests of the Yellowstone National Park, of certain parts of Wyoming, and of the California Calistoga deposits. These latter are of Tertiary age, while the Arizona forests belong far back in Mesozoic time, probably to the Triassic formation. The difference in their antiquity is therefore many millions of years. Scattered blocks of silicified wood do indeed occur in the Trias at other points, but this is the only region in which they are in such abundance as to deserve the name of a petrified forest.

"In the second place, there is no other petrified forest in which the wood assumes so many varied and interesting forms and colors, and it is these that present the chief attraction for the general public. The state of mineralization in which much of this wood exists almost places them among the gems or precious stones. Not only are chalcedony, opals, and agates found among them, but many approach the condition of jasper and onyx. The degree of hardness attained by them is such that they are said to make an excellent quality of emery.

"Perhaps the most prominent of all the scenic features of the region is the well-known Natural Bridge, consisting of a great petrified trunk lying across a canyon and forming a footbridge over which anyone may easily pass. * * *

"It will be obvious from the above that the petrified forests of Arizona constitute an object of interest to all people of culture from both the esthetic and the scientific points of view, and that the immediate region here considered embraces the most striking features that they anywhere present. As stated in the memorial of the Territorial legislature to Congress, and as confirmed by my inquiries and admitted by all, these natural wonders are attracting thousands of visitors annually, most of whom are drawn there by mere curiosity. This characteristic of human nature, however aimless it may sometimes seem, and however destructive it may often be, forms, under a broader culture, the true foundation of all discovery and progress. It needs encouragement and direction rather than suppression, and the policy should be to increase the attractions and to facilitate access to this as well as other extraordinary natural objects; but at the same time the destructive effects, especially such as tend to reduce the interest, mar the beauty, or lessen the instructiveness of the facts, should be prevented by every proper means. * * *

"From all this it will be seen that leading citizens and prominent public men in Arizona are sincerely desirous of preserving this interesting spot from vandalism and wanton destruction, and that many of them think that this can best be done by making it a national reserve and appointing the proper guardians to take charge of it. As they show, the expense of this need not be large. A single mounted ranger, such as now patrol the forest reserves of the Colorado Plateau, would probably be adequate to this purpose for some time to come. * * *"

It appears from the several reports submitted that this region is not only subject to acts of vandalism by tourists, but that the commercial value of the mineralized formation when polished and converted to ornamental uses, or when crushed for abrasive purposes, furnishes a sufficient inducement to invite serious spoliation of some of the most interesting features of the locality, the practice of blowing open the trunks of the trees with giant powder being one of the means resorted to in securing some of the finest crystals.

The reports all agree that efficient protection by the Government is demanded to preserve the objects of interest in this region.

The locality is reported to be a sandy desert, practically worthless for agricultural purposes beyond producing a sparse growth of bunch grass; and the records of this office show that, with the exception of an unperfected homestead entry and three mineral applications, the even-numbered sections in the six above-named townships are vacant, unoccupied public land. The odd-numbered sections have been selected by the Atlantic and Pacific Railroad Company under the grant to that road of July 27, 1866 (14 Stat., 222), which selections have not, however, been approved.

In connection with these selections a question arises whether the mineralized or fossilized deposits in this locality are of such a nature and in sufficient quantities to render the lands subject to entry under the mining laws, and, as such, class them as "mineral lands" within the meaning of that term as used in the exception from the above-mentioned grant to the railroad company.

In regard to this mineralized wood, there has been no ruling, as yet, upon the character of the substance by name. It appears, however, probable, under the decisions in 25 L. D., 233, and 27 L. D., 95, that lands containing this substance to any considerable extent would be entrable under the mineral-land laws.

In 25 L. D., 233, it is held: "That lands containing valuable mineral deposits, whether of the metalliferous or fossiliferous class, of such quantity and quality as to render them subject to entry under the mining laws—that is, where they are more valuable on account of such mineral deposits than for agricultural purposes—are 'mineral lands' within the meaning of that term as used in the exception from the grants to the railroad company and to the State."

The question, however, whether lands in these townships are subject to selection by the railroad, as well as whether the "school" sections therein (sections 16 and 36) will pass to the State whenever the Territory of Arizona is admitted to the Union, is a matter for future determination, and, in the case of each separate section, will depend not only upon the nature of the substance, but also upon the quantity of same found in that particular section, requiring that the merits of the case shall be individually considered in respect to each section.

In the case of the railroad selections the matter is one for determination whenever the selections come up for approval.

It does not appear, therefore, that the question of the Government's title to the odd-numbered sections in these townships and to sections 16 and 36 therein calls for consideration at this time in connection with setting these townships apart as a public park.

In view of the above-shown reasons for taking measures to properly protect the region containing this petrified forest, I have prepared and submit herewith the draft of a proposed bill setting apart as a national park the above-described six townships, containing the largest exposed deposits of this petrified wood, viz: Townships 16 and 17 north, ranges 23, 24, and 25 east, Gila and Salt River meridian; and I earnestly recommend that the bill become a law.

Very respectfully,

BINGER HERMANN,
Commissioner.

The SECRETARY OF THE INTERIOR.

Bills in substantially the same form passed the House of Representatives in the Fifty-sixth, Fifty-seventh, and Fifty-eighth Congresses.

The SPEAKER pro tempore (Mr. BOUTELL). The question is on agreeing to the committee amendment.

The question was taken; and the committee amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. LACEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONFERENCE REPORTS.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules.

The Clerk read as follows:

The Committee on Rules, having had under consideration House resolution 623, submits the following report:

Resolved, That for the remainder of this session section 2 of Rule XXIX be, and is hereby, suspended.

Mr. DALZELL. Now, Mr. Speaker, I call the attention of the House to the language of section 2 of Rule XXIX. Section 2 of Rule XXIX reads thus:

It shall not be in order to consider the report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of a session.

Now, the resolution which I have sent to the Clerk's desk proposes to suspend the operation of the second section of that rule for the balance of this session. If we knew by resolution, as we know otherwise, that we are in the last six days of the session, there would be no necessity for this resolution.

Mr. GAINES of Tennessee. Will the gentleman yield to me?

Mr. DALZELL. Certainly.

Mr. GAINES of Tennessee. How long has that been the rule of the House?

Mr. DALZELL. I think it was adopted in the Fifty-seventh Congress.

Mr. GAINES of Tennessee. It is a very useful rule.

Mr. DALZELL. It is a very useful rule, of course; and the suspension of it for the last six days of the session is also useful; and in the interest of the expedition of public business we ought not now to be compelled to print a conference report to get it considered by the House.

Mr. GAINES of Tennessee. Does not the gentleman think that we ought to know what is in the conference report, particularly one of so much importance?

Mr. DALZELL. I am not talking about any conference report; I am talking about all conference reports.

Mr. GAINES of Tennessee. We are going to take up the railroad-rate matter.

Mr. DALZELL. I hope we will. Now, does the gentleman from Mississippi want any time? If so, how much?

Mr. WILLIAMS. Not over twenty minutes. I myself do not want over five minutes.

Mr. DALZELL. I hope the gentleman will not ask for twenty minutes. There is nothing to talk about for twenty minutes. If the gentleman wants five minutes I will yield it to him.

Mr. WILLIAMS. The gentleman must remember that if he had pursued the usual course and called for the previous question I would have twenty minutes.

Mr. DALZELL. I know; it is not necessary, and I am not doing it. How much time does the gentleman want himself?

Mr. WILLIAMS. I have just told you. I would like to have the gentleman put at my disposal twenty minutes. I do not want more than five minutes myself, and I do not know whether anybody else will want any.

Mr. DALZELL. I yield to the gentleman for ten minutes.

Mr. WILLIAMS. Make it twenty; I may not use it. Give me the time I would be entitled to.

Mr. DALZELL. I think ten minutes is long enough to spend on this. If the gentleman wants more than ten minutes after he has used that much I will consider his proposition.

Mr. WILLIAMS. Mr. Speaker, the generosity of the gentleman from Pennsylvania is so well known that I need not thank him for this particular display of it.

Mr. Speaker, the gentleman has correctly stated what the rule is. He has also correctly stated that if there had been a resolution adopted fixing a day for adjournment then, under the rules, there would be no necessity——

The SPEAKER pro tempore. Will the gentleman from Mississippi suspend to receive a message from the Senate?

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18567) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, had further insisted upon its amendments disagreed to by the House of Representatives, had asked a further conference with the House of Representatives, and had appointed Mr. PROCTOR, Mr. HANSBROUGH, and Mr. SIMMONS as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 5763) defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to furnish the House of Representatives with a duplicate engrossed copy of the bill (S. 6167) to improve the channels along the New Jersey seacoast, in compliance with its request.

CONFERENCE REPORTS.

Mr. WILLIAMS. Mr. Speaker, as I was saying, the gentleman is also correct in stating that if the resolution had been adopted, fixing the time of adjournment, and if that time were within less than six days, this special rule would be unnecessary. The fact, however, remains that no such resolution has been adopted, and that nobody knows with any degree of certainty that we are within six days of the end of the session, although all of us suppose that we are.

Now, Mr. Speaker, I do not know that anybody on this side of the Chamber would have any objection to the adoption of this conference report if they knew what it was. It may be said that they can hear what it is when it is read from the desk. As a matter of practical fact you know that that is not the case. The disorder is so great when a matter of this sort is up that there are not over two-thirds of the Members of the House, and frequently not over one-half, who can possibly hear. This is a most important matter, the most important matter which has been considered at this session. Every sentence and every word and every syllable of this law ought to be weighed. There has been no opportunity whatsoever given to consider any item brought out of conference separately thus far, although we were abundantly assured that that opportunity would be given at some time. One rule has come to prevent it, then another rule, and then there came a conference report that had to be voted up or down, none of the items of which could be considered separately; and now there comes another conference report that has to be voted up or down without separate vote. It is but a poor boon to ask for the House to permit the conference report to be published, so that each Member of the House may read it and know what he is doing, and do it coolly, to-morrow morning, after a night's sleep and reflection, for he may see it in the evening paper and read it and sleep over it to-night.

I would have no objection to the adoption of the rule that is now brought in, if it did not apply to this particular bill. I believe we are, as a matter of fact, within six days of the close of the session; and believing that, I have no sort of opposition to obeying the spirit of the rule, although it is not the letter of the rule, in providing that, after this conference report, it shall not be necessary to print these reports for twenty-four hours.

Now, I understand—and I want this side of the House, especially, to lend me their attention—that the conference report brought in is precisely the conference report that was brought in before, with the exception of the free-pass item, as it is called. I have not had the opportunity to read the conference report in full, and have in my hand only a part of it; but I understand that on the free-pass question this particular conference report brings in the original Senate amendment to the House bill, with one subtraction and one addition. I understand the subtraction is, that whereas the original Senate amendment to the House bill provided that all soldiers of both armies, Union and Confederate, could have free passes granted them, this conference report strikes that out. Then I understand that what it adds to the original Senate amendment is—substantially expressed in my own words—as the opportunity of getting free passes for those engaged professionally in eleemosynary or charitable work. I have no objection in the world to adding that to it. I also understand, from reading this as well as I can, that what was in the original Senate amendment about secretaries of Young Men's Christian Associations is also stricken out. If it is not stricken out, I do not see it here.

Now, Mr. Speaker, I wish to read to the House, so that they may understand it, the pass amendment as it was handed to me as a part of this report. I ask your attention to this, gentlemen, so that you may know what you are voting upon. As for myself, I will say frankly, at the jump, that I have no objection to its passage.

Mr. RICHARDSON of Alabama. Will the gentleman from Mississippi allow me?

The SPEAKER. Does the gentleman from Mississippi yield?

Mr. WILLIAMS. I have only ten minutes.

Mr. RICHARDSON of Alabama. I only wish to correct a misapprehension. The provision in reference to Young Men's Christian Associations applies to railroad Young Men's Christian Associations.

Mr. WILLIAMS. I understand, then, that it simply applies to those who are railroad employees and at the same time members of the Young Men's Christian Associations. I have no objection to that. Of course, the families of employees are included among those who may have passes, because they were in the original Senate amendment. Let me read it:

No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, and its attorneys at law; ministers of religion, inmates of hospitals and charitable and eleemosynary institutions, to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for disabled volunteer soldiers, and of Soldiers and Sailors' Homes, including those about to enter and those returning after discharge, and their boards of managers; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars and express cars; employees of and to linemen of telephone and telegraph companies; Railway Mail Service employees; post-office inspectors; newsboys on trains; baggage agents; witnesses attending any legal investigation in which the carrier is interested; persons injured in wrecks, and the physicians and nurses attending such person or persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and their immediate families, nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among States," approved February 19, 1903, and any amendment thereof.

One question I would ask the gentleman from Iowa, the chairman of the committee. The original Senate amendment had in it "or who solicits or accepts for himself or any other person." In the copy I had that is stricken out. Am I correct about that?

The SPEAKER. The time of the gentleman has expired.

Mr. DALZELL. I yield the gentleman five minutes more.

Mr. HEPBURN. I think the gentleman is correct.

Mr. WILLIAMS. Then that is another change from the original Senate amendment that I did not know of when I began my remarks. I think it ought not to have been made. I do

not think a Member of Congress or a Senator or anybody else ought to solicit passes for other people. They can get just as much under obligation to carriers by soliciting for others as they could for themselves. For another reason, Mr. Chairman, I hope this defect may possibly be remedied some day. If Members of Congress or Senators consult their own convenience only, they ought to want to be forbidden by law from soliciting passes. All sorts of people are coming to you all the time and begging you to go to the railroad and solicit favors. For myself, I have always refused to do it upon the ground that, refusing myself to accept any passes, I would not solicit for others what I refused for myself. But Members of Congress who have not pursued that policy tell me that this has been a source of infinite annoyance to them.

Mr. TOWNSEND. Will the gentleman yield?

Mr. WILLIAMS. Certainly.

Mr. TOWNSEND. I would like to ask the gentleman if this provision is carried, for whom could a Member solicit passes?

Mr. WILLIAMS. Mr. Speaker, I frankly believe that the question of the gentleman has thrust the vitals out of the objection. Upon reflection, he might solicit it, but if he got it it would be a crime for the railroad to give it, and so, I suppose, his solicitation would do no good. I thank the gentleman for the question.

Mr. Speaker, I do hope that this resolution will not be passed at this moment so as to include the conference report on this bill. It will be better for everybody if you will have the conference report published in the usual way, so that those who are suspicious—and I do not say I am one of them—can read it for themselves, and can feel satisfied in their own minds that they are doing nothing erroneous in a hurry—can have time to think and act with deliberation. I think it very possible that to-morrow morning, after it has been read, if it be published, there would not be many, if any, votes cast against the conference report; but to hurry it through now is, in my opinion, bad policy, a lack of tact, and a bad showing of justice in addition.

Mr. JAMES. Mr. Speaker, I will ask the gentleman from Mississippi what does the conference report provide relative to common carriers engaging in other business?

Mr. WILLIAMS. As I understand, just what the last conference report did—was to make the pipe lines common carriers, but it does not forbid them from carrying their own oil. It requires them to publish their rates like other common carriers, to expose those rates to the public view, not to change those rates except under the provision of law, to charge reasonable rates, and to charge equal rates to all, and it gives to the Interstate Commerce Commission the same power that it has for restricting and regulating other common carriers, and in case it finds a rate unreasonable to prescribe a reasonable rate in its stead. But the conference report does allow them to carry their own oil.

Mr. JAMES. But it denies, if I understand the position of the conferees——

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Speaker, the question which the gentleman from Kentucky is about to ask may be better answered by the gentleman from Iowa, the chairman of the committee, when we discuss the resolution itself.

Mr. DALZELL. Mr. Speaker, the gentleman from Mississippi discusses this resolution as though it had reference solely to the conference report on the rate bill. There are a great many other conference reports on other bills that are being held up because of this rule requiring them to be printed, and they are delaying the business of the House. The gentleman appeals to us on the ground that he wants to know what is in the rate bill conference report, and then he goes to work and shows that he knows a great deal more about what is in that report than a great many gentlemen on this side of the House. For years and years, Mr. Speaker, indeed until the Congress before last, conference reports were always considered in this House simply upon their presentation and being read from the Clerk's desk, without any publication in the RECORD at all. I have no doubt that so far as the conference report on the rate bill is concerned the House will have abundant opportunity when it is called up to have it explained to them and to understand all the provisions that are in it. Just as I said before, this is in the interest of the expedition of public business.

Mr. DE ARMOND. I would like to ask the gentleman whether he has any recollection of any other conference report in the history of this House or anywhere else that is parallel with that upon the rate bill?

Mr. DALZELL. Well, I do not know. I suppose it depends on the point of view.

Mr. DE ARMOND. Hasn't it this peculiarity and has it not always had this peculiarity of apparently being written so that nobody except those who wrote it could understand what it meant, and nobody, unless it be with that exception, would know what it was intended to be?

Mr. DALZELL. Possibly it is open to that criticism; I do not know.

Mr. DE ARMOND. Would it not be well, under those circumstances, to give the House a little opportunity by seeing it in print to know what it is and to try and divine for itself what it is intended to be?

Mr. DALZELL. Oh, I think the intelligence of the House is such as to grasp the report and what it means upon hearing the gentlemen who are on the committee.

Mr. SHERMAN. Mr. Speaker, I will ask the gentleman from Pennsylvania to yield to me for a moment. I desire to say that this report is identical, word for word, except amendments 4 and 5, with that presented here last Saturday, and which has been printed in the RECORD. That amendment No. 4 has been read by the gentleman from Mississippi. Amendment No. 5 is identical with the report presented last Saturday, save only that it strikes out the "common carrier" and inserts the word "railroad," and the present report strikes out "common carrier" and inserts the words "railroad company," adding the word "company." With that single exception, and with the substitute amendment in reference to passes, which the gentleman from Mississippi has just read, this report, word for word and syllable for syllable, has been in print in the RECORD for five days. [Applause on the Republican side.]

Mr. DE ARMOND. The trouble about this matter is that the "word for word, syllable for syllable" seem not to be employed as is usually the case to express a plain, distinct meaning, but to cover up and disguise a meaning. As the last report says, the changes are "phraseological." Perhaps it is necessary to employ an extraordinary word in order to get a descriptive term for an extraordinary proceeding. Any man in this House in five minutes can express clearly what he means with regard to either one or any one of these amendments if he desires to do so, and every other man in the House can know what he means by what he has said.

Mr. DALZELL. I suggest to the gentleman from Missouri that twenty-four hours will not correct the phraseology of this report.

Mr. DRISCOLL. I have been very much interested in the antipass provision in this rate bill. I was one of the four who voted against the report last Saturday because I could not vote for that provision as it was. Now, I want to ask the gentleman from Pennsylvania if he thinks the public business will suffer at all by letting this matter stand over until to-morrow morning, or if the rate bill, as to its chances of getting through, will suffer in any way by letting this matter stand until to-morrow until we get a chance to see it as it is now and study over it and prepare to vote on it?

Mr. DALZELL. The gentleman from Pennsylvania thinks that public business will be facilitated by going on now.

Mr. GAINES of Tennessee. Will the gentleman yield?

Mr. DALZELL. For a question.

Mr. GAINES of Tennessee. This rule covers the rate bill, the pure-food bill, and the meat bill?

Mr. DALZELL. It covers all conference reports that come up.

Mr. GAINES of Tennessee. Are not those new and important matters of legislation——

Mr. COOPER of Wisconsin. Mr. Speaker, I was not in when the gentleman presented the rule. I would like to ask if it be not true, as presented by the gentleman from Tennessee, that a rule has been brought in at this late day in the session that any conference report hereafter presented——

Mr. DALZELL. I will read the gentleman what the rule is.

Mr. COOPER of Wisconsin. I wanted to know what this does.

Mr. DALZELL. I will get the gentleman to understand it if he will have patience. Rule 29 reads thus:

> It shall not be in order to consider a report of a committee of conference until such report and the accompanying statement shall have been printed in the RECORD, except on either of the six days preceding the end of the session.

Now, the gentleman from Wisconsin believes, I suppose all the rest of us do, that we are within less than six days of the end of the session, and the resolution proposes to carry out the spirit of this rule by suspending section 2 for the remainder of the session, so that when conference reports come in they can be considered without being printed for twenty-four hours.

Mr. COOPER of Wisconsin. Will the gentleman permit me to say a word in reply to that?

Mr. DALZELL. Certainly.

Mr. COOPER of Wisconsin. The gentleman says this is an effort to carry out the spirit of the rule. In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule. The rule was passed to do away with abuses which were prevalent in Congresses preceding this and the one in which that rule was enacted. A rule was passed to prevent what has been done here, holding up day after day exceedingly important bills, vitally important bills, until everyone is anxious to get away, the hour of adjournment has practically been fixed, and then bring in a rule that those reports on those bills shall not be printed, and we go to work, worse than a lot of town supervisors ever do in the most ordinary case, worse than anybody anywhere pretending to have ordinary intelligence upon serious problems, to legislate without having read what we are legislating about, and to take it upon the ipse dixit practically of somebody who brings in a report that it contains this or that, that it made this provision in accordance with this section, and leaves out a few words under another section, but "phraseologically" it does not do anything important. We have to take everything for granted without the opportunity to read. The gentleman from Pennsylvania said when he first arose that a number of conference reports were being held up because we are tied down by this rule. Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or anybody else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports have been held up, or rather, this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up with the view to getting this rule. In any event, this rule ought not to be adopted. I am entitled to know, and any other man who legislates here is entitled to know, that he legislates intelligently, and you can not legislate intelligently upon a food bill and upon all of these other things without an opportunity to know and after having read all of the amendments.

Mr. DALZELL. Mr. Speaker, only one word. So far as the assertion of the gentleman from Wisconsin [Mr. COOPER] is concerned—that this is a deliberate attempt to continue an evil—it is untrue. [Applause.] If I thought as meanly of my colleagues in this House as the gentleman from Wisconsin does, I would retire from it. [Applause.]

I ask for the previous question.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 139, noes 75.

So the previous question was ordered.

The SPEAKER pro tempore. The question is on agreeing to the resolution.

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. WILLIAMS. Mr. Speaker, in order to save the time of the House, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 163, nays 87, answered "present" 13, not voting 116, as follows:

YEAS—163.

Acheson	Crumpacker	Hayes	McKinley, Ill.
Adams	Currier	Henry, Conn.	McKinney
Alexander	Curtis	Hepburn	McLachlan
Allen, N. J.	Cushman	Higgins	McMorran
Bannon	Dale	Hinshaw	Madden
Barchfeld	Dalzell	Hoar	Mahon
Bates	Darragh	Holliday	Mann
Beidler	Davidson	Howell, Utah	Martin
Bennet, N. Y.	Davis, Minn.	Hubbard	Michalek
Bennett, Ky.	Dawson	Huff	Miller
Bishop	Denby	Humphrey, Wash.	Minor
Bonynge	Dickson, Ill.	Jenkins	Mondell
Boutell	Dixon, Mont.	Jones, Wash.	Mouser
Bradley	Dresser	Kahn	Mudd
Brick	Dunwell	Keifer	Needham
Brooks, Colo.	Dwight	Kennedy, Ohio	Nevin
Brownlow	Ellis	Kinkaid	Norris
Burke, Pa.	Esch	Klepper	Olcott
Burke, S. Dak.	Fletcher	Lacey	Olmsted
Burton, Del.	Foss	Landis, Chas. B.	Otjen
Calder	Foster, Ind.	Landis, Frederick	Overstreet
Calderhead	French	Lawrence	Parker
Campbell, Kans.	Gaines, W. Va.	Le Fevre	Parsons
Campbell, Ohio	Gardner, Mass.	Lilley, Conn.	Payne
Capron	Gardner, N. J.	Lilley, Pa.	Perkins
Cassel	Gilbert, Ind.	Littauer	Pollard
Chapman	Graff	Loud	Reeder
Clark, Mo.	Greene	Loudenslager	Reynolds
Cocks	Grosvenor	McCall	Rives
Conner	Hale	McCleary, Minn.	Roberts
Cooper, Pa.	Hamilton	McCreary, Pa.	Samuel
Cousins	Haskins	McGavin	Schneebeli
Cromer	Haugen	McKinlay, Cal.	Scott
Sherman	Southard	Tawney	Wanger
Sibley	Southwick	Taylor, Ohio	Weeks
Smith, Cal.	Sperry	Thomas, Ohio	Weems
Smith, Iowa	Stafford	Townsend	Wiley, N. J.
Smith, Wm. Alden	Steenerson	Volstead	Wilson
Smith, Pa.	Sterling	Wachter	Wood
Smyser	Stevens, Minn.	Wadsworth	Young
Snapp	Sulloway	Waldo	

NAYS—87.

Adamson	Ellerbe	Jones, Va.	Robinson, Ark.
Bankhead	Finley	Keliher	Rucker
Bartlett	Floyd	Kitchin, Claude	Ruppert
Beall, Tex.	Garber	Kitchin, Wm. W.	Russell
Bell, Ga.	Garrett	Lamar	Ryan
Bowers	Gilbert, Ky.	Lamb	Sheppard
Bowie	Gill	Lee	Sims
Broussard	Gillespie	Lever	Smith, Md.
Brundidge	Goulden	Lindsay	Smith, Tex.
Burgess	Granger	Lloyd	Southall
Burleson	Gregg	McLain	Stanley
Burnett	Griggs	McNary	Sulzer
Burton, Ohio	Hardwick	Macon	Talbott
Byrd	Hay	Maynard	Taylor, Ala.
Candler	Heflin	Meyer	Trimble
Clark, Fla.	Henry, Tex.	Moon, Tenn.	Underwood
Clayton	Hill, Miss.	Moore	Wallace
Cockran	Houston	Padgett	Webb
Cooper, Wis.	Humphreys, Miss.	Patterson, N. C.	Wiley, Ala.
Davis, W. Va.	Hunt	Patterson, S. C.	Williams
De Armond	James	Pujo	Zenor
Dixon, Ind.	Johnson	Richardson, Ala.	

ANSWERED "PRESENT"—13.

Andrus	Gaines, Tenn.	Howard	Spight
Burleigh	Glass	Kline	
Butler, Pa.	Graham	Pou	
Fuller	Gudger	Sparkman	

NOT VOTING—116.

Aiken	Flood	Legare	Robertson, La.
Allen, Me.	Fordney	Lewis	Rodenberg
Ames	Foster, Vt.	Little	Scroggy
Babcock	Fowler	Littlefield	Shackleford
Bartholdt	Fulkerson	Livingston	Shartel
Bede	Gardner, Mich.	Longworth	Sherley
Bingham	Garner	Lorimer	Slayden
Birdsall	Gillett, Cal.	Lovering	Slemp
Blackburn	Gillett, Mass.	McCarthy	Small
Bowersock	Goebel	McDermott	Smith, Ill.
Brantley	Goldfogle	Marshall	Smith, Ky.
Broocks, Tex.	Gronna	Moon, Pa.	Smith, Samuel W.
Brown	Hearst	Morrell	Stephens, Tex.
Buckman	Hedge	Murdock	Sullivan, Mass.
Butler, Tenn.	Hermann	Murphy	Sullivan, N. Y.
Chaney	Hill, Conn.	Page	Thomas, N. C.
Cole	Hitt	Palmer	Tirrell
Coudrey	Hogg	Patterson, Tenn.	Towne
Davey, La.	Hopkins	Pearre	Tyndall
Dawes	Howell, N. J.	Powers	Van Duzer
Deemer	Hughes	Prince	Van Winkle
Dovener	Hull	Rainey	Vreeland
Draper	Kennedy, Nebr.	Randell, Tex.	Watkins
Driscoll	Ketcham	Ransdell, La.	Watson
Edwards	Knapp	Reid	Webber
Fassett	Knopf	Rhinock	Weisse
Field	Knowland	Rhodes	Welborn
Fitzgerald	Lafean	Richardson, Ky.	Wharton
Flack	Law	Rixey	Woodyard

So the resolution was agreed to.

The following additional pairs were announced:

Until further notice:

Mr. FOSTER of Vermont with Mr. POU.

Mr. GRAHAM with Mr. PAGE.

Mr. HEDGE with Mr. SPIGHT.

Mr. MOON of Pennsylvania with Mr. WEISSE.

For balance of the day:

Mr. RHODES with Mr. HOPKINS.

Mr. FOWLER with Mr. SHERLEY.

Mr. HOGG with Mr. FITZGERALD.

Mr. COUDREY with Mr. RANSDELL of Louisiana.

Mr. DRISCOLL with Mr. LIVINGSTON.

Mr. COLE with Mr. FLOOD.

Mr. AMES with Mr. WATKINS.

Mr. BARTHOLDT with Mr. DAVEY of Louisiana.

On this vote:

Mr. WATSON with Mr. SULLIVAN of Massachusetts.

Mr. BUTLER of Pennsylvania. Mr. Speaker, on this vote I have a pair with the gentleman from Texas [Mr. GARNER]. I have voted in favor of the rule. I desire to withdraw my vote and be marked "present."

The name of Mr. BUTLER of Pennsylvania was called, and he voted "present."

Mr. MOON of Pennsylvania. Mr. Speaker, I was absent in the committee room in connection with the business of the committee.

The SPEAKER pro tempore. Under the rule, the Chair can only recognize gentlemen who were present when their names were called, listening, and did not hear their names as they were called.

Mr. GAINES of Tennessee. Mr. Speaker, I am paired with the gentleman from Maine [Mr. POWERS]. If he has not voted,

then I desire to withdraw my vote in the negative and to be marked "present."

The name of Mr. GAINES of Tennessee was called, and he voted "present."

The result of the vote was then announced, as above recorded.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I present the conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from New York presents the conference report of the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the reading of the report may be omitted, and that the statement be read.

The SPEAKER. The gentleman asks unanimous consent that the reading of the report be omitted, and that the statement be read. Is there objection? [After a pause.] The Chair hears none.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 8, 10, 17, 18, 36, 38, 39, 54, 56, 58, 74, 78, 81, 90, 91, 92, 94, 95, 96, 97, 131, 137, and 141.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 11, 14, 15, 16, 19, 20, 21, 22, 23, 25, 26, 27, 28, 31, 32, 33, 34, 35, 37, 40, 41, 42, 43, 45, 46, 48, 49, 50, 51, 53, 55, 57, 60, 61, 62, 63, 64, 65, 66, 67, 70, 71, 72, 73, 75, 76, 77, 79, 80, 82, 88, 93, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 132, 133, 134, 136, 138, 139, 140, 142, 143, 144, 148, 149, 151, 154, and 155; and agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eighty-nine thousand seven hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 12: That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "twenty-three thousand four hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 13: That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and thirteen thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "one hundred and sixty-three thousand and sixty dollars;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "four hundred and ninety-five thousand two hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 52: That the House recede from its disagreement to the amendment of the Senate numbered 52, and agree to the same with an amendment as follows: On page 51, after the word "grades," in line 6, strike out the remainder of the amendment and insert "and for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into interstate or foreign commerce;" and the Senate agree to the same.

Amendment numbered 59: That the House recede from its disagreement to the amendment of the Senate numbered 59, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and nineteen thousand seven hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: In line 17, after the word "advisable," insert the following: "*Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: Restore the matter stricken out and insert, after the word "necessary," in line 4, the following: "to ascertain the purity of food products and determine what are regarded as adulterations therein;" and the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two hundred and twenty-one thousand four hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: In line 19 strike out the word "three" and insert in lieu thereof the word "two;" and the Senate agree to the same.

Amendment numbered 85: That the House recede from its disagreement to the amendment of the Senate numbered 85, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "two thousand four hundred dollars;" and the Senate agree to the same.

Amendment numbered 86: That the House recede from its disagreement to the amendment of the Senate numbered 86, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nineteen thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 87: That the House recede from its disagreement to the amendment of the Senate numbered 87, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 89: That the House recede from its disagreement to the amendment of the Senate numbered 89, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "ninety-four thousand six hundred and ten dollars;" and the Senate agree to the same.

Amendment numbered 126: That the House recede from its disagreement to the amendment of the Senate numbered 126, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 130: That the House recede from its disagreement to the amendment of the Senate numbered 130, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "eight hundred and three thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 135: That the House recede from its disagreement to the amendment of the Senate numbered 135, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "nine hundred and seventy-four thousand eight hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 145: That the House recede from its disagreement to the amendment of the Senate numbered 145, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "fifty-seven thousand six hundred and sixty dollars;" and the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 150: That the House recede from its disagreement to the amendment of the Senate numbered 150, and agree to the same with an amendment as follows: In lieu of the sum proposed in said amendment insert "eighty-two thousand five hundred dollars;" and in line 25, on page 90, strike out the words "sixty-five thousand" and in lieu of the same insert the words "eighty-two thousand five hundred;" and the Senate agree to the same.

Amendment numbered 152: That the House recede from its

disagreement to the amendment of the Senate numbered 152, and agree to the same with an amendment as follows: Strike out all of said amendment and insert in lieu thereof the following:

"The Secretary of Agriculture may authorize the Forester to expend from the funds herein appropriated for "General expenses, Forest Service," a sum not to exceed two thousand five hundred dollars in the construction of a permanent station building on the Dismal River Forest Reserve, Nebraska."

And the Senate agree to the same.

Amendments numbered 24, 29, 30, 147, and 153:

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT.

Amendment No. 1 allows an increase of $580 in the salary of the Solicitor of the Department.

Amendment No. 2 allows the appointment of an inspector, to be under the direction of the Secretary, as confidential agent.

Certain changes were made in the language of the general-expense paragraph of the Bureau of Animal Industry, made necessary by the meat-inspection amendment, which is incorporated into and forms a part of that paragraph. These changes simply avoid duplication, and in no way alter the material provisions of the law.

Amendment No. 31 provides for the employment of two additional clerks at $1,000 each.

Amendment No. 40 provides for the employment of three additional skilled laborers or messengers at $480 each.

Amendment No. 47 provides an additional sum of $30,000 for the use of the Bureau of Plant Industry to extend experiments with rare and new seeds, plants, etc.

Amendment No. 52 makes an appropriation of $15,000 to permit the Secretary of Agriculture to test grains intended for export, and authorizes him to give certificates of inspection when requested by either the consignor or the consignee of grains which enter interstate or foreign commerce.

Amendments Nos. 60 and 61 provide as follows:

"That the forest-reserve special fund provided for in section five of the act approved February first, nineteen hundred and five, entitled 'An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture,' shall continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates. That ten per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and six, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources."

Amendment No. 64 allows an increase of $200 to the salary of the property clerk of the Bureau of Chemistry.

Amendment No. 71 allows an increase of $15,000 to the appropriation for the Bureau of Chemistry, made necessary in part by the loss of the laboratories at San Francisco.

Amendment No. 87 provides an increase of $7,000 for the lump-sum appropriation for the Bureau of Entomology.

Amendment No. 124 provides for an increase of $15,000 in the appropriation for the Bureau of Statistics to enable the Secretary of Agriculture to collect and compile data relating to the live-stock interests of the country.

Amendment No. 127 allows an increase of $3,840 in the appropriation for the Office of Experiment Stations in order to take care of the additional work which will be imposed upon it by the passage of the Adams Act of March 16, 1906.

Amendment No. 134 provides an increase of $20,000 in the appropriation for irrigation and drainage, your conferees having yielded on this item at the earnest solicitation of Senators and Representatives interested in the work of this office.

Amendmen No. 146 provides an increase of $10,000 for the Office of Public Roads.

In regard to amendment No. 150, the committee of conference was confronted by a peculiar situation and departed from the ordinary and proper province of a conference committee. It was claimed by the conferees on the part of the House that this provision was considered in conjunction with the following one appropriating the same sum ($65,000) for the eradication of ticks transmitting southern cattle fever, and though the Senate were not in any wise a party to that understanding, it would avoid friction and promote harmony if they were continued the same. The conference committee therefore recommends that the increase of $35,000 made by the Senate to the gypsy-moth item be divided, and that it stand at $82,500, and that one-half be added to the appropriation for eradicating the cattle tick, leaving both appropriations at $82,500. We submit this, stating its irregularity, but recommending that the action of the conferees be approved by the House.

Amendment No. 155 seemed to be made necessary by an error in punctuation in the act of March 16, 1906. This act appropriated to agricultural experiment stations established in accordance with the act of Congress approved March 2, 1887, "five thousand dollars in addtion to the sum named in said act for the year ending June 30, 1906." The intention of Congress was to make the first increase of appropriation apply for the fiscal year ending June 30, 1906. The Comptroller of the Treasury decided that the law did not become operative for the year named because of the absence of a comma after the word "act" in the language quoted. To remedy a technical error and to carry out the intention of Congress, and acting in accordance with the suggestion of the Treasury Department, this amendment has been agreed to, making the first appropriation of $5,000 for each agricultural experiment station for the fiscal year ending June 30, 1906.

On amendments numbered 24, 29, 30, 147, and 153 the committee of conference have been unable to agree.

All other amendments agreed to are immaterial, being either corrections of totals, slight rearragements of the clerical force, or corrections of punctuation and verbiage, not altering in any way the intents and purposes of the bill as passed by the House.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

Mr. WADSWORTH. I move to agree to the conference report.

The SPEAKER. The gentleman from New York moves that the House do agree to the conference report.

Mr. LLOYD. I would like to ask the gentleman a question. What was done in reference to the appropriation for public roads? Did you accept the Senate amendment?

Mr. WADSWORTH. We divided our judgment on that, sir.

Mr. LLOYD. Mr. Speaker, did the House conferees accept the amendments of the Senate increasing the appropriations for the public roads branch of the service?

Mr. WADSWORTH. No; the difference between the House and Senate was equally divided.

Mr. LLOYD. I am much concerned in this service and indorse the statement of a prominent citizen who said that he could tell the intelligence and progress of the people by the condition of their public roads. The wag on the streets said in reply: "Then judge our people when the weather is dry."

There are several things necessary for road building, such as materials, labor, and skill, but most of all, an enthusiastic public demand. It takes money, and much of it, to build good roads. The people have the money, and if they conclude to spend it in that way, a system of good roads is assured.

There are those who say that the General Government should build the roads, but if so, with the present expenditures in other directions, it is necessary to stop and inquire where the revenue for that purpose is to be obtained. Others say the States should construct the roads. If so, are the people ready to assume the extra burden of taxation which it would impose? The present system is believed by others to be the most advisable and equitable. If so, more money must be raised by local taxation for that purpose if the best results are to be secured. Whatever system may be adopted, the people must meet an increased burden in taxation, and this will be true whether each locality build its own roads or a community plan is adopted.

It is not my purpose in the remarks that I shall make to try

to prove who should build the roads, whether county, State, or General Government, or a combination of two or more of them, but I propose to call attention to what the Federal Government has done, is doing, and what it may do to encourage road improvement.

There is at present, under the direction of the Secretary of Agriculture, a Department of Public Roads. In my judgment it is one of the most important branches of public service, and from it incalculable benefit may come. This great service thus far has been somewhat overlooked, as I see it. Its work has not been fully known or properly appreciated. The people have not urged its enlargement because the scope of its work was not understood. It has been allowed to struggle along with hardly money enough to sustain its existence and with little to expand its work. This branch of service began by establishing a Bureau of Literature by collecting such information as might be gathered affecting the subject of road building and by publishing and distributing to the country such publications as would give information to the general public on the subject of road construction. It employed several road engineers, who have been devoting their time and energy to the testing of road materials and to experimenting with various kinds of road work. Their object has been to find what are the best and cheapest road materials for given localities with their varying conditions of soil, subsoil, and atmospheric phenomena.

One of the most important, and, I believe, most helpful, parts of this service has been the construction of experimental roads in different localities of the United States, which serve as examples of the progress which has been made and gives opportunity to test the practical applications of the scientific researches which that branch of the service has made on the subject of road building.

One of the ills which affects our localities is the fact that our road officers, who in most instances are our best citizens, have little practical knowledge of road building. With the very small amount of money at their command, about all they can do is to engage in what may be termed "patchwork." In the States of the Mississippi Valley, where the people are dependent almost wholly upon dirt roads, this condition exists. I have no reflection to make upon these men, for their work is, to a great extent, patriotic in its character, and is not assumed for the purpose of personal profit. Vast amounts of money are, and must be, expended which, in many instances, do but little, if any, good to the permanent condition of the roads. Any information which could be utilized by these men or would arouse public sentiment to such an extent as that the people would determine to expend more money in each locality for genuine and permanent road building would be welcome, I am sure, by the men who are now responsible for the work that is done on the roads of this country. Most of them I am sure would greatly appreciate any system of instruction which might be given that would assist them in the better discharge of their duty.

It is a complaint frequently made that there is too little of what might be termed permanent work and too much of a temporary character. It is argued with much reason that our road officials should apply more of the funds at their command to the construction of a complete road and less of it to temporary improvements. It is not my purpose, however, to devote myself to the objections to the present system, but to impress, if I may, the fact that out of the public roads department of the General Government may come practical benefit to road overseers and those in charge of the public highways. This service, like almost any other, has grown to be a specialty, and the more it is regarded as a specialty the more necessity will be seen for specialists in this line. One of the chief aims of the Government's service is to furnish engineers who are fully equipped to give instruction to the country on the various questions connected with the public-road system and its maintenance. It is not known now that in numerous cases those in charge of public roads could get much information of practical benefit where extraordinary conditions are met, either in low or marshy districts, in the hill country or level prairie, if they would confer with Government officials about the conditions and kind of road to be improved, the amount of money and labor that could be expended on the improvement. These officials would gladly assist the road overseer in solving the problems and in making superior roads where it is now almost impossible to do so with the information at hand.

With the amount of money now appropriated experimental roads can not be built in every locality. In fact, it is impossible, with the present funds, to make a single test road of a mile's length in each State during the year. By the time the officers are paid, the equipments furnished, the literature distributed, the laboratory work performed, the scientific investigations and tests of soil made, one can readily see that but a very small sum would remain to be used in experimental road building. I believe in the development of this service. I would increase the appropriation with each succeeding year until the country is furnished the expert information and experimental roads which are necessary to inform and instruct the public on this great subject.

It may be inquired, What good will experimental roads do? as they will be built for so short a distance in any one locality? This ought not to be true. The locality will have a test in its midst of the expert knowledge of the Government's engineer and a practical demonstration of what may be done in the construction of a permanent road. Then the community may take it up and prosecute the work as they can secure the means to do so.

The object lesson is before the public. The inspiration for road building is given in the improved condition where the road is built. Its defects will be ascertained, and other work may be simplified and cheapened. Nothing in these progressive days is developed without thought and energy. A short time since I attended the hearings before the Senate Interstate Commerce Committee of prominent railroad men. They were there to discuss the great question of railroad rates and the supervision to be properly exercised over them by the General Government. It is astounding to hear of their vast fund of detailed information. There seems to be nothing connected with the business of the railway that has not been taken into the account. If we could have a few men in each section of our country who understood the building of highways and their maintenance as well as the railroad experts have mastered the question of railroad construction and maintenance, the question of how to build roads would easily be settled. The best public roads can no more be built without expert knowledge and matured plans than can a railroad. The railroads take the place of the great thoroughfares. Prior to the period of the railroads the people were concerned for great interstate highways to span the country. Once such highway was begun at Washington and builded west for several hundred miles, but the necessity for these great arteries of commerce no longer exist. The railroad has superseded them. The important question now is how to reach the railroads with the products of the country. Not a pound of freight reaches a train without the employment of other means of transportation. Of the 300,000,000 tons of the products of the farm which reach the railway for transportation annually there has been an average haul of over 12 miles by some other kind of conveyance, and a very large per cent of that has been carried over dirt roads.

A careful estimate made by the department of public roads shows that the conveyance of each ton of farm products cost $3, or that nearly $1,000,000,000 is expended in getting the crop of the American farmer to the railroad. This is a far greater sum than is given to the railroads for carrying the same products; in fact, more than twice the sum that is paid them. Think of this appalling fact. The people are now interested in railroad rates and concerned for their proper regulation, but how important that proper interest be taken in the question of the public roads. As an example, 40 bushels of wheat may be hauled 12 miles to a railroad station. It takes a day, a hand, and a team to carry it. This service is worth $2.25 to $2.50 per day. The team is fed and the hand buys his dinner, which, together, makes the expense 75 cents more, so that it will take $3 to get 40 bushels of wheat to the train. It is shipped from the railroad station, say, 300 miles to market, and this shipment will cost a less sum than it took to get the 40 bushels of wheat to the railroad station. This initial expense should be reduced, and the best way to reduce it is to perfect the road system. The railroads spend millions of dollars each year in repairing and building up their tracks, and a constant outlay of money is made to better the condition of the roadbeds. Anything like the same interest in public roads would result in a perfected system, and then at least twice as much would be hauled over the public highways as is now carried over them. Instead of paying $3 for hauling the 40 bushels of wheat, 80 bushels could be delivered for the same price. It is safe to say that a perfected road system would save at least 40 per cent of the expense of getting what the farmer raises to the train for transportation. This would amount to over $400,000,000 annually, and is a saving worthy of serious consideration. This is no overdrawn picture, as the public road inquiries and Interstate Commerce Commission have plainly shown.

To secure the perfected road system is no easy task. It can only be secured by persistent agitation. Until the people will it by a determined expression, no great advance will be made in this important work. One man, however serious, can not build them. Others must be interested in order to accomplish it. If the people could be aroused to the necessity of this

achievement, the plan would be evolved. The individual controls the community. Localities influence the counties, the counties determine the action of the State, and the States affect the General Government. Without the individual interest and effort it need not be expected to interest the county, State, or Federal Government.

There are many things that can be accomplished by the individual, but as such he can not build the roads of the country. He might build them around his own farm, but this would be the extent of his jurisdiction. He could not compel his neighbor to do likewise.

It seems to me that there is a misconception of the parties to be interested and benefited by road improvement. Many persons seem to think that the construction of highways is a benefit only to the farmer. He receives more primary benefit, it is true, than any other class or business interest, but every commercial and industrial enterprise is dependent at last upon the success of the farmer. Prosperous farmers make prosperous communities, and everything falls to pieces when the farmer fails. Many business enterprises have already realized this principle, and have shown a disposition to encourage and foster the idea of road development. The railroad companies are taking more interest, perhaps, in public roads than any other class of business, except the bicycle and automobile manufacturers and dealers. The railroad are, in a practical sense, public highways in the nature of toll roads, but they expend millions of dollars annually in perfecting their roadbeds and in adding to the efficiency of the service they render the public. It would be well for all classes of people to profit by this example, and to make the public roads equally well fitted for highways of commerce. The wholesale merchant, the retail dealer, the manufacturer, and the miner are alike interested in the question of good roads. The business of each is dependent largely on them, but every class or condition, whether in business or out, resident of country or city, is the beneficiary of a perfected road system, and should, by vote and financial contribution, encourage the perfection of our highways.

Ten years ago rural free delivery of mail was considered impractical and almost impossible of achievement. Now it is a fixed part of the postal system; and where can be found any considerable number of people who would discontinue this important branch of service? So it would be with road improvement after it had been accomplished. Like the rural mail, it would be considered indispensable, and but few could be found who would then turn back the tide of progress and restore the road condition of to-day.

One step in this onward movement is to encourage the development of the road department of the Agriculture branch of the Government by enlarging the scope of its labors, increasing its force of expert engineers and specialists, and bringing it more in touch with the people, so that they can receive more of its benefit by practical demonstration of its real value.

As Americans we are proud of our country and we rejoice in its achievements. We are filled with patriotic fervor when we think of its progress; but in road building we are behind the procession and are not keeping pace with the achievement of other countries. We have the finest and best-equipped railroads, with a service to the public which surpasses that of any country on the globe, but the local highways, which are lateral roadways leading to the railroads, are in many cases entirely neglected. It is strange, also, to observe that but little real dissatisfaction seems to assert itself on account of this condition. I can not understand why there is not a real spirit and an enthusiastic sentiment in favor of a better road system. Men who are wide-awake in other regards seem to have no interest in this situation. It depends upon the people, after all. Their demands will be met in legislation and practical endeavor if they are earnestly and unitedly made. A system of highways should be constructed, in my judgment, which is not surpassed by any civilized country. Such a system would result in the advancement of the business interests of the people, happiness and comfort would be better secured, a greater concern for education would be brought about, and a loftier moral and religious sentiment ought to pervade the country.

Mr. UNDERWOOD. I would like to ask the gentleman from New York a question.

Mr. WADSWORTH. I yield to the gentleman.

Mr. UNDERWOOD. This is not a full agreement, is it?

Mr. WADSWORTH. It is not.

Mr. UNDERWOOD. It does not include the meat-inspection clause?

Mr. WADSWORTH. It does not include the meat-inspection clause.

Mr. COCKRAN. Do I understand the gentleman to say it includes it?

Mr. WADSWORTH. It does not. That is still in disagreement.

The question was taken; and the conference report was agreed to.

Mr. WADSWORTH. Mr. Speaker, I move now to further insist on amendments 24, 29, 30, 147, and 153. The amendments relate to the meat-inspection clause, and the question of certain totals incidental to the meat-inspection clause.

Mr. WILLIAMS. Do I understand that applies to amendment 29?

Mr. WADSWORTH. I move to further insist on amendment 29.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. One moment. Let us get the motion straight.

Mr. WADSWORTH. I will repeat it. I move to further insist on amendments 24, 29, 30, 147, and 153.

Mr. WILLIAMS. Now, Mr. Speaker——

The SPEAKER. Wait a minute.

Mr. WILLIAMS. I would like to have a separate vote upon each of these.

The SPEAKER. The gentleman asks a separate vote. The Clerk will report the first amendment.

The Clerk read as follows:

Amendment 24, page 12, lines 6 and 7, after the word "million," strike out the words "five hundred and seventy-five thousand" and insert in lieu thereof "six hundred and seventy-seven thousand two hundred."

Mr. WADSWORTH. Mr. Speaker, let me simply state that this is a question of totals, which will have to depend upon the adoption of the meat-inspection paragraph.

The SPEAKER. Without objection, the motion as to that amendment will be agreed to. The Chair hears no objection.

The Clerk will report the next amendment.

The Clerk read as follows:

Amendment 29, page 15, after line 12, insert: "That the Secretary of Agriculture shall cause to be made, by inspectors"——

Mr. WADSWORTH. That amendment is the meat-inspection paragraph.

Mr. WILLIAMS. Mr. Speaker——

The SPEAKER. One moment. Twenty-nine is the House provision, is it?

Mr. WADSWORTH. It is.

The SPEAKER. The motion of the gentleman from New York, it seems to the Chair, would be that we insist upon the House amendment.

Mr. WADSWORTH. That is my motion.

Mr. DAVIS of Minnesota. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAVIS of Minnesota. Can I have a little time to make a statement? I desire at this time——

Mr. WADSWORTH. How much time does the gentleman desire?

Mr. DAVIS of Minnesota. I desire at this time to move that the House recede from its amendment and substitute amendment 29; and in that connection I desire to offer as a substitute therefor the following proposition, which I understand has been offered by the Senate conferees to the House conferees, and offer it as a substitute.

Mr. WADSWORTH. I make the point of order against that, Mr. Speaker, that it is new matter that has not been considered by either House.

Mr. SULZER. You can not determine that until it is read. Let us have it read.

Mr. WILLIAMS. I ask for order.

Mr. WADSWORTH. I have not yielded the floor, Mr. Speaker.

The SPEAKER. There are only two motions in order. One is to insist and the other is to recede, and still——

Mr. DAVIS of Minnesota. I move to concur in the Senate amendment with an amendment.

Mr. WADSWORTH. I do not yield to the amendment.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The House can not very well recede and agree to its own amendment.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Speaker. I have understood the Chair to say that only two motions would be in order. Would it not also be in order, in addition to the two motions which the Chair has suggested, to instruct the conferees in any manner indicated in the motion?

The SPEAKER. Oh, undoubtedly that would be in order, but not until after we had consented to the conference. That would be the time for that.

Mr. WADSWORTH. That opportunity will come to the gentleman from Mississippi later.

Mr. BOWIE. Mr. Speaker, a parliamentary inquiry. Would not a motion to instruct the House conferees to agree to section 29 as amended by the House, with an amendment, take precedence over the motion which the gentleman from New York has just made?

The SPEAKER. Without passing on the parliamentary inquiry, or upon anything that might be presented until it is presented, instructions are only in order after we have asked or agreed to a conference. At that point they would be in order.

Mr. WADSWORTH. Mr. Speaker, I insist upon my motion.

Mr. UNDERWOOD. Mr. Speaker, I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is to recede from the disagreement to the Senate amendment, and to concur in it with an amendment; and as I understand the rules, the House being in disagreement with the Senate, that motion has a tendency to bring the two Houses together more quickly.

The SPEAKER. The gentleman will pardon the Chair. We concurred in the Senate amendment with an amendment to which they have disagreed. The Chair understands the rule to be that the House in the present condition can only insist or recede. With the consent of the House, the Chair will have the following read.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me——

The SPEAKER. The Clerk will read.

The Clerk read as follows:

But the House can not recede from or insist on its own amendment with an amendment, for the same reason that it can not send to the other House an amendment to its own act after it has passed the act. They may modify an amendment from the House by ingrafting an amendment on it, because they have never assented to it; but they can not amend their own amendment, because they have, on the question, passed it in that form. (9 Grey, 363; 10 Grey, 240.) In Senate, March 29, 1798. Nor, where one House has adhered to their amendment and the other agrees with an amendment, can the first House depart from the form which they have fixed by an adherence. (Jefferson's Manual, Sec. XLV.)

The SPEAKER. And so far as the Chair is informed and believes, these precedents have been followed by both the Senate and House.

Mr. UNDERWOOD. Mr. Speaker, if the Chair will pardon me a moment, I understand we can not amend the amendment that we made to the Senate amendment, but I understand the motion of the gentleman from Minnesota [Mr. DAVIS] is that we recede from our amendment to the Senate amendment, which, of course, we have a right to do, or the two Houses could not get together; and if we can recede from our amendment to the Senate amendment, then it is in order to concur in the Senate amendment, as much so as it would be originally; and if we can concur in the Senate amendment, we can do so with an amendment.

The SPEAKER. But we have already concurred in the Senate amendment with an amendment.

Mr. UNDERWOOD. We can recede from it.

The SPEAKER. If we recede now from the amendment of the House, it leaves the Senate amendment concurred in, and that is the end of the whole matter.

Mr. UNDERWOOD. The point I make is that we can recede from the amendment that we put on the Senate amendment, as the Senate has not accepted it; and then it is in order, after we have receded from our amendment to the Senate amendment, to concur in the Senate amendment with another amendment.

The SPEAKER. Not at all. We have already concurred in the Senate amendment with an amendment, and the Senate has disagreed to our amendment, and we can not change the issue without the consent of the Senate, and perhaps not even with the consent of the Senate.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 6443) authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California, and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.

The message also announced that the Senate had agreed to the report of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

AGRICULTURAL APPROPRIATION BILL.

Mr. WILLIAMS. Mr. Speaker——

Mr. WADSWORTH. What is the purpose of the gentleman?

Mr. WILLIAMS. I want to make a motion to recede from the House amendment and concur in the Senate amendment of the original bill with an amendment.

Mr. WADSWORTH. I make a point of order against that; I do not yield for that purpose.

The SPEAKER. Has the gentleman from Minnesota abandoned his motion?

Mr. DAVIS of Minnesota. No, Mr. Speaker, I have not, unless parliamentary law and the rules of the House prohibit me from pressing it further. I desire for the House to recede from its amendment to the Senate amendment 29 and concur in Senate amendment 29 with an amendment.

Mr. WADSWORTH. I make a point of order against that.

Mr. DAVIS of Minnesota. If the point of order be sustained, I am powerless.

The SPEAKER. The Chair sustains the point of order.

Mr. WADSWORTH. Now, Mr. Speaker, I insist on my motion that we further insist on the disagreement to amendment 29.

The SPEAKER. The gentleman from New York moves to further insist on the disagreement to amendment 29.

Mr. SULZER. Can it be reported, Mr. Speaker?

The SPEAKER. It is 15 pages in length; it is what is known as the meat inspection, and it can not be reported again unless by unanimous consent.

Mr. BOWIE. Will it be in order to make a motion to instruct the conferees?

Mr. BURLESON. Later there will be a proposition and then there will be a square show down.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 175, noes 43.

So the motion was agreed to.

Mr. WILLIAMS. Now, Mr. Speaker, I move——

The SPEAKER. But there are still amendments undisposed of.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement to amendment No. 30.

The Clerk read the amendment.

The motion was agreed to.

The Clerk read the next amendment, No. 147.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

The Clerk read Senate amendment No. 153.

Mr. WADSWORTH. Mr. Speaker, I move that the House further insist on its disagreement.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I now move that the House agree to the further conference asked for by the Senate.

The motion was agreed to.

Mr. WADSWORTH. Mr. Speaker, I send the following resolution to the desk.

The Clerk read as follows:

Resolved, That it is the sense of the House that the conferees should not recede from House amendment to the Senate amendment No. 29, relating to meat inspection.

Mr. WADSWORTH. On that I move the previous question.

The SPEAKER. The previous question would cut off debate. The gentleman is entitled to an hour.

Mr. WADSWORTH. Then I withdraw the demand for the previous question. I thought under that demand we were entitled to twenty minutes on a side.

Mr. WILLIAMS. I wish to ask the gentleman from New York whether he is going to give us an opportunity to offer a substitute for the motion he has just made.

Mr. WADSWORTH. A substitute with additional matter is out of order at any time.

Mr. WILLIAMS. A substitute for the same matter.

The SPEAKER. The gentleman from New York has the floor for one hour.

Mr. WADSWORTH. I propose to divide the hour, giving the other side one-half of the time. I want to make one statement. The question between the two Houses is on the question of label and who shall pay the cost of inspection, the Government or the factory. Mr. Speaker, before the Committee on Agriculture all the testimony that we could gather on the point was to the effect that canned goods, so long as the can was not injured by accident, so long as the air did not get into it, would keep indefinitely. So long as the can remains intact the goods would not be spoiled. We had some very interesting testimony

in regard to that before the committee. For instance, in the case of a woman who moved with her parents to Kansas in the early days, the mother loaded up a lot of canned goods which she had put up herself, and seven years afterwards in Kansas those goods were consumed.

The Speaker himself has informed some of us that some canned goods put up in his family five or six years ago are still being consumed. Now, if you put the date on the label, you simply put an impediment to American commerce. These goods are sent all over the world. They are dealt in by the retail dealer and by the wholesale dealer. The retail dealer has a supply on hand. I do not want to take up all the time, but I just want to assure this House that all of the evidence before our committee was to the effect that canned goods remained perfect so long as the can itself remains perfect. The minute the can is made imperfect by a blow or a puncture of some kind, those goods are spoiled, and, so far as the meat goods are concerned, they smell to high heaven. No man need trouble himself about any danger to health from spoiled canned meat.

On the question of the cost I stand simply on this proposition: There are two objects which demand the passage of this bill. First, the protection of our foreign commerce. That certainly is a legitimate Government expenditure. It is just as legitimate as the deepening of harbors and rivers for the furtherance of American commerce. The second proposition is for the benefit of the public health. That is a Government function, and a justified Government expenditure. That, briefly stated, is the platform upon which I stand in regard to this expenditure. Mr. Speaker, we are maintaining to-day a quarantine line from the Atlantic almost to the Pacific against the cattle tick prevalent on southern cattle. That is for the public good. Would it be justice to turn to these cattle owners and tell them that they have got to pay the cost of that quarantine, because they are a menace to the public good? You might go further and take up the agricultural appropriation bill and carry it a little further and say that the benefit that comes from the investigations of the Bureau of Plant Industry ought to be charged to the plant growers; that the appropriation made for the benefit of irrigation ought to be charged to those people in the arid West, and so on indefinitely. I do not want to take up any further time, because there are some other gentlemen who want to speak on this side. Briefly, that is my judgment on this question.

Mr. HINSHAW. I would like to know whether the Committee on Agriculture took testimony to show what would be the ultimate result of taxing the packers, whether the producers of the cattle throughout the great West would bear that expense or the packers themselves.

Mr. WADSWORTH. Undoubtedly the producer and the consumer would pay. In other words, the United States would pay. What difference does it make whether the Government pays it or the consumer or the packer or the producer? It is all the same. We are all to pay taxes for it.

Mr. COCKRAN. Then what is the objection, if it makes no difference?

Mr. WADSWORTH. Here is a can put up in 1885, and the gentleman who brought it here, representing the Franco-German Soup Company, of Jersey City, says if any Member of this House will take that can down and use it and it is not just as good as this one just made he will waive all objections to putting the date on the can.

Mr. HUMPHREY of Washington. If this does not make any difference, what is the objection, to repeat the question of the gentleman from New York [Mr. COCKRAN]?

Mr. WADSWORTH. Mr. Speaker, I now yield half an hour to the gentleman from Virginia [Mr. LAMB].

Mr. LAMB. Mr. Speaker, I do not propose to consume much of this time, but desire to make one simple statement as a member of the Agricultural Committee and as one of the House conferees on this bill. There is no necessity for discussing this matter of the date on the cans and labels. I do not think there were three votes in our committee for that proposition, and we are agreed here upon that question. But upon the question of who shall pay the cost of inspection this House is certainly divided in its judgment. Of course being instructed by the vote that was given in this House a few days ago, when we had no opportunity to discuss the question, I voted with my colleagues, the conferees; but now, having come back to the House, I feel at liberty to express my own individual views on this question.

The Senate conferees disagreed with us. After a long conference, discussing this matter for days, they offered an amendment to the bill, and it is almost in the identical language of the amendment that I sent to the Clerk's desk and had read when this bill was reported, though there was no conference between any Senator and myself on that subject. What will you do with this cost? Do you propose to tie the hands of your conferees and thus defeat the entire bill? Will you saddle the people of this country, one-third of whom do not consume any of these products, with all the cost of inspection, or will you put half of it at least upon the packers?

Mr. GILBERT of Kentucky. What is the gentleman's position?

Mr. LAMB. My position is that the packers pay half the cost.

Mr. COCKRAN. Why not have them pay all of it?

Mr. LAMB. This would be as well, perhaps; but inasmuch as the Government pays the cost of foreign inspection now, the minority of the committee thought the packers should be made to pay that part of the cost made necessary by their own neglect and bad methods. I hope we will yet find some way to make them pay this cost, either in this or some other Congress.

I yield five minutes to the gentleman from Minnesota [Mr. DAVIS].

The SPEAKER. How much time does the gentleman yield?

Mr. LAMB. Five minutes.

Mr. DAVIS of Minnesota. Mr. Speaker, in the Committee on Agriculture there was, at least in numbers, a respectable number who did not agree with the majority report. Many questions were debated, discussed, and considered by the committee. The views of the minority were usually given but slight consideration, at least upon the important questions. We of the minority expected, and in fact had promises, that when the committee substitute for Senate amendment No. 29 was brought before the House that we would have an opportunity to fully discuss the same and offer amendments thereto. Thus far the minority have had no opportunity to offer amendments upon these propositions. The chairman of the committee, and I do not allude to him now with anything but the highest respect and regard, says that all the evidence that was offered before the committee on the subject of dating the labels which were to be placed upon the cans was to the effect that the food product contained therein was just as good after a series of five or ten years as it was that day the product was put in the can. I respectfully dissent from the statement. The only evidence that I heard upon that subject in favor of the chairman's proposition was given by a lady newspaper reporter, who testified or stated in a very fascinating manner her experience in her younger days in putting up canned fruits and tomatoes. I will say, however, that at that juncture and at the request of some of the minority members of the committee, Doctor Wiley, Chief of the Bureau of Chemistry of the Agricultural Department, was called up over the telephone by the gentleman from Alabama [Mr. BOWIE], a member of the committee. The substance of his response, as given to us by the gentleman from Alabama [Mr. BOWIE], was that "Canned goods are affected by the can and other processes from the day they are placed in the can;" but in his judgment they do not seriously affect health if they were properly sterilized and hermetically sealed until after the expiration of two years or possibly three years, and after the expiration of that time he thought the food might be deleterious to health.

That, Mr. Chairman, is the only evidence that I know of, except the talk of members of the committee on the subject, of what effect time had upon the product contained in the can. If I am mistaken, I will allow the gentleman from Alabama [Mr. BOWIE], a member of the committee, to correct me. I am not, Mr. Speaker, particularly insisting upon the date being placed upon the label going upon the can. I am not here for that purpose. Yet, in my judgment, the manufacture of canned goods should stand upon the same basis as the manufacture of a hat or suit of clothes or other commodity that lies upon the country merchant's table and becomes out of date, and hence of less value than the new article just placed there.

Mr. GILBERT of Kentucky. Will the gentleman allow me to ask a question?

Mr. DAVIS of Minnesota. Certainly.

Mr. GILBERT of Kentucky. The chairman of the committee, the gentleman from New York, and yourself, and all the other members of the committee so far as I am able to ascertain, concede the main proposition, and that is after the goods have been canned up exposure to the atmosphere will deteriorate the quality of the goods. Now, is not the purchaser entitled to know the length of time that the goods have been canned in order that he may ascertain the probabilities of perforation and atmospheric exposure?

Mr. DAVIS of Minnesota. I certainly think so, and especially so in view of the statement of Doctor Wiley, of the Bureau of Chemistry. Now, Mr. Speaker, on the subject of cost. I represent an agricultural constituency, and at the same time I have contained within the borders of my district the third or fourth

largest meat packing and slaughtering institution in the United States at South St. Paul, Minn.—Swift, Armour & Co.'s magnificent plant—and I am proud of it, and I wish to say that, after having visited that plant on several occasions, I was surprised at the testimony of Mr. Neill and Mr. Reynolds, and especially so if that statement was to be in any way a reproach upon the South St. Paul institution.

Of course I knew nothing about Chicago packing and slaughtering plants; therefore I leave the report for what it is worth as to them. But, Mr. Speaker, on the subject of cost I have contended in the committee, and I shall upon the floor of this House, that the person or persons, men or set of men, who cause any trouble or any damage should pay that cost and expense of needed inspections. I am in favor of and have always advocated that, in the first instance, in order that we might have the best possible inspection and in order that the Secretary of Agriculture should not in any way be hampered by the lack of funds, the Government should supply sufficient to pay all expense.

The SPEAKER. The time of the gentleman has expired.

Mr. DAVIS of Minnesota. I would ask the gentleman from Virginia if he would give me a few more minutes.

Mr. LAMB. I wish I could.

Mr. DAVIS of Minnesota. Give me three minutes more, or two minutes, on the subject of cost.

Mr. LAMB. I will yield two minutes.

Mr. DAVIS of Minnesota. As I was saying, the Government should furnish the funds to make the inspection, as the President says, from the hoof to the can. In other words, when the animal is brought into the stock yards, that the Government inspect it ante-mortem, and inspect the carcass and give it all other necessary inspection, even microscopic if deemed proper, and when such carcass is hanging in the cooling room, if anyone takes that pure carcass and transfers any portion of it to any other department, puts it into cans, cuts it up and mixes it with any ingredients, preservatives, or coloring matter, thereby causing expense in the way of subsequent inspection, the man or company who does that should pay that part of the expense.

Now, Mr. Speaker, I am informed that a proposition has been submitted by the Senate conferees virtually embodying that proposition, namely, that subsequent inspection of meat food products be paid for by the parties who do the canning, and it is embodied in the following, which I read, and ask that the conferees be directed to use their influence, at least in the next conference, to accept and adopt this idea, if not the exact words:

> The entire cost of inspection shall be paid from this appropriation, but to reimburse the Treasury for the expense incurred for the inspection of meat food products subsequent to the inspection of the live animal and carcass the Secretary of the Treasury shall, upon the return of the Secretary of Agriculture of the number of animals inspected and examined under the provisions of this act, collect and deposit in the Treasury a fee of 5 cents each for every carcass of cattle inspected and examined and 3 cents for each carcass of sheep, swine, and goats so inspected and examined, and he shall publish the necessary rules and regulations for carrying out this provision.

Summed up, this means that the packer pays the expense for inspecting his canned meat food products, and that the Government pays the cost of inspecting the live animal and the carcass post-mortem, 92 per cent of which is consumed as fresh meats and 8 per cent is put in the canning factory and has caused all of this trouble. [Applause.]

Mr. LAMB. Mr. Speaker, I yield ten minutes to the gentleman from Alabama [Mr. BOWIE].

[Mr. BOWIE addressed the House. See Appendix.]

Mr. WADSWORTH. How much time has the gentleman from Virginia left?

Mr. LAMB. Will my friend use a portion of his time?

Mr. WADSWORTH. I yield four minutes to the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Speaker, coming from a State largely interested in the production of cattle, sheep, hogs, and goats, I probably look at the issue now before the House from the standpoint of one interested in the stock grower. As far as I am concerned, speaking for that class, you can not make inspection of meats prepared for home or foreign consumption too rigid or too thorough and comprehensive. I have no particular interest in the packeries of this country, but I believe, upon reflection, everyone will admit, Mr. Speaker, the statement made by the gentleman from Alabama was a little extreme, if not unfair and misleading. He speaks of the reports of the inspectors—the Executive inspectors being justified by the conditions that were found in the packeries. He speaks of the packeries in such a way as to embrace them all within the scope of his remarks—is he justified in doing so when it is not claimed that these inspectors went to any point other than Chicago? Mr. Speaker, there are packeries in St. Joe, Kansas City, New York, Fort Worth, Tex., and many other points in the United States that were never visited by these inspectors, and about which they have not and can not say one single derogatory word. Careless statements like these, though unintentionally made, may result in great injury, just as this hysterical crusade has resulted in incalculable injury to the stock grower with no original intent to do him harm.

Mr. Speaker, there is no tie of brotherly love and affection between the cattle grower and the beef packer. We have not felt very kindly toward him in the past when he was engaged in depressing the price of our product. If the President of the United States had directed his energy to the prosecution of those monopolists for putting down the price of our beef, we would gladly acclaim him a faithful and efficient Executive; but when he recklessly or through spite strikes a blow in the dark, which tends to materially injure, if not to destroy, an industry that is so closely linked with the industry of cattle growing, that as a result the interest of the stock grower is seriously menaced, then we protest. We have a right to do so.

I say, Mr. Speaker, and I say it with perfect candor, if I thought we could successfully do so I would put this cost on the packer. But, Mr. Speaker, I assert, and I assert it without any disrespect to my friend from Alabama or my friend from Virginia, any man that has as much sense as a mullet must know that this can not be done. Every man of sense knows if an attempt to put this charge upon the packer is made he will immediately shift the burden onto the shoulders of the grower of cattle and the consumer of beef. [Loud applause.]

Mr. BOWIE. Now, right there, if the gentleman will allow me.

Mr. BURLESON. I have not time or I would yield with pleasure.

Mr. BOWIE. Would you exempt them from all State, municipal, and city taxation because they can put that, too, onto the shoulders of the consumers eventually?

Mr. BURLESON. That is misleading, but, in fact, those charges do affect the price paid to the grower by the packer, as every man here knows.

Now, Mr. Speaker, where should this tax be levied? Shall it be nominally placed on the packer, to be at once by him shifted to the producer, a narrow class, or shall this charge for meat inspection, which is claimed to be done in the interest of the public health, be placed upon the Government, to be paid by all the people? Shall it be so levied that the burden of paying it will fall on a limited few—the stock growers—or is it right and just and fair that for this inspection made at the demand of the people, for the people, be paid by the people?

Mr. JAMES. Will the gentleman yield for a question?

Mr. BURLESON. Is not that right? Is not that just? Who can contend to the contrary?

Mr. Speaker, I will not be deterred from performing a solemn obligation that is placed upon me to discharge my duty to the people I represent, as I see it, by the fear that the charge will be printed in some yellow newspaper or an insinuation made by some miserable slanderer that I spoke in behalf of or supported the interest of the beef trust. Not one bit of it!

Mr. JAMES. Will the gentleman yield for a question?

Mr. BURLESON. Mr. Speaker, I would be glad to yield to my able and distinguished friend from Kentucky [Mr. JAMES], but the fact that I speak under a time limit constrains me to decline.

I think no one here will attempt to gainsay the proposition that the beef trust magnates or monopolists are human. No man will claim that they are not controlled by the same motives and purposes that control other men. If you attempt to levy this tax on these packers, is it not natural, is it not the thing that we would do if we were in their place, is it not what we can surely expect that they promptly shift the burden upon the grower of cattle in the first place, and then, having collected probably double from him, in order to be dead sure that they sustain no loss, then shift it onto the consumer and make them pay also? [Applause.]

Another reason why we should place this charge upon the Government, and I think this should be a controlling reason with every man who wants inspection—genuine inspection, the best inspection—is that if the Government pays the inspection that official, as is natural, will feel primarily beholden to the Government, and hence will feel it incumbent to discharge his full obligation to his employer by the careful discharge of his official duties. But how would it be if the inspectors knew that whereas they were nominally employed by the Government, they were really being paid by the packers? Do you believe under this condition inspection would be so efficient?

Mr. LEVER. Mr. Speaker, in the few minutes I have it is

impossible for me to do more than state the general principles which have moved me in the course I have taken in this legislation.

The only issue under consideration this evening is, Who shall pay the cost of inspection of meat food and meat-food products? All other propositions in the bill have been agreed upon.

We must assume that this legislation is either in the interest of the beef trust or it is in the interest of the general public. We are either legislating for a private interest or for the protection of the health of the general public. If this legislation is predicated upon the idea of favor to the beef trust, then, as Democrats, we are estopped from legislating at all, for, as a party, we have always stood against legislation in behalf of special interests, trusts, and combinations. [Applause.] If the legislation is in the interest of the general welfare, then the general public ought to bear the burden of the cost of inspection. [Applause.]

This legislation is either a proper exercise of the governmental function or it is not; and if it is an exercise of the governmental function, then the Government ought to be willing to pay for the exercise of its prerogative. I take the position that no government has the right to legislate in the interest of its people and then require some special interest to bear the burden of executing its legislation. If the Government has the right to legislate in the first instance, I think no one can deny that it ought, as a matter of right and principle, assume the cost of putting this legislation into operation. No Democrat can assail this position.

Suppose we put the cost of inspection upon the packers, will they pay it in the end, or will it come out of the people? It is admitted by everyone that the beef trust controls the price of beef and beef cattle, and this being true, it must follow, as the night the day, that whatever additional burdens are placed upon its business will in the end be charged up against the cattle raisers of the country on the one hand and the consumers of beef products on the other.

The doctrine that the consumer pays the tax is as old as the Democratic party. It is the Democratic position on the tariff, it is the Democratic position on every fiscal issue that arises in this country. [Applause.] I sat here yesterday and listened to the gentleman from Missouri [Mr. DE ARMOND], in debating another question, argue that the consumer paid the tax. I said "Amen!" to him, because he was right; and if he was right yesterday in assuming that the consumer paid the tax, then I am right to-day in making the same assumption. It seems to me that a man with a thimbleful of brains must know that if we put the cost of inspection upon the packers the packers will recoup themselves out of the cattle raisers on the one hand and out of the consumers on the other to the tune of three or four times as much as the cost of inspection, for we give them the excuse to do so. [Applause.] They would catch them coming and going, as my friend suggests, like the negro's fish trap. It is true that Mr. Wilson, the paid representative of the packers, entered a most vigorous, if not violent, protest against the idea of the packers having to pay the cost of inspection, and when he was asked the question whether the packers would not in the end place the burden of inspection upon the cattle grower, he replied in substance that this could not be done; and yet, Mr. Speaker, when we take into consideration the fact that the packers fix the price of beef and beef cattle, and that the packers are not in this business for the fun of it, but for the money there is in it, I must be allowed to take the statement of Mr. Wilson with a good many grains of salt. I shall not accept the statement of Mr. Wilson as to this matter when the fact is notorious that the price of cattle and beef is fixed arbitrarily by the beef trust. In my judgment, the packers, while protesting with their mouths against this proposition, in their hearts would be glad for us to place upon them the burden of inspection in order that they might have an excuse to further skin the American public. [Applause.]

I put against the testimony of Mr. Beef Packer Wilson the testimony of another Wilson—the Hon. James Wilson, Secretary of Agriculture, the representative, not of any special interest, but of the general public. The statement of Secretary Wilson must be valuable, because it emanates from a source presumed to be absolutely unbiased. On June 20, 1906, before the agitation on this subject began, and before the hysteria set in, and when we were dealing with it in a calm, dispassionate manner, without prejudice, Secretary Wilson appeared before the Agricultural Committee and was interrogated on this very point. I read from the RECORD:

Mr. LEVER. If the packer is made to pay, he will charge the cost up to the producer?

Secretary WILSON. Undoubtedly. The packer is not in business for his health.

Mr. SCOTT. Would it not be a pretty hard thing to charge up a cost of 2½ cents on an animal?

Secretary WILSON. To make it easy, they would probably call it 10 cents.

This is the testimony of the representative of the Federal Government. How does it tally with the testimony of the representative of the beef packers? As far as I am concerned, I prefer to take the testimony of Secretary Wilson to that of Mr. Wilson, hired man of the beef packers. President Roosevelt himself, in his message of June 4, on this subject, sets out clearly that he would be in favor of the Government paying for the inspection, except for his fear that Congress at some time might not provide adequate appropriation for carrying the law into full effect, and I was struck by the fact that every disinterested witness who appeared before the committee, either directly or by implication, assured the committee that the packers, if made to bear the burden of inspection, would in the end recoup themselves. With the general principles announced in mind, and with the testimony before me, I can not take any other position than that the Government ought to do the square thing by its people, dealing in a straightforward and business-like manner toward them, and assume the cost of this inspection. [Applause.]

Mr. LAMB. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. CANDLER].

Mr. CANDLER. Mr. Speaker, the sole question that seems to interest the House at this time seems to be who shall pay the fees for the inspection in these packing houses. I shall therefore confine my remarks to that question. The issue is, Shall the "beef trust" pay the expense or the people at large? I favor requiring the beef trust to pay the expense. I have heard several Members say that if they could be convinced that the cost of inspection could be put upon the packers, and that they would be required to pay it, they would be in favor of that. The only way that we have of arriving at whether or not they can be required to pay is by the testimony before the committee, given not only by the representative of the packers, but by the representative of the cattle raisers, and I propose to show you from these hearings on both sides that if it is levied upon the packers—the beef trust—it would come out of their pockets and they would be required to pay. The gentleman from Alabama [Mr. BOWIE] read the testimony of Mr. Wilson, the representative of the packers before the committee, in which he stated that if this inspection fee was placed upon the packers it would come out of their pockets, for the reason, he said, that they only control 50 per cent, or less than 50 per cent, of the cattle slaughtered in this country, while 50 per cent are slaughtered in outside enterprises and in independent concerns, and that therefore when they could control only 50 per cent of the product they could not charge these fees back upon the producers of cattle, for the reason that they could not fix the price, and unless they could fix the price they could not reduce the price to that extent.

As was so strongly stated by the distinguished gentleman from Missouri the other day, it would be an impossibility for the packers to avoid payment if required to pay, and Mr. Wilson also stated in his testimony because of the fact that it would be so small a fee per head of animals they could not charge it back upon the producer and change the price to that extent, because the cost of charging it back would amount to more than the cost of the inspection itself. The testimony of Mr. Wilson was as follows:

Mr. WILSON. The packers do not kill more than 50 per cent of the cattle killed in this country—that is, the large packers concerned here—and they have to compete with the balance of the 50 per cent killed by the other folks, and they can not regulate prices. They have to take such prices as the market shipped to will justify, according to the supply and demand at that point.

That is the testimony of the representative of the packers. The representative of the cattle producers, Mr. Cowan, in answer to a question asked by Mr. LEVER, as to whether he believed that the packers could fix the price and therefore charge the cost of inspection to the cattle raiser or the consumer, said:

Not in the sense of agreeing to the price; no. That would be impossible, because they do not know the class of cattle coming in. I do not believe that they could fix the price. That would be an impossibility. I do not believe it possible to meet and agree on the price.

That is the statement of Mr. Cowan, the representative of the cattle producers in this country. Then, if the packers say that they can not fix the price and therefore can not charge it back upon the cattle producers, and the representative of the cattle producers says that they can not charge it back because it would be impossible for them to fix the price, and without the power to fix the price they could not charge it back and avoid payment themselves, then if you take the testimony on both sides of the question, and one corroborates the other, you are irresistibly

driven to the conclusion that they can be required to pay the cost of inspection, if you will place the tax upon them.

Then, if they can be required to pay it, ought they to pay it? That is the next question for each one of us to consider. I say they ought to, because the conditions existing in the packing houses requiring inspection were brought about by the packers themselves. Having brought those conditions about, they are responsible for them. They now ask the Congress of the United States to correct it and give them relief, and they ought to be willing and ought to be required to pay the cost of securing the relief which they say they must have. We all know that they can not sell to the foreign market without an inspection. They must have it in order to carry on their business. If they must have it, ought they to pay for it or ought the people to pay for it who are not interested in their private business? The packers want it in order that they may sell their goods in foreign countries, where they will not be purchased or accepted without the O. K. of the Government of the United States behind them. They want the home market restored, because the people will not accept their goods or buy them because of the conditions which they themselves brought about, unless the inspection is thorough and rigid; hence it is in the interest of their private business; and being in the interest of their private business, they ought to pay the expense of it. [Applause.] Mr. Wilson stated that their business had fallen off 50 per cent because of the Neill-Reynolds report, and that to restore it they must have rigid inspection by the Government. Mr. HENRY of Connecticut asked Mr. Wilson this question:

You object to the payment of fees. Now, I can readily see why you object to paying ante-mortem inspection fees. But if your objection is a plausible one, how can you object to the payment of fees for sanitary inspection to remove your own delinquencies, and also for the inspection of your canned-food products and other products, sausages, etc., which, on account of your own sins of omission, have been blacklisted until you are out of the market for them and can not recover a market—can not recover your market—until your product is O. K.'ed by the Government? How can you ask the Government reasonably to pull you out of the hole that you have digged for yourselves?

Mr. WILSON. Unfortunately it has not been of our doing that we have been put into this position. The present criticism and the present destruction of our trade is not of our doing, and it is unjust and unfair.

Mr. HENRY put the situation correctly, and in view of the truthfulness of that statement I appeal to this House to vote to require the beef trust to pay to restore their own business and not put the tax on the people by requiring payment out of the public Treasury. [Applause.]

Mr. LAMB. I yield five minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, this situation, plainly and in one sentence, is as follows: These people—the meat packers—have been, and are, voluntarily endangering the public health, and now they want the public to pay for stopping it. They have voluntarily brought about an unsanitary condition, and in order to overcome a condition which they could have prevented and can yet prevent, in order that their foreign and interstate markets—destroyed by their own wickedness—may be restored and preserved to them, they desire this inspection to be done at the expense of all—even those who do not eat their products.

I did not arise for the purpose of discussing the merits of the case, however. I will therefore add only one word concerning the merits. You would think from what you have heard here to-day that the consumers of beef in this country, if they were taxed back by the packers and made to pay the amount of this charge, would become bankrupt to all eternity. On the other side, you have heard that if the seller of a cow was taxed back what it cost to inspect the cow under the proposed law, he would have to go into bankruptcy. And yet the proposition is to put the immense, the enormous sum of 5 cents on an 800 or 1,000 pound steer, and put 3 cents, I believe it is, upon a sheep or goat, and 2 cents upon a hog. Five cents divided by 800 and run out into a 3-pound steak is, I confess, an enormous thing if you could only calculate it. After you get through dividing the loss between the consumer and the producer, even if the packer could divide it, I do not think either one would be quite bankrupted.

But, Mr. Speaker, as a matter of fact the packer is already making the consumer pay every dollar he can make the consumer pay either to-day or to-morrow. [Applause.] He has already reached, for him, the maximum revenue point for his business. As a wise man he knows that if he goes further he will lose in the volume of business what he may gain in the price of an individual carcass; and he has already reduced the price paid to the stock raiser for beef on the hoof down to the very point where, if he reduces the price any lower, the stock raiser will be discouraged from raising cattle at all and gradually turn to other forms of agriculture. Cattle are necessary to be raised for the packer in order that he may carry on his business.

Now, Mr. Speaker, what is the parliamentary situation? Whatever amendment this House may choose to put upon the House bill, it can, as it stands, put none upon it unless we first vote down the demand for the previous question. This legislation is right now in danger of failing between these two Houses. One or the other House must recede entirely (and neither will) or else the two Houses must compromise with each other.

If I get an opportunity—and I can get it only in the event that the House votes down the previous question—I shall offer a proposition of compromise between the two positions which I have perfectly satisfactory reason to believe will pass the Senate. Those of you who are running the risk of making this legislation fail must remember that you are right now at the critical point. If the House obstinately and blindly refuses to give one inch, and if the Senate, as I am informed it will, refuses absolutely to come to the position of the House, then you must take some position between the two or the legislation must fail. If so, you and you alone are responsible for the result. Unless something happens in the future that we can not now foresee, you must now vote down the previous question or doom the proposed legislation. So you must consider the wise and conservative alternative of compromise between the two Houses. I yield back the balance of my time.

Mr. LAMB. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has four minutes.

Mr. LAMB. I yield that four minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Speaker, I believe that the Senate amendment should be adopted, because I believe that the packers should be compelled to pay the cost that their own crimes have made necessary. [Applause.]

I desire to ask the chairman of the committee this question:

In the State of Washington our meat supply is largely raised at home, slaughtered at home, and consumed at home. Why should the people of my State be taxed to prevent the criminal practices of the Chicago beef packer who wants to deal in foreign and interstate commerce? I am at a loss to account for the tender solicitude shown by many for those who have been following these horrible practices—these men that have committed an infamous crime against the good name of the entire nation and against the well-being of every citizen. The most loathsome and slimy criminal that curses the earth is the one that adulterates food. [Applause.] He has not even the passions or weaknesses or the frailties of his nature as an excuse. For the dollar alone he not only defrauds and robs his victims, but administers to them disease and death. The old, the weak, the little children, are the favorite victims of this fiendish monster. He murders without discrimination and without mercy. If I could call from the "lowest depths of hell words so hot that I could construct out of them sentences that would writhe and hiss like the fanged and poisonous serpents" I could not express my horror, my loathing, and my hate for those merciless fiends who, for the dollar, traffic in human health and human life, who poison and destroy and murder the helpless and unsuspecting victims that they have already robbed. [Applause.]

Honesty and decency stand stupefied before the effrontery of the demands of these criminals—that the people pay the cost of the inspection. What is their proposition? That the people shall pay to have them stop their filthy and dangerous practices; that the people shall pay to compel them to obey the law; that the people shall pay to stop them from defrauding and robbing the public; that the people shall pay to prevent them from destroying life and spreading disease; that the people shall pay to stop them from poisoning and murdering the innocent and helpless! A proposition more monstrous never came from the polluted lips of crime. [Applause.]

You will discover, when the people have time to investigate the facts, that they are opposed to paying wealthy criminals to obey the law, that they are opposed to making the innocent pay for the crimes of the guilty. [Applause.]

Shall we be deterred from a plain duty because these criminals have the brazen impudence to declare that if we make them bear the burden of their own crimes that they will get even by robbing some one else? Are the threats of the beef trust to control the action of this House? The telegrams, the protests, and the petitions of the stock raisers of the country supporting the packers have been obtained by threats, coercion, by fraud, by concealing the truth.

If we are to believe the statements of some of the gentlemen who have spoken upon this question the whole country is aroused to frenzy because it is proposed to make the packers pay the expenses of enforcing a law that their crimes have

made necessary. They want us to believe that the people have come to the defense of the virtuous and outraged packers. Can it be possible that there is in this House one Member so unsophisticated, so innocent of the ways of these great trusts, so easily beguiled by appearances, so fitted for a kindergarten as to believe that all protests and demands, from wherever they come or by whoever they are sent, whether telegrams or letters, are the uninspired acts of those who have written them? These letters and these telegrams, whether they come from the farmer, the cattle grower, or the banker, are all of them inspired if not actually written by the packers themselves. One of the favorite phrases of the gentlemen who are defending these packers is that those who are favoring making the packers themselves pay the expense have grown hysterical over the report of the conditions existing in the packing houses. Will the gentleman who so freely used this expression please explain the mental condition of those who are wildly shouting that the stock-raising industry of this country will be destroyed because it is proposed to place upon the packer a fee for inspecting a steer at 5 cents and a hog or sheep at 3 cents? Dare any honest man, entirely sane, contend that to take from the price of the steer 5 cents and from the price of the hog or the sheep 3 cents, used in interstate or foreign commerce, will destroy or even injure the stock-raising industry of this country? It is not the cost, not the expense, that causes the packers to oppose the fee system with such sound and fury. The sole reason of their opposition to this system is that they fear that if the fee system is established the law will be enforced; that it will be enforced not only for this year, but for all time.

If the Government is to pay the expense, they believe that the purposes of the law can be defeated. They believe that it can be, at least, largely evaded. This tells the whole story of the opposition of the packer to the fee system. It is not the expense, but the law, that the packer is hoping to escape. [Applause.] The present appropriation will not long be sufficient, and the packer wants a chance each year to oppose any increased appropriation to make the law effective. Just as long as the Government makes this appropriation, just that long will the beef trust be here each year by its paid emissaries, under the hypocritical cry of economy, trying to prevent the necessary appropriation.

The beef trust of this country robs the people every day of an amount sufficient to pay the cost of a year's inspection. I extend to any man my admiration and condolence who is so tender that his sympathy and his tears can be aroused in behalf of these monsters of greed and avarice, whose fortunes have been largely accumulated by fraud and added to by the agonies and deaths of those who buy their products. [Applause.]

But they say these packers are innocent. It may be so. Then why do they fear the enforcement of the law? It can not be that they are objecting to the burden of the cost, for the attorneys for these defendants assure us that this will be paid by the farmers and the stock raisers. If the packers do not pay under the fee system, why should they object to it? Why should their virtuous souls be vexed if the farmer pays the cost? I have defended many criminals. If the beef packers are innocent, then they are unfortunate in their imitations of the guilty. They shout their innocence here, but they are cleaning up at home. [Applause.]

The practices of the packers have been so horrible, so filthy, so monstrous, that they have shocked and sickened the civilized world. In view of these recent revelations, it seems to me that the shrieks and groans of the death agonies of their victims must stop the ears of their sympathizers, and the fleshless hands of those they have slowly murdered must choke into silence their defenders. The country, the people, civilization, are to be congratulated that we have a President who has the courage, the honesty, the humanity, to demand that these infamies be immediately blotted out forever. [Applause.]

Mr. WADSWORTH. Mr. Speaker, I now yield four minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I shall not yield to the wild hysteria and clamor against the packers on this occasion, but shall cast my vote in accordance with fundamental principles of right. What are those principles of right in this matter? The gentleman from Mississippi says the packers put their institutions in an insanitary condition, and now they should be made responsible for it and should be forced to pay the expense. I am not here to defend the packers. I ask the gentleman why he didn't take the position that the expense should not fall on the Government when we had the quarantine measure before the House?

Mr. WILLIAMS. I will answer, because nobody in America ever brought yellow fever into America.

Mr. HENRY of Texas. Well, but this is a question of sanitation. The gentleman evades the question. He simply wishes to punish the packer in this wild crusade against them. They are not the only packers. There are other packers and some good men engaged in the same pursuit and doing a legitimate business, and if the Government is going to interfere in the business of these men and see that their premises are kept in a sanitary condition, it should put all the expenses of doing so in the hands of the Government. The gentleman from Alabama [Mr. BOWIE] refers to the oleomargarine legislation and the levying of that tax as a wholesome precedent to be followed in this case. Why, Mr. Speaker, I am surprised at that declaration from the gentleman.

Mr. BOWIE rose.

Mr. HENRY of Texas. I have not time to yield to the gentleman. It does seem to me that a Member who has served in this House so long ought to know that the oleomargarine legislation was based upon the proposition to get jurisdiction in taxing matters when that law was passed, and it was not done on account of the insanitary condition of oleomargarine; but it was done to prevent a discrimination against wholesome butter. Let us look at some of the inconsistencies of this amendment which gentlemen are advocating. You propose to put a tax of 5 cents upon a steer worth a hundred dollars, and yet you put a tax of 3 cents and 2 cents upon a two dollar and a half sheep or a hog at the same valuation. Look at the discrimination in the amendment. Why, Mr. Speaker, any man who can read understands that the consumer and the producer must pay this tax after all; that the packer will buy the cattle and the sheep and the hogs subject to inspection, and the money must come out of the pockets of the producers and the consumers after all. There the packer will tax it.

Mr. GARRETT. Are not they and the packers the only ones interested?

Mr. HENRY of Texas. No, they are not the only ones; the American people are interested, and if we are going to interfere in private business affairs we should place these inspections and investigations upon a high plane and the Government should pay the expense. We did this in the quarantine bill, appropriating $500,000. Any man who can and will use his mind can not draw a distinction between that bill, in which we appropriated $500,000, and this kind of legislation. [Applause.]

Mr. WADSWORTH. I yield eight minutes to the gentleman from Illinois [Mr. LORIMER].

Mr. LORIMER. Mr. Speaker, during my experience in Congress I never heard so many speeches made on misinformation as I have heard upon this subject. The gentleman from Washington [Mr. HUMPHREY], who has just taken his seat, intimates that this cry against the packers was brought upon them by reason of the bad and unwholesome meat which they served to the people of this country. The facts are, Mr. Speaker, that there is no testimony in the evidence before the Committee on Agriculture that warrants any such a statement. It is said that the packers in Chicago have brought this upon themselves, and therefore they should pay the expense. If he read the testimony before the committee he would find that the statement made to the President of the United States was not based on facts. Neither one of the President's representatives could remember when they appeared before the Committee on Agriculture. [Applause.] When the question was put to them straight, "Do you know of your own knowledge of any man working in the packing houses in the city of Chicago who had tuberculosis?" both of them made answer "No." Much of this frenzy which we have over the country comes by reason of the statement that they made, that meat was being thrown on the floor and dragged through tuberculosis expectoration.

Gentlemen here do not seem to understand what the real testimony was. The testimony before the committee indicated that these stories that are going about the country were made by men who never had any practical experience in anything. Both Mr. Neill and Mr. Reynolds told our committee that they had never had any practical business experience; both men of high type in their walk of life, both socioligists, but not men who have ever paid any attention to any kind of business. Their testimony before the committee would indicate that if the packers in Chicago spent about fifteen or twenty thousand dollars for ventilation in closets and for a little soap and a few towels the whole evil in Chicago packing houses would be remedied.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. LORIMER. I can not——

Mr. HUMPHREY of Washington. I was going to ask, then why the necessity of this legislation?

Mr. LORIMER. I will not yield for a question. If I had time, I would be glad to yield to any gentleman in this House. The gentleman from Minnesota made the statement here a moment ago that there was no testimony before the committee except that made by a lady that it would injure meat to go in cans, and what he got from Doctor Wiley. The fact is that Doctor Wiley did not make any statement except to express an opinion. He made no statement based on any information that he had as a scientist, Mr. Speaker.

I am talking from the view point of a man who has had some personal experience. I have done all kinds of work in a packing house except to kill the bullock, and I have worked in the canning department. I was one of six men who instituted the canning business in the Armour packing house and in the Nelson Morris packing house, and so I knew of the canning business before either one of those corporations had any information concerning it. My experience is this—that during all the time I had service in those institutions a can of meat that was packed two, three, four, five, or ten years was just as good as a can of meat that had been packed one, two, three, four, five, or ten days. If we put the date upon the label, then we send our meat in competition with meats that come from the Argentine and from Australia without any date upon the label, and it does not take much of an argument to satisfy any man that has any knowledge of the business that that is injurious to the commerce of this country. If we put the date on the label, it not only injures the packers, but it injures the cattle raisers. The canning cattle sell for about $1.75 a hundred. They are all poor cattle that come from the ranges, and if they were not used for canning purposes they would not be used at all. They would remain upon the ranges in Texas and in Illinois and in Minnesota and in all of the cattle-raising States, and die there, and nothing would be paid to the farmer. The proposition that the gentleman from Minnesota [Mr. DAVIS] suggests as his amendment, if he has an opportunity to propose it, provides that we shall pay for the inspection out of an appropriation and shall levy a certain sum on each head and shall use that money solely for the purpose of inspecting the meats after leaving the cooling room.

It is proposed to appropriate $3,000,000 for the total cost of inspection. The present cost of inspection of three-fifths of all the cattle that are slaughtered in this country is about $900,000 annually. That would be increased about two-fifths in order to inspect the houses that are not under inspection now. But if all of the meat-canning houses of the United States were compelled to pay for all of the inspection of all the meats going from the cooling house to the can, the total amount, Mr. Speaker, would not be over $100,000 annually. If gentlemen had any experience or knew anything about the canning business, they would not make a proposition of this sort. One hundred thousand dollars will pay for every inspector that inspects the beef from the cooler to the can. Mr. Speaker, that warrants Members of this House voting for the proposed Senate amendment, unless you want to raise fifteen hundred thousand dollars annually to put into the Treasury of the United States, and charge it to the consumers of beef in this country. [Applause.]

Mr. WADSWORTH. I yield two minutes to the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. When the law under which we are at present working was passed, no one suggested but that the Treasury of the United States was the proper place to go for the appropriation. And we are paying eight hundred thousand or nine hundred thousand dollars a year now for that inspection. There is no reason, because from the most exaggerateed statements that have been made in regard to the packing business but a very small percentage is charged to the unhealthy part of it, that the whole business should be taxed in order to pay it.

If it is taxed under the provision which the gentleman from Minnesota [Mr. DAVIS] has offered here, or said he proposed to offer, how are you going to collect it? He says that the Secretary of Agriculture shall collect so much for each head after we have paid out the money, and he depends upon that collection to pay for the inspection for next year, and so forth. How are you going to collect it? Why, it is said that we collect the expenses for the inspection of national banks. Very true, but we give the national banks their charter. They can not do business for a single moment if they do not pay for the inspection. It is not a parallel case. This is for the benefit of all the people. The Treasury of the United States should pay it. If we did collect it out of the packers, do you suppose that they will pocket the loss and that they will not in turn collect it at either end from the men who sell the cattle and the men who are consumers of the meat, so that the people will pay double for it in case we try to collect it in the first place from the packers?

So, from every standpoint, it seems to me, Mr. Speaker, we should stand by the Committee of Agriculture, stand by the House action, and have an inspection that is backed up by an annual permanent appropriation of $3,000,000 that shall be effective forever on this subject and remove every suspicion from American meat products. [Loud applause.]

Mr. WADSWORTH. Mr. Speaker, I move the previous question on the adoption of the resolution.

Mr. DAVIS of Minnesota. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. DAVIS of Minnesota. I would like to know, if the previous question as now moved carries, if I will have an opportunity to offer an amendment as regards the action the gentleman from New York wishes to take?

The SPEAKER. The gentleman would not.

Mr. LAMB. I suggest, Mr. Speaker, an inquiry as to what would be exactly the parliamentary status here, and call attention to this fact——

The SPEAKER. That is in the nature of debate.

Mr. WADSWORTH. Regular order, Mr. Speaker.

Mr. DAVIS of Minnesota. I ask to have consent to offer the following amendment——

The SPEAKER. The gentleman from Minnesota and the gentleman from Virginia both understand that it is in the right of the gentleman from New York to move the previous question, and nothing else is in order except to dispose of that motion.

Mr. BOWIE. A parliamentary inquiry.

The SPEAKER. Another parliamentary inquiry.

Mr. BOWIE. The only way by which an amendment to the motion of the gentleman from New York can be offered is to vote down the previous question?

The SPEAKER. The gentleman guessed it the very first time. [Laughter and loud applause.]

The question was taken on ordering the previous question; and the Speaker announced that the ayes seemed to have it.

Mr. LAMB. Division!

The House divided; and there were—ayes 157, noes 51.

So the previous question was ordered.

The question was taken on the adoption of the resolution; and the Speaker announced that the ayes seemed to have it.

Mr. WILLIAMS. Division, Mr. Speaker.

The House divided; and there were—ayes 193, noes 45.

Mr. BOWIE. Yeas and nays! [Cries of "No!"]

The question was taken on ordering the yeas and nays.

The SPEAKER. Nineteen gentleman have arisen; not a sufficient number; the yeas and nays are refused, the ayes have it, and the resolution is agreed to; and the Chair announces the following conferees: Mr. WADSWORTH, Mr. SCOTT, and Mr. LAMB.

RUSSELL SAVAGE.

The SPEAKER laid before the House the bill (H. R. 5509) for the relief of Russell Savage, with a Senate amendment, which was read.

Mr. WILEY of Alabama. I move to concur in the Senate amendment, Mr. Speaker.

The motion was agreed to.

Mr. LACEY. Mr. Speaker, I ask unanimous consent to extend my remarks on the bill for the protection of the petrified forest.

There was no objection.

Mr. LEVER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

Mr. CANDLER. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

There was no objection.

ANNA RING.

The SPEAKER also laid before the House the bill (H. R. 19364) granting an increase of pension to Anna Ring, with a Senate amendment, which was read.

Mr. KEIFER. I move to concur in the Senate amendment.

The motion was agreed to.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the following titles:

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing

sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes;

S. 4965. An act authorizing the appointment of Harold L. Jackson, a captain on the retired list of the Army, as a major on the retired list of the Army;

S. 6463. An act waiving the age limit for admission to the pay corps of the United States Navy in the case of Frank Holwag Atkinson;

S. 1211. An act to correct the military record of Jacob Alspaugh;

S. 6365. An act granting a pension to Edward S. Bragg;

S. 6444. An act to authorize the Wichita Mountain and Orient Railway Company to construct and operate a railway through the Fort Sill Military Reservation, and for other purposes;

S. 6448. An act to authorize the Grand Lodge of the Independent Order of Odd Fellows of the District of Columbia to sell, hold, and convey certain real estate;

S. 6488. An act authorizing the striking of 200 additional medals to commemorarte the two hundredth anniversary of the birth of Benjamin Franklin;

S. 6375. An act granting lands in the former Uintah Indian Reservation to the corporation of the Episcopal Church, Utah;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction;

S. 3433. An act to amend an act entitled "An act to divide the judicial district of North Dakota," approved April 26, 1890;

S. 6395. An act for the exchange of certain lands situated in the Fort Douglas Military Reservation, in the State of Utah, and other considerations, for lands adjacent thereto, between Le Grand Young and the Government of the United States, and for other purposes;

S. 6355. An act concerning licensed officers of vessels;

S. 6300. An act providing when patents shall issue to the purchasers of certain lands in the State of Oregon;

S. 4256. An act for the relief of the Alaska Short Line Railway and Navigation Company's railroad;

S. 6483. An act to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa;"

S. R. 67. Joint resolution to protect the copyrighted matter appearing in the rules and specifications for grading lumber, adopted by the various lumber manufacturing associations in the United States;

S. R. 69. Joint resolution directing that the Sulphur Springs Reservation be named and hereafter called the Platt National Park;

S. 2732. An act for the protection of wild animals in the Grand Canyon Forest Reserve;

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 6062. An act granting a pension to Mary Haney—to the Committee on Pensions.

S. 940. An act granting an increase of pension to Antonette Stewart—to the Committee on Pensions.

S. 6167. An act to improve the channels along the New Jersey seacoast—to the Committee on Rivers and Harbors.

WILLIAM SAPHAR.

The SPEAKER also laid before the House the bill (H. R. 9238) for the relief of William Saphar, with a Senate amendment, which was read.

Mr. KEIFER. Mr. Speaker, I move to concur in the Senate amendment.

The motion was agreed to.

WILLIAM P. KNOWLTON.

The SPEAKER also laid before the House the bill (H. R. 6963) granting a pension to William P. Knowlton, with a Senate amendment, which was read.

Mr. LOUDENSLAGER. Mr. Speaker, I move that the House concur in the Senate amendment.

The motion was agreed to.

UNITED STATES DISTRICT COURT FOR CHINA.

Mr. DENBY. Mr. Speaker, I call up the conference report on the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. Does the gentleman ask for the reading of the statement?

Mr. DENBY. There is no statement.

The SPEAKER. The Clerk will read the report, instead of the statement.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17345) creating a United States district court for China and prescribing the jurisdiction thereof, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate, and agree to the same with the following amendments:

Insert at the end of section 2 as follows:

"The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immeditely file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule, under oath, of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person. The said court shall have power to require, where it may be necessary, a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come, in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof."

And the Senate agree to the same.

In section 5, line 4, strike out the words "section 4086 of."

And the Senate agree to the same.

J. B. PERKINS,
EDWIN DENBY,
WM. M. HOWARD.
Managers on the part of the House.

JOHN C. SPOONER,
JOHN KEAN,
A. O. BACON,
Managers on the part of the Senate.

Mr. DENBY. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I present a conference report for printing, under the rule, on the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The SPEAKER. The report and statement will be printed under the rule.

RAILROAD RATES.

Mr. SHERMAN. Mr. Speaker, I present a conference report and accompanying statement upon the rate bill, and I ask unanimous consent that the conference report, relating to amendments Nos. 4 and 5, and the statement relating to those two amendments, be read, and that nothing else be read.

Everything else has been printed in the RECORD for some days.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, does the gentleman assure the House that the other amendments are verbatim et literatim the same?

Mr. SHERMAN. Absolutely, save amendments 4 and 5.

Mr. WILLIAMS. Under those circumstances I do not object.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 7, 39, 45, 48, 49, 50, and 51.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46; and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: Strike out all of said amendment and insert: "No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor, and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof;" and the Senate agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows:

In line 2 strike out "common carrier" and insert "railroad company."

In line 3 strike out "district of the United States" and insert "the District of Columbia."

In line 4 strike out "district of the United States" and insert "the District of Columbia."

And the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

In line 2 strike out "shall promptly."

In line 2, after "of," insert "any lateral, branch line of railroad, or of."

In line 3, after "transportation," insert "shall."

In line 5, after "any," insert "such lateral, branch line of railroad, or."

And the Senate agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: In line 6, after "established," insert "If no joint rate over the through route has been established the several carriers in such through route shall file, print, and keep open to public inspection, as aforesaid, the separately established rates, fares, and charges applied to the through transportation;" and the Senate agree to the same.

Amendment numbered 14: That the House recede from its disagreement to the amendment of the Senate numbered 14, and agree to the same with an amendment as follows: In line 1 strike out "special;" and the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In line 3 strike out "section one of;" and the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows:

In line 1 strike out "shall."

In line 2, after "act," insert "shall."

In line 3 strike out "the first section of."

In line 6 strike out "section" and insert "act."

In line 17, after "tariffs," insert "*Provided*, That wherever the word 'carrier' occurs in this act it shall be held to mean 'common carrier.'"

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows:

In line 2 strike out "representation" and insert "demand."

In line 3 strike out "of the need therefor."

And the Senate agree to the same.

Amendment numbered 29: That the House recede from its disagreement to the amendment of the Senate numbered 29, and agree to the same with an amendment as follows:

In lines 35 and 36 strike out "and willfully."

In line 77 strike out "district of the United States" and insert "the District of Columbia."

In line 78 strike out "district of the United States" and insert "the District of Columbia."

In line 79 strike out "and willfully."

In line 93 strike out "and willfully."

In lines 104, 105, 106, and 107 strike out ": *Provided*, That the foregoing penalties shall not apply to rebates or considerations received prior to the passage and approval of this act."

And the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment as follows: In line 2 strike out "accrued claims" and insert "claims accrued prior to the passage of this act;" and the Senate agree to the same.

Amendment numbered 47: That the House recede from its disagreement to the amendment of the Senate numbered 47, and agree to the same with an amendment as follows:

In line 4, after "the," insert "lawful."

In line 18 strike out "through whose negligence" and insert "on whose line."

In line 21, after "property," insert ", as may be evidenced by any receipt, judgment, or transcript thereof."

And the Senate agree to the same.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

S. B. ELKINS,
S. M. CULLOM,
Managers on the part of the Senate.

STATEMENT.

The House recedes from amendments 1, 2, 3, 8, 9, 10, 12, 13, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 30, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, and 46.

The Senate recedes from amendments 7, 39, 45, 48, 49, 50, and 51, and the House recedes from all other amendments with amendments.

Amendment No. 1, from which the House recedes, is the one which brings pipe lines within the provisions of the act.

Amendment No. 2, from which the House recedes, is the one that provides that the term "common carrier" shall include express companies and sleeping-car companies.

Amendment No. 3 is simply the insertion of quotation marks.

Amendment No. 4 is the one relating to passes. The provision is redrafted along the lines of the amendment as passed by the Senate. It prohibits broadly and generally the issuance of any free transportation for interstate passage, and then provides an excepted class, which is as follows:

"No common carrier subject to the provisions of this act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Association, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge, and Boards of Managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks, and physicians and nurses attending such persons."

Amendment No. 5 as passed by the House provided that after May 1, 1908, no common carrier should transport any commodity produced by itself, excepting from such prohibition timber and the manufactured products thereof. As agreed to in conference, the words "common carrier" are stricken out, and the words "railroad company" substituted in lieu thereof.

Amendment No. 6 made provision for the compulsory installation of switch connections with rail where application was made therefor and the Interstate Commerce Commission deemed the installation sufficiently important to warrant the same, the installation to be done at the expense of the applicant. As agreed on in conference, the amendment is broadened so as to require the compulsory installation of a connecting switch, not merely with a present or prospective shipper, but with any lateral or branch line of railroad.

Amendment No. 7 provided that equally good service and accommodations be given to all persons paying the same compensation for interstate transportation of passengers. This is the amendment commonly known as the "jim crow" amendment. From it the Senate receded, and it goes out.

Amendments 8, 9, 10, and 11 cover, together, the question of filing and publicly posting the schedules of rates, fares, charges, and so forth. These amendments are largely phraseological for the reason that they were covered in different words by provisions of the bill which passed the House, and which are stricken out in amendment No. 25, from which the House recedes. The amendment as agreed to in conference enlarges somewhat the provision as it passed the House by providing for the publication and posting of joint rates where the joint rate is made up of rail and pipe, or rail and water, and also provides, where no through rail and water rate is provided, where such a route exists, that so much of the rate as is covered by rail shall be posted.

Amendment No. 12 is a phraseological amendment using the word "all" instead of "the," and does not change the meaning or intent of the provision.

Amendment No. 13 includes "storage charges" amongst the items for which the published and posted rates shall provide.

Amendments 14, 15, and 16, together, all relate to the posting and filing of the contents of the schedules, and are simply intended to make more definite the meaning of the enactment.

Amendment No. 17 is the insertion of the word "kept," so that it will require the schedules to be kept posted.

Amendment No. 18 is a requirement that all of the provisions of the section shall apply to all traffic transportation and facilities defined in section 1 of this act. It is enlarged by making it applicable to the entire act.

Amendment No. 19 uses the word "filed" for "established." It is a phraseological amendment.

Amendment No. 20, in place of the words "public notice," provides that notice shall be given to the Interstate Commerce Commission as well as being published.

From amendment No. 21 the House receded, because so much of the provision as was stricken out by the Senate was covered by the amendment No. 27 inserted by the Senate, and which will hereafter be explained, and this amendment also carries new matter, to which the House conferees agreed, that where a joint rate is provided the carrier other than the initial carrier shall give notice of concurrence therein, and the names of all parties to it shall be stated.

From amendment No. 22 the House receded, because this matter was covered by amendment No. 8, which is in the bill and which is hereinbefore explained.

Amendment No. 23, made necessary by striking out the part contained in amendment No. 22, is simply the insertion of the word "such."

Amendment No. 24 is simply a phraseological change.

Amendment No. 25 was stricken out for the reason that the provisions therein contained were covered by amendments 8, 9, 10, and 11, heretofore explained, and by amendment No. 27, hereinafter explained.

Amendment No. 26 was stricken out for the reason that it refers to the filing of schedules and tariffs, and so forth, and is covered by the other provisions of the bill herein explained.

Amendment No. 27 takes the place of amendments 21 and 26, which have been stricken out, and provides that no carrier shall engage in transportation of either persons or property until the rates, fares, and charges required to be filed and published have been so filed and published, and this section also provides that there shall be no discrimination in charges between different persons as to passengers or property, or between different points or different articles, and expressly forbids rebating in any manner whatever, and its operation is enlarged by making the provisions applicable to the entire act rather than to one section thereof, as was the case when the amendment passed the Senate. The word "shall" in this amendment is changed from following the word "carrier" in the first line thereof to follow the word "act." It is simply phraseological.

Amendment No. 28 provides that the President in time of war may call upon any carrier to give preference to the transportation of troops or munitions of war. The amendment as it passed the Senate provided this should be done upon the representation of the President of the need therefor. As agreed to in conference, this is stricken out, so that it provides that it shall be done upon a demand of the President.

The House receded from its disagreement to amendment No. 29, with an amendment striking from the bill the proviso at the end thereof. This amendment is a reenactment of section 1 of the Elkins Act, with certain additions relating to violations of the act and punishments therefor, and also forbids rebates or considerations. The proviso was stricken out as being thought that this provision might relieve those who had already infringed the act from prosecutions therefor where there was pending litigation in reference thereto. The agreement also provides for striking from the provision in the three places where it appears the words "and willfully," so that the amendment shall provide that no person who "knowingly" offers, grants, etc., shall be guilty as in the amendment provided.

From amendments Nos. 30 and 31 the House recedes. These amendments strike from the bill the words "in its judgment" and "fairly remunerative" in enacting in reference to the determination of rates by the Commission.

From amendment No. 32 the House receded. This provision as the House passed it was that the order should go into effect thirty days after notice to the carrier, and the amendment inserted by the Senate, which has been agreed to, provides that the order of the Commission, except for the payment of money, shall take effect within such reasonable time, not less than thirty days, as shall be stated by the Commission in the order, and remain in effect for not exceeding two years. The provision of this amendment takes the place of amendment No. 38, on page 24 of the printed bill, which is stricken out by the Senate, and to which the House conferees consented.

Amendments Nos. 33 and 34 are phraseological and do not change the meaning or the intent of the bill.

Amendment No. 35 strikes out the word "portion" and uses in its stead the words "just and reasonable proportion," incorporating in the bill the expression "just and reasonable," which, of course, was the thought of the framers thereof.

Amendment No. 36 makes clear that it was the intent of the lawmaking power that the provisions should apply to the water connections of carriers.

Amendment No. 37, as changed by the conferees, strikes out the word "accrued" and inserts after the word "claims," in lieu thereof, after line 26, page 33 of the printed bill, the words "accrued after the passage of this act." The amendment is intended to provide that all claims which have heretofore accrued may be sued upon within one year after the passage of this act, and not thereafter.

Amendment No. 38 is a provision stricken from the bill, as explained in amendment No. 32.

Amendment No. 39: The Senate struck out the word "regularly" and inserted in lieu thereof the word "lawfully." From this amendment the Senate receded, restoring the word "regularly" in the bill.

Amendment No. 40 inserts the words "against the Commission," in reference to suits brought to suspend or annul an order of the Commission. It does not change the meaning of the bill as it passed the House, but makes it more clear.

Amendments Nos. 41 and 42 are known as the "court-provision" amendments, and expressly provide for reviews of the orders of the Commission by the courts.

Amendment No. 43 provides that no injunction or interlocutory order restraining the operation of the order of the Commission shall be granted except after five days' notice to the Commission, and it also provides for appeals from such orders directly to the United States Supreme Court, and limits the time within which such appeals can be taken to thirty days from the entry of the order.

Amendment No. 44 strikes from the bill the provision that an order of the Commission complied with for three years shall not thereafter be enforced. This subject is covered by amendment No. 32 hereinbefore explained.

Amendment No. 45 provided certain additional exceptions to those specified in amendment No. 4, as to the persons to whom free transportation might be issued. From this amendment the Senate receded, so that the provision in amendment No. 4 covers all there is in the bill in relation to free transportation.

Amendment No. 46 merely inserts the quotation marks.

Amendment No. 47 is that which is known as the original carrier's liability provision. As agreed to in conference it is changed so as to provide that the holder of the original receipt or bill of lading must be the lawful holder, the word "lawful" being inserted, and that such holder may collect from the initial carrier for any loss sustained on any road carrying the property, and the further provision that the initial carrier can recover from the carrier upon whose lines the loss was made. As passed by the Senate it provided that this recovery might be made when the loss was through the neligence of the subsequent carrier. The words "through whose negligence" are stricken out and the words "on whose lines" are substituted, so that the liability of the carrier to the shipper and of the subsequent carrier to the original carrier are made the same. A provision was also added to this amendment providing that the receipt for payment obtained by the original carrier from the shipper, or the judgment obtained by that shipper against the carrier, or a transcript thereof, is competent evidence in a proceeding to compel the subsequent carrier to refund to the initial carrier for the loss it made good to the shipper.

Amendment No. 48: The Senate receded from restoring the matter passed by the House which it had stricken out. This is the provision increasing the membership of the Commission to seven and increasing the salary of the Commissioners to $10,000.

W. P. HEPBURN,
J. S. SHERMAN,
WILLIAM RICHARDSON,
Managers on the part of the House.

Mr. SHERMAN. Mr. Speaker, I move the adoption of the conference report, and pending that I desire to yield to my colleague on the committee, the gentleman from Alabama [Mr. RICHARDSON]. How much time does the gentleman desire?

Mr. RICHARDSON of Alabama. How much time is allowed on either side?

Mr. SHERMAN. My purpose is to control the floor, and within the hour which I have under the rule to move the previous question; but I desire to yield to the gentleman, meantime, such time as he may desire.

Mr. RICHARDSON of Alabama. That would give us thirty minutes.

Mr. SHERMAN. I yield to the gentleman thirty minutes.

Mr. BARTLETT. May I ask the gentleman from New York a question before the gentleman from Alabama proceeds?

Mr. SHERMAN. If the gentleman from Alabama is willing to yield.

Mr. RICHARDSON of Alabama. I yield to the gentleman.

Mr. BARTLETT. What becomes of this part of the Senate amendment:

That such provision shall not be construed——

Mr. SHERMAN. I understand what the gentleman refers to. As the report will show, the proviso that railroad companies may exchange passes with other railroad companies, their agents and employees, is included precisely as it is in the Senate amendment. The Clerk did not read the report; he only read the statement, and the statement contains only the excepted clauses. The proviso, as contained in the original Senate amendment, clear down to and including the penal provision, is precisely as it passed the Senate. Now, I yield to the gentleman from Alabama [Mr. RICHARDSON].

Mr. RICHARDSON of Alabama. I regret that this conference report, which has received at the hands of the conferees such profound, sincere, and earnest consideration for quite four weeks, could not have been published in the RECORD, so that all Members could have read it and understood it; because, from a general standpoint, after having given it, as the minority member of the conference committee, the most earnest and sincere attention, serious as many of the questions submitted to us were, I cordially indorse the report. I should be glad, if I had the opportunity, to review briefly the history of this bill. I will not do it except in a few words. We recall the fact that this bill is the product—I mean the Hepburn bill—of the joint work of Republicans and Democrats on the Interstate and Foreign Commerce Committee, and an earnest and patriotic effort was made by that committee to lift it above the level of politics and give it that fair business, common-sense consideration that this great question demands.

I regret, Mr. Speaker, to see evidences recently that that spirit which influenced the Interstate and Foreign Commerce Committee has been to some extent forgotten and lost sight of and a disposition manifested to give the measure a political coloring favorable to the Republican party. I am not disposed in any way whatever to detract from the President of the United States the credit that he deserves in connection with this question of regulating the rates of railroads. I believe he has been of great aid and assistance. He brought this question to the front, he pushed it in every way, and I am glad to say that he has not taken a step, that he has never advocated or promulgated in any of his messages, public utterances, or speeches any sentiment looking to a fair, just, and honorable regulation of railroads and correcting the abuses and evils complained of that the Democratic leaders and the Democratic party have not stood earnestly and zealously with him. He was cordially sustained by Democrats of the Senate and the House in his advocacy of the narrow court review, and it is in no manner the fault of Democrats that this bill does not in plain terms restrict the limit of the review by the court of the order of the Commission declaring a rate to its lawfulness and the constitutional rights of the carrier. Why? Because he was advocating Democratic doctrine, and I here declare that this bill is but an emanation from principles embodied in Democratic platforms of 1896 and 1900. [Applause on the Democratic side.]

I will read what our national Democratic conventions declared about the regulation of railroads. I regret that I have not the declaration made by our national convention in 1904.

DEMOCRATIC PLATFORM, 1896.

We demand the enlargement of the powers of the Interstate Commerce Commission and such restriction and guaranties in the control of railroads as will protect the people from robbery and oppression. * * *

DEMOCRATIC NATIONAL PLATFORM, 1900.

We favor such an enlargement of the scope of the interstate-commerce law as will enable the Commission to protect individuals and communities from discriminations and the public from unjust and unfair transportation rates.

Mr. Speaker, the enactment of this bill into a law will be accepted as a distinct era in Congressional legislation. The effort to subject more than 210,000 miles of railroad trackage to the control of seven Commissioners, clothed with authority by an act of Congress, speaks in plain terms of the vast importance of the work we have undertaken. Yet the public, in the preservation of its own interests, demanded that the railroads of the country should be controlled and regulated by law. It is not to be expected that we have made a perfect bill, without errors or blemishes. These errors and mistakes can and will be discovered by enforcement of the law and corrected hereafter. I can, Mr. Speaker, truthfully say, so far as I may be allowed to speak of the continued arduous labor of the conferees who have so willingly signed this report, that each one brought to his work a conscientious, unselfish, and patriotic desire to frame a bill by the adjustment of the differences between the two Houses of Congress—such a bill as would be fair to the railroads and require them to treat the people fairly, a bill that would not be a mere pretense, an illusion, a fraud, but a bill that would give relief of the evils complained of. It is not so much about exorbitant or high rates that the public complains, but it is the discriminations in rates and charges granted one shipper to the injury of another, and about which there is loud and genuine complaint. That the Senate has improved our bill I truly and cheerfully admit.

I desire to call the attention of Democrats especially to this one fact: Our distinguished minority leader, Mr. WILLIAMS, of

Mississippi, aided by the distinguished gentleman from Missouri [Mr. DE ARMOND] pointed out at the beginning of this controversy, when this matter was first referred to the conferees, four or five different important amendments that this side of the House at least was so earnestly united on that they didn't want to submit either of those amendments to the conferees. They asked concurrence in these amendments, and wished to withdraw them from the conference. That was refused by the other side of the Chamber. I believe, as I recall it now, that these amendments of the Senate were numbered 2, 6, 31, 47, and 48. I must rely on my memory to state what these were. The first was amendment 2, which made express companies and sleeping-car companies common carriers. This was done. I want to show Democrats what they have in this bill and that your wishes and views prevail in it. You will be astonished to find out when we compare what was known as the "Davey bill," which expressed the Democratic views of the minority members of the Committee on Interstate and Foreign Commerce and other leading Democrats that we consulted with, how much there is in this bill that was taken from the Davey bill, and more astonishing than that many of the fifty-four amendments offered by the Senate that were rejected in the make up of the compromise Hepburn bill are found literally in the Davey Democratic bill.

Now, what was No. 6? That Mr. WILLIAMS and other gentlemen strongly urged our attention to. This was a very important matter; it was in relation to requiring all railroads to give switch connections with private side track when practicable. What did the conferees do with that? Why, they improved it and gave it strength by enlarging the requirement and reaching the actual evil complained of. Why? We not only required these great trunk lines to give switch facilities to private side tracks, but to give them to any lateral branch line of railroad. What is the meaning of that? If there is any one thing that the people of the country have cause to complain of, it is of great corporations suppressing production. Take a coal mine that laid 40 or 50 miles from a great trunk railroad in a section that it had literally preempted and controlled thereby the transportation and production of coal. That great railroad could suppress production by refusing to give to the owner of these coal lands switch connection to any lateral or branch railroad he would build. This bill, when discussed by our distinguished minority leader and the distinguished gentleman from Missouri [Mr. DE ARMOND]—and I think they were preeminently correct in what they said—applied only, as you will see from the bill, to switch connections with private side tracks; now it extends to lateral railroads and branches.

This I deem of vast importance to the coal-producing interests of the country in the future.

What was the next amendment our attention was called to? It was No. 31, and I must go over this hurriedly. What was No. 31? That used the words "fairly remunerative," which the gentleman from Georgia [Mr. ADAMSON] will remember the minority of our committee fought so earnestly against, but it was put in the Hepburn bill over our protest. Those words "fairly remunerative," that were indefinite and without legal definition or construction, have gone out by Senate amendment 31. Another important amendment made by the Senate was the striking out of the words "in its judgment." The Senate of the United States had one of the grandest and greatest discussions in the history of the country upon that subject. You do not find it in the Davey bill, and you find it now gone out of this bill—the Commission "to determine and prescribe what will be the just and reasonable rate." If you will turn to the Davey bill, line 6, page 9, you will find that the provision reads, "to determine what will be a just, reasonable, and impartial rate."

What was the next amendment? It is No. 47, a very important one. One of the great complaints of the railroads has been, and, I think, a reasonable, just, and fair complaint, that when a man made a shipment, say, from Washington, for instance, to San Francisco, Cal., and his shipment was lost in some way, the citizen had to go thousands of miles probably to institute his suit. The result was that he had to settle his damages at what he could get. What have we done? We have made the initial carrier, the carrier that takes and receives the shipment, responsible for the loss of the article in the way of damages. We save the shipper from going to California or some distant place to institute his suit. Why? The reasons inducing us to do that was that the initial carrier has a through-route connection with the secondary carrier, on whose route the loss occurred, and a settlement between them will be an easy matter, while the shipper would be at heavy expense in the institution of a suit. If a judgment is obtained against the initial carrier, no doubt exists but the secondary carrier would pay it at once. Why? Because the arrangement, the concert, the cooperation, the through-route courtesies between them would be broken up if prompt payment was not made. We have done that in conference.

What else did we do? The next thing was No. 48, which has reference to the Commissioners. We increased the number to seven and made their salary $10,000. The responsibility by means of the increased labors that this bill imposes demands splendid talent and a just compensation should be paid. But the principal matter that I desire to call the attention of the House to is amendment No. 43, which reads as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes.

I believe that this is of more vital importance than any amendment made by the Senate, because it is the entrance gate to the broad court review. It is a matter that sheds light and gives hope and belief and faith that this great effort we are making to fairly and within constitutional limits regulate the railroads will be a success. I have great respect for the courts, and whenever the people of this country lose their faith in the courts it is the death knell of our republican form of government. We must have faith in the courts, but I verily believe that the courts, as Mr. Jefferson declared, must strictly confine their jurisdiction to the limits of the Constitution and not infringe on the legislative. One of the first bills that I had the honor to introduce in this House as a Member of Congress was to have Federal courts give notice before they issued a temporary restraining order or injunciton. I never believed that a case should be taken, between sunset and sunrise, from a State court on account of local prejudice and surroundings, upon the sole affidavit of the party interested, and carried to a Federal court without giving notice and having a hearing before the granting of the order of transfer. In past years—in the days of reconstruction and subsequent thereto—we people of the South had untold wrongs and iniquities imposed on us in the arbitrary exercise of authority by Federal judges.

I believe that in the interest of justice notice ought to be given. What is done in this instance? Take the Davey bill, page 14, line 4, and you will find planted in that Democratic bill a demand that before this rate fixed by the Commission should be arrested by a temporary restraining order the judge must give notice and have a hearing. What do you find here that links the Democrats in the other end of the Capitol to this bill? It is provided here that no injunction or interlocutory order of the court suspending or restraining the enforcement or the order of the Commission shall be granted except on hearings after not less than five days' notice to the Commission. I tell you sincerely and honestly, as a Democrat, that if there was nothing else in this bill but that one provision every Democrat could stand up here and honestly and earnestly and boldly support it. It is one of the strongest principles, it is one of the brightest headlights, that there is in this whole bill, in my judgment. Why, the Commission fixes the rate, and, under the old law, all of the delays, all the time that was consumed, embracing years and years frequently, before cases were heard was by reason of the fact that the courts issued restraining orders without any notice to the Commissioners, without any notice to the shipper, and passed on and granted the restraining order, and, as lawyers know, in eighteen cases out of twenty when a temporary restraining order is issued it is confirmed when it comes to a final hearing. That has been my observation.

Mr. GAINES of Tennessee. Mr. Speaker, I would like to inquire of the gentleman if the Senator from South Carolina [Mr. TILLMAN] agreed to this pipe-line amendment.

Mr. RICHARDSON of Alabama. He did not; because he says he fears somebody will stamp on his forehead the letters "S. O."—"Standard Oil." I say, Mr. Speaker, it behooves an honest man in matters of great concern like this to do what he believes to be right without boasting of his virtue and honesty. Mr. Speaker, I would like to talk somewhat about that pipe-line amendment. I do not envy a man who would go on a conference, involving great questions that appeal to common sense, judgment, and patriotism, having a determination never to change his mind made on first impression as to how he intends to vote, and who adheres to that opinion to the end, and because five of his associate conferees differ with him he makes unjust, unbecoming insinuations against his associates. I admit that impressions made upon me at the beginning of the conference on several subjects which upon examination and hearing and lis-

tening and trying to reach a right conclusion about I changed my mind on. One of these things was the pipe line, another was the amendment of the Senate prohibiting common carriers from transporting their own products other than timber and the manufactured products thereof. I thought at first that was right, but on careful examination I changed my mind, and the Senate amendment touching lumber is the same as the Senate made it. Is it expected that I as a Democratic representative in conference, in order to strike at a great octupus—one that I would like to reach and regulate—should, contrary to the great Democratic idea of fostering competition, strike down independent oil lines and send them into bankruptcy. I believe, Mr. Speaker, that it is a matter of some doubt whether these independent pipe lines are common carriers. I know that there are gentlemen on this side of the House who differ with me. I yielded such doubts and joined my colleagues on the conference in declaring pipe lines common carriers. I do not believe that any declaration of a fact that does not exist upon which the law pronounces an instrumentality of commerce to be a common carrier can make it so unless it is engaged in that business which makes it a common carrier. I am no defender of the Standard Oil Company or anything directly or indirectly connected with it.

Mr. JAMES. Will the gentleman yield?

Mr. RICHARDSON of Alabama. Certainly.

Mr. JAMES. As I understand the gentleman from Alabama, he says that he has a doubt as to whether a pipe line is a common carrier.

Mr. RICHARDSON of Alabama. Yes; I have doubts upon that—upon the facts that exist.

Mr. JAMES. I will ask the gentleman if it is not true that every foot of pipe line which is laid in the States has been laid under the right of eminent domain and that they claim that right as a common carrier?

Mr. RICHARDSON of Alabama. I do not think that is a fact as to all of them. It is true as to the States of California, Colorado, Indiana, Kentucky, New York, and a few other States.

Mr. JAMES. Then, do they lay the pipes, claiming the right as an individual?

Mr. RICHARDSON of Alabama. An instrumentality of commerce can not be made a common carrier unless it engages in public business for the purpose of hire and gain.

Mr. JAMES. How do they get the right to condemn private property except as a common carrier?

Mr. RICHARDSON of Alabama. Well, I do not know. I have never investigated that fully. The Michigan case referred to by Senator NELSON, which went to the Supreme Court of the United States, where it was held that an elevator company which bought its own grain and handled nothing but its own grain was a public concern, and under the regulatory power of the State of Minnesota, was very persuasive to my mind.

Mr. Speaker, the question that occurred to me was this: We do make them common carriers—we require them to carry the products and property of everybody else. We have declared them in this bill to be common carriers, and unless we had inserted "railroad companies" for "common carriers" in the fifth amendment we would have prohibited these pipe lines from carrying their own oil. Considering the difference in the operations of a railroad and a pipe line, I could not consent to do this. "I am willing to carry anybody else's product; I am willing to carry other people's property," says this independent pipe company, "but do not forbid me from carrying my own property, and thereby drive me into bankruptcy." It seems to me that is a great fundamental principle of justice and right. Suppose we had applied the same thing to the timber roads built especially to reach a section of timber, and again extended to reach a more distant field of timber. All these roads are properly common carriers. They carry freight and frequently passengers; but to prohibit them from carrying their own timber and the manufactured products thereof would mean immediate business prostration. That is the proposition, and it is the only one at the bottom of this great question. I know there is a great prejudice against the Standard Oil Company—I possess it myself—but I do not think, Mr. Speaker, that in the attitude of a conferee I ought to yield when I thought in good judgment and common sense that a pipe line ought to be allowed to carry its own product. We made them common carriers, and that, I thought, was far enough to go. [Applause.] I will now, Mr. Speaker, read the pass amendment submitted in this conference report.

No common carrier, subject to the provisions of this act, shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its agents, officers, surgeons, physicians, attorneys at law, ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies and hospitals; and the necessary agents employed in such transportation; to inmates of the National Homes and State Homes for disabled volunteer soldiers, and of soldiers and sailors' homes and their boards of managers, including those about to enter and those returning home after discharge; to necessary care-takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies, Railway Mail Service employees, post-office inspectors, customs inspectors, and immigration inspectors, newsboys on trains, baggage agents, witnesses attending any legal investigation in which the carrier is interested, persons injured in wrecks, and the physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers and of their immediate families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation.

Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than $100 nor more than $2,000, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States" approved February 19, 1903, and any amendment thereof.

This is based on the first antipass Senate amendment No. 4. The Senate conferees receded from that amendment and the conferees presented in the first conference report a substitute which prohibited common carriers from issuing or giving any free passes to anyone at all. The Senate had to pass on it first. A loud and earnest protest from all sections of the country poured in on Senators and Representatives against excluding employees and their families. The report of the conferees was rejected by the Senate. The next substitute in the way of a pass amendment—that no interstate free ticket or free transportation should be given by a common carrier to any officer or person in the service of the United States other than Postal Service or to any State, county, or municipal officer.

Now, this present pass amendment directs to whom the carrier may give free transportation. Of course the railroad company can decline, if it chooses so to do, to give a pass to anyone named.

Amendment No. 7 was left out of the bill, which referred to equally good service and accommodations to all persons paying the same compensation, etc. On a careful examination I believed it was best to let the amendment go out. The real rights of the carriers would not be affected by the amendment whether left in or out, because the Interstate Commerce Commission in three cases decided by it followed the holding of the Supreme Court in the three leading cases, found in 133 United States, 587; 163 United States, 537; 179 United States, 388.

In the first case decided by the Commission, Councill *v.* The Western and Atl. R., 1 I. C. C., 339, it held:

That colored people may properly be assigned separate cars on equal terms, as such a separation of the races does not create undue prejudice or unjust preference.

In the second case, Heard *v.* Georgia R., 1 I. C. C., 428, it was held:

Separation of white and colored passengers paying the same fare is not unlawful, if cars and accommodation equal in all respects are furnished to both, and the same care and protection of passengers observed.

In the third case, Heard *v.* Georgia R. R. (3 I. C. C., Ill.), the Commission held that a carrier owes to the traveling public in carrying out its rule of furnishing separate cars for white and colored passengers on its line engaged in interstate travel, the lawful duty to make them equal in comforts, accommodation, and equipment without any discrimination.

In a large number of States statutes provide for separation of school children of different colors, and these statutes have been held valid. This is in line with the well-established rule throughout the country that States may by statute, or carriers may voluntarily provide for separate cars or compartments for white and colored, provided equal accommodation be furnished without discrimination.

Amendments 41, 42, and 43 are a part of the court review and necessarily should be considered together. They constitute what is known as the "Allison amendment." While it is not my purpose, Mr. Speaker, at this time to enter upon what is known as the "broad" or the "narrow" court review, because the debate at the other end of the Capitol, marked by a depth of legal learning and ability rarely, if ever, surpassed in the history of the United States Senate, has challenged the attention and admiration of the people of our country. But it can hardly be denied, under the light of recent decisions, that any act of Congress that would use such words as would clothe a commission with authority to make a final and conclusive rate would be held by the Supreme Court of the United States to be violative of the Constitution, because that would be undertaking to prevent a court from inquiring into the reasonableness and justness of

the rate, thus violating one of the plainest provisions of the Constitution by depriving a citizen of his property without due process of law. I believe, Mr. Speaker, that every citizen has the right to the protection of the courts in his property rights. This can not be denied to him nor can the courts, by an act of Congress, be stripped of the authority to protect property rights against an unlawful or unconstitutional act.

But let us look at the Hepburn bill as amended by what was known as the "Allison amendment." The Hepburn bill made no specific or explicit provision for jurisdiction of the Federal court, at least not in so many words. It was built on the belief that jurisdiction was granted by the Federal judiciary act and that it attached without special request or invocation. The Hepburn bill referred to the venue of suits brought in any of the circuit courts of the United States. "Jurisdiction to hear and determine is vested in such courts" is all that the Allison amendment added. The Hepburn bill invoked provision of expediting act of three judges.

I now submit, Mr. Speaker, an accurate comparison between the bills I have discussed.

SENATE AMENDMENTS COMPARED WITH DAVEY BILL.

Amendment 8, section 6, page 7, from which House recedes. Same as Davey bill, commencing at line 18, page 4.

Amendment 9, page 7, from which House recedes. Same in Davey bill, line 19, page 4.

Amendment 10, section 6, page 7, line 14. Same as Davey bill, line 14, page 4.

Amendment 11, iine 15, page 7. Same in Davey bill, line 20, page 4.

Amendment 12, page 7, line 24. (House recedes.) Same as Davey bill, line 5, page 5. Also, amendment 13, line 25, page 7. Same in Davey bill, line 6, page 5. (House recedes.)

Amendment 14, page 8, line 1. Same as Davey bill, line 7, page 5. House recedes with amendment.

Amendment 15, line 4, page 8. Same as Davey bill, line 12, page 5.

(House recedes.) Amendment 16, line 5, page 8. Substantially Davey bill, line 13, page 5.

Amendment 17, line 8, page 8. Same as Davey bill, line 19, page 5. (House recedes.)

Amendment 19, on which House recedes, page 9, line 6. Same in Davey bill, page 6, line 1.

Amendment 21, page 9, line 21, from which House recedes, contains on page 10 same as in Davey bill, page 6, lines 11 to 19.

Special amendment 27, from which House recedes, page 13, line 13, to line 4 on page 14. Same in Davey bill, page 7, from line 5 to line 20.

I have pointed out now the amendments made by the Senate that appeared in the Davey bill. Let us look and see what was taken from the Davey (Democratic) bill and inserted in the Hepburn bill and retained in the bill by the Senate without amendment.

First. The Davey bill, page 6, line 20 to line 24, same in Hepburn bill, page 12, line 6 to line 10, form of schedules and arrangement of tariffs.

Second. Davey bill, page 17, commencing at line 4, down to and including line 17, page 17, same in Hepburn, or present, bill, left there by Senate without amendment; page 28, commencing at line 23, down to and including line 11 on page 29, relative to the preservation of records and requiring copies of schedules and tariffs of rates and charges. Also, Davey bill, page 17, line 18 down to and including line 16, page 18. Same in this bill, page 29, line 15 down to and including line 13, page 30. Amendment made by Senate, No. 44, applied to lines 13, 14, 15, 16, and 17, which the original Hepburn bill had added. This Davey bill paragraph, retained by the Senate, related to rehearings.

The Davey bill, section 7, page 18, commencing on line 17, including pages 19, 20, 21, and 22, down to and including line 2, page 23, is exactly what was accepted and included in the Hepburn, or present, bill, and taken from the Davey bill and not amended by the Senate, except the Davey bill provided a fine of not more than $5,000, or imprisonment for a term not exceeding two years, or both, while this bill provides a fine not less than $1,000, nor more than $5,000, or imprisonment for a term not less than one year or more than three years, or both such fine and imprisonment.

Thus I have shown that fifteen of the amendments made by the Senate were in the Davey bill as the minority members of the Interstate Commerce Committee filed it, and that many of the most important provisions of the Davey bill as accepted by the majority of the Commerce Committee are retained in the present bill. How, I ask, can the Republicans with these facts in their faces claim that this measure is a Republican measure and claim all the credit for the same?

I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. HARDWICK. Will the gentleman answer a question before yielding?

The SPEAKER pro tempore. Does the gentleman from Alabama yield to the gentleman from Georgia?

Mr. HARDWICK. Does not the gentleman think on the subject of this pipe-line business there is a great and a sound public policy involved in requiring common carriers not to engage in any other business except the business of common carriers?

Mr. RICHARDSON of Alabama. That requires a very elaborate answer, and one that I have not time to give now. I have given it all the study I am capable of. I agree with the gentleman in the general policy that common carriers, like the great trunk lines that own coal mines, should not transport their own products, but should not apply to independent pipe lines any more than to timber roads and their manufactured products. I submit my part of the work to this House without hesitancy, believing we have done the very best we could for the country. [Applause.]

Mr. SHERMAN. I now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

The SPEAKER pro tempore. The gentleman from Georgia is recognized for five minutes.

Mr. BARTLETT. Mr. Speaker, it is gratifying that this legislation has at last assumed a shape where the rights of the people can be enforced against the exactions of the carrying corporations of the country. This bill is not now what I wished it to be, but it will be of immense benefit to the people. I had great fears when this bill originally passed the House that it would never come back to the House in the shape that it is. Our former experience was enough to excite apprehension. But the united force of both parties in this great House of Representatives put behind this most important measure has forced from the other branch of Congress an act which will enable Congress to carry out in a large degree the demands of the people so constantly and so long made upon Congress. Now, Mr. Speaker, I have not the time to go into details of the various Senate amendments. This is the first time this House has been permitted to consider them. I would prefer, if it had been possible, that the provision which provides that sleeping cars shall be classed common carriers should have been put in another place in the bill. I would have them under the control of the Commission, but defined to be "vehicles of transportation."

I have feared, by reason of the decisions of the courts that have been made in reference to that peculiar kind of property, that it may endanger that section of the bill in which we find them. I believe they should be put under the control of the Interstate Commerce Commission. I fear, however, very much, by reason of the definition that you have given them as "common carriers," that you will run counter to all the decisions of the courts, both State and Federal. I desire, however, to call the attention of the House to one amendment of the Senate. It is the one that attracted the attention of the country by reason of the long-continued debate which was made upon that subject in the Senate. I mean the amendment with reference to a court of review. I have no doubt in my own mind that the Congress has the right to limit the right of appeal and the manner of such appeal. I do not desire nor shall I quote decisions upon that subject, because the CONGRESSIONAL RECORD is full of decisions quoted on that subject.

I will, however, say, on the subject of the "court-review" amendment, that the subject of "court review" has received much attention; it gave rise to an able and extended debate in the Senate. The results of the Senate's deliberations are to be found in Senate amendments Nos. 41, 42, and 43, to which the conferees have agreed. The provision in the bill for the review of the orders of the Commission by the courts will be that suits may be brought against the Commision to enjoin, set aside, annul, or suspend any order or requirement of the Commission in the courts of the United States, the venue of which is fixed by the amendment; and provision is made for the hearing of applications for injunction to restrain the orders of the Commission, and the act of February 11, 1903, is made applicable thereto, so that the hearing shall be had before three circuit court judges, and it becomes the duty of the Attorney-General to have the same expedited in the circuit court, as well as in the Supreme Court.

Amendment No. 43 provides as follows:

Provided, That no injunction, interlocutory order, or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such

order or decree, and it shall take precedence in the appellate court over all other causes except causes of like character and criminal causes.

It will be observed that this proviso is in the section which establishes the right of the carrier to file suit against the Commission and to restrain its orders and requirements, and the right to appeal from any "interlocutory order or decree" is confined to the "granting or continuing an injunction," and it must be had only to the Supreme Court of the United States; so that under this amendment, known as the "Allison court-review amendment," an appeal can not be taken by a railroad to the Supreme Court of the United States when the judges who hear the application for an interlocutory injunction to restrain or suspend the enforcement of an order of the Commission refuse to grant the injunction.

Under the decisions of the Supreme Court of the United States, deciding that Congress has the power to limit the matter of appeals and to prescribe how such appeals shall be taken, there can only be an appeal in these cases in the manner provided for in this amendment; and under the other decisions of the Supreme Court of the United States construing acts of Congress providing for appeals from the circuit court to the circuit court of appeals of the United States and to the Supreme Court of the United States, where Congress has failed to authorize an appeal, except in the way pointed out in the statute, no appeal can be had. I am convinced from my investigation of the decisions of the Supreme Court of the United States that Congress has the power to say what shall be the form of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal may be allowed. This is a matter in the discretion of Congress, and is exercised by Congress in such manner as shall seem best, in the judgment of Congress, to promote the public business and the true interests of the citizens. I have no desire to refer to or quote from the numerous decisions of the Supreme Court of the United States upon this subject, which have filled the pages of the record of the debate on this subject in the Senate. I cite, however, one case, which has not been referred to by anyone in the debate, and which is, in my opinion, decisive of the question. I refer to the case in the 3 Howard, U. S. R., page 317, Ex parte City Bank of New Orleans, from which I quote as follows:

> But it is objected that the jurisdiction of the district court is summary in equity and without appeal to any higher court. This we readily admit. But this was a matter for the consideration of Congress in framing the act. Congress possess the sole right to say what shall be the forms of proceedings, either in equity or at law, in the courts of the United States, and in what cases an appeal shall be allowed or not. It is a matter of sound discretion, and to be exercised by Congress in such a manner as shall, in their judgment, best promote the public convenience and the true interests of the citizens. Because the proceedings are to be in the nature of summary proceedings in equity, it by no means follows that they are not entirely consistent with the principles of justice and adapted to promote the interest, as well as the convenience, of all suitors. Because there is no appeal given, it by no means follows that the jurisdiction is either oppressive or dangerous. No appeal lies from the judgments either of the district or circuit court in criminal cases; and yet within the cognizance of one or both of those courts are all crimes and offenses against the United States, from those which are capital down to the lowest misdemeanors, affecting the liberty and the property of the citizens. And yet there can be no doubt that this denial of appellate jurisdiction is founded in a wise protective public policy. The same reasoning would apply to the appellate jurisdiction from the decrees and judgments of the circuit court, which are limited to cases above $2,000, and cases below that sum embrace a large proportion of the business of that court. (Ex parte The City Bank of New Orleans, 3 Howard, U. S. R., p. 317.)

In the bill introduced by Mr. DAVEY, at the instance of the minority members of the Interstate and Foreign Commerce Committee, this provision will be found:

> Either party may appeal from the judgment or decree of the circuit court to the Supreme Court of the United States, but such appeal shall not operate to stay or supersede the order of the circuit court nor the execution of any writ of process thereon. In the circuit court and in the Supreme Court the cause shall be given preference over all others except criminal causes.

I think it will be found that of all the bills introduced at this session the "Davey bill" is the only one introduced which contemplated that the appeal should not operate to stay or supersede the order of the circuit court refusing an injunction.

Much has been said about the bill introduced by Representative HEARST; that bill provided for the fullest and most ample court review. In section 10 of H. R. 469, this session of Congress, introduced by Mr. HEARST December 4, 1905, is contained the following provision:

> Said court shall thereupon, as speedily as may be, proceed to review the order appealed from as to its justness, reasonableness, and lawfulness upon the said record returned by the Commission, and thereupon if, after hearing the parties, said court shall be of the opinion that such order is unjust, unreasonable, or unlawful, it shall modify, set aside, or annul the same by appropriate decree or remand the cause to the Interstate Commerce Commission for a new or further hearing; otherwise the order of said Commission shall be affirmed. Pending such review the said court may, upon application and hearing, if in its opinion the order under review is clearly unjust, unreasonable, or unlawful, suspend said order.

Another matter to which I desire to call attention is amendment No. 47, which gives to the shipper the right to demand and have a through bill of lading on all interstate shipments, and makes the railroad liable in spite of any contract, receipt, rule, or regulation which the carrier may impose in the bill of lading. This amendment of the Senate, which is now to become a law, is in almost the exact language used in section 8 of the bill introduced by Mr. DAVEY in January, 1906, which was, in fact, the bill of the minority members of the Interstate and Foreign Commerce Committee.

That section of the Davey bill, referred to, reads as follows:

> SEC. 8. That upon the tender of the lawful rates of freight on property offered for transportation to any common carrier engaged in interstate or foreign commerce as defined in the first section of this act, either alone or in connection with other carriers, such carrier shall receive and transport such porperty. That such carriers are required when they receive said property for transportation to give to the shipper, when it is demanded, a bill of lading in writing stating the quantity, character, order, and condition of said property, and said property shall be received by each successive carrier necessary to complete the interstate shipment and shall be delivered to the consignees in the manner provided by common law, and no limitation upon the liability of such carriers as it exists at common law, whether contained in the said bill of lading or in some special agreement, shall be valid.

So that in addition to the matters which have been called to the attention of the House by the gentleman from Alabama [Mr. RICHARDSON], as having been originated by the minority members of the committee, this most wholesome provision is to become a part of this act, and will enable the shipper to enforce his rights against the carrier, whereas now he is powerless to do so.

But there is one consolation, Mr. Speaker, which this bill, as it will become law, brings to the friends of the measure who are opposed to the delay incident to the "court review" amendment. I do not know whether it was intentional or whether it was an oversight on the part of those who sought to give "a broad court review." The peculiar court review clause of this bill as it was proposed and adopted by the Senate, as it has been accepted by the House conferees, and as it will become law (whether so intended or not) will not permit an appeal to the Supreme Court of the United States where an injunction has been refused. The bill provides for a hearing before three judges of a circuit court of the United States. It provides for an appeal in suits against the Commission when an interlocutory order or decree has been rendered whereby an injunction has been granted or continued. There is not a word which provides that the railroad or any one else may appeal to the Supreme Court of the United States where an injunction has been refused; and if an injunction is sought against the enforcement of the orders and requirements of the Commission, if there can be, as there will be, found honest and patriotic judges of the circuit court of the United States who will not needlessly or causelessly enjoin the operation of the orders of the Commission, there can be no appeal from that judgment to the Supreme Court of the United States.

So that in the bill as it will be enacted into law, as adopted by the House and proposed by the Senate, the great court-review amendment may become, and will become, a "boomerang" against these corporations. And the orders of the Commission will not be suspended if the courts or the judges trying the application shall refuse to grant an injunction staying the enforcement of the orders or requirements of the Interstate Commerce Commission. It is only when the injunction is refused that the railroads would desire to appeal. By some strange oversight this right has not been given to them, hence they will be powerless to appeal when the courts refuse their application for an injunction.

Mr. Speaker, I congratulate this House, I congratulate the country, that at last we are about to take the final step which will put upon the statute books an act that will carry relief to the people who have suffered so many years from the exactions and extortions of the railroad companies. And whatever defects may exist in it, we can congratulate ourselves that the American people will send Representatives to Congress who will amend it in such manner as shall be demanded for their relief. [Applause.]

Mr. RICHARDSON of Alabama. Mr. Speaker, how much time have I left?

The SPEAKER pro tempore (Mr. GARDNER of Massachusetts). The gentleman has three minutes remaining.

Mr. RICHARDSON of Alabama. I yield three minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, I will only take a minute of the three minutes. I congratulate the House, gentlemen, that we are this near the end of trying to solve this great problem. [Applause.] And I am glad to see that we have

done this not as partisans, but as Americans. [Applause.] I rejoice, gentlemen, that the House of Representatives has finally come to a point to which I tried to get this body to come when this bill first passed the House—that is, to the enactment of an antipass law. [Applause.] You know, gentlemen, I had quite a hard time in the House in getting along with that proposition, and I now have the pleasure of seeing a distinguished opponent of that antipass measure and my efforts to-day reporting an antipass amendment fixed along the same lines of my amendment. [Loud applause.]

I yield back the balance of my time.

Mr. SHERMAN. Has the gentleman from Alabama [Mr. RICHARDSON] exhausted his time?

Mr. RICHARDSON of Alabama. No; not entirely.

The SPEAKER pro tempore. The gentleman from Alabama [Mr. RICHARDSON] has a minute and a half remaining.

Mr. RICHARDSON of Alabama. I yield a minute and a half to the gentleman from Texas [Mr. GILLESPIE].

Mr. GILLESPIE. Mr. Speaker, I was one of the four who voted against the conference report on this railroad rate bill reported to the House last Saturday. My reasons for doing so were that that conference report not only excepted oil pipe line companies from the proposition that there should be a divorcement of common carriers from the ownership of the products to be carried, but this report of the conference committee repealed the present interstate-commerce law against the issuance of free passes by interstate railroads.

Mr. Speaker, last October I saw in the Washington press a statement by Mr. Stickney, president of the Chicago Great Western Railway, at some meeting in Washington, that it was a violation of law for railroads to issue free passes. Believing myself that this was a correct statement of the law, I wrote the following letter to the chairman of Interstate Commerce:

OCTOBER 13, 1905.

CHAIRMAN INTERSTATE COMMERCE COMMISSION,
Washington, D. C.

DEAR SIR: I see it stated in the press that Mr. A. B. Stickney, president of the Chicago Great Western Railway Company; at a meeting of the Washington Economic Society, held in Washington City February 3, 1905, referring to the free-pass practice, made the following statement: "The interstate-commerce law not only forbids discrimination in freight rates, but it also prohibits the free transportation of passengers. It makes the acceptance of a discriminating freight rate or a free pass by an individual a misdemeanor, each punishable alike by fine or imprisonment."

It is my opinion that Mr. Stickney's construction of this law as to free passes is correct. Now, I wish to know whether, in the opinion of the Interstate Commerce Commission, the above is the proper construction of the interstate-commerce law. I believe the practice of issuing free passes, except where permitted by law, is a vicious one that ought to be stopped.

If the present law prohibits this practice the law should certainly be enforced. If you will favor me with a prompt reply I will appreciate it.

Respectfully, yours, ——— ———.

To that letter I received the following reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 17, 1905.

Hon. OSCAR W. GILLESPIE, M. C., *Washington, D. C.*

DEAR SIR: In reply to your inquiry of 13th instant, I send herewith a copy of the report and opinion of the Commission in a case involving the carriage of persons free or at reduced rates, decided in 1891.

The views expressed in that report are entertained, so far as I am aware, by all the present members of the Commission, and are believed to be a correct exposition of the regulating statute.

You will observe, however, that this position was strongly controverted by counsel for the carrier in that case, and it may be that the question is not free from doubt, to say nothing of the practical difficulties of enforcing the law in this as in other respects.

Yours, very truly,

MARTIN A. KNAPP, *Chairman.*

I then wrote to the chairman of the Commission the following letter:

OCTOBER 27, 1905.

Hon. MARTIN A. KNAPP,
Chairman Interstate Commerce Commission, Washington, D. C.

DEAR SIR: I received promptly your reply to my inquiry of the 13th instant, inclosing opinion of the Interstate Commerce Commission on the free-pass question in the case of the Boston and Maine Railroad Company, decided December 29, 1891.

I desire to thank you for this favor. I think the opinion of the Commission in that case is clearly the law, and I believe I realize, at least to some degree, the practical difficulties of enforcing the law in this and in other respects, as you say, but these difficulties should not deter those whose duty it is to enforce the law from making an honest attempt to do so.

Now, I wish to know whether the Commission has ever ruled upon this question, to wit: Whether any person, for the purpose of interstate travel, who solicits, receives, or accepts free transportation, does not, as well as the railroad in giving, violate the first section of the amending act approved February 19, 1903, and subject himself to punishment thereunder?

And also whether the Commission has ever proceeded, under section 3 of the above amending act, to prevent the practice of giving free transportation to persons, or has ever decided whether it has authority to proceed under said section for said purpose?

Thanking you for further courtesy in this behalf, I remain,

Yours, truly,

——— ———.

To which I received this reply:

INTERSTATE COMMERCE COMMISSION,
Washington, October 28, 1905.

Hon. O. W. GILLESPIE, M. C., *Washington, D. C.*

DEAR SIR: In reply to yours of 27th instant, I write to say:

As any adequate answer to your inquiry would involve a letter of unusual length, and as it appears that you are here in Washington, I respectfully suggest that you call at this office for a personal interview on the subject.

Yours, very truly, MARTIN A. KNAPP, *Chairman.*

The report and opinion of the Commission sent me by the chairman was in the matter of the carriage of persons free, or at reduced rates, by the Boston and Maine Railroad Company, decided December 29, 1891. Mr. Speaker, I not only believe that it is a violation of the law now upon the statute books for railroads to give free passes, but that it is equally a violation to solicit or receive a free pass, and, further, that under the Elkins amendments to the interstate-commerce law the Commission can go into court and enjoin the railroads from engaging in the practice of issuing free passes.

Believing this to be the present law, I could not vote for a conference report that almost completely repealed it. But, Mr. Speaker, I gladly support the free-pass amendment submitted by the conference report we are now considering, because it not only does not repeal the present law, but makes it more certain and definite. But, Mr. Speaker, I want to record my dissent to the proposition that in divorcing the carrying business from the ownership of products carried by the carrier that we should make an exception of oil pipe lines. We should make no such exception, in my opinion. The large oil concern which can pipe its product to distant markets will always enjoy a monopoly, because it can fix the price so low as to destroy a competitor.

But, Mr. Speaker, I know that much can be said in favor of the conference committee's report on this question. I believe this report is about the best compromise of all differences that could be reached, and therefore I shall vote for it. [Applause.]

Mr. CURTIS. Mr. Speaker, for the information of the House I send a telegram to the desk and ask that it be read in my time.

The Clerk read as follows:

BARTLESVILLE, IND. T., *June 28, 1906.*

Hon. CHARLES CURTIS, *Washington, D. C.:*

Sending following to several Senators:

The Midcontinent Oil Producers' Association membership produce 60 per cent of this field's output, and is absolutely independent of all pipe-line affiliation. Thorough knowledge of situation is convinced beyond dispute of absolute impracticability of delivery for shipment our various grades of oil. The pile and storage company must buy our oil upon delivery from well, or a great industry is plunged into chaos, from which we see no way of relief.

EXECUTIVE COMMITTEE
MIDCONTINENT OIL PRODUCERS' ASSOCIATION.

Mr. DRISCOLL. Mr. Speaker, when this bill first came before the House for consideration it contained no antipass provision. It was unanimously reported by the Interstate and Foreign Commerce Committee and was passed through the House without amendment. Some effort was made to incorporate into it an antipass amendment or provision, but failed. The Senate had it under consideration for weeks and months, and among the amendments added to the House bill was one providing against the granting of free passes or transportations. That was a fairly good amendment in its general provisions; but it contained too many exceptions, according to my notion, which I discussed in a former speech on the same subject and will not extend my remarks further at this time.

The House, in due form, nonconcurred in the Senate amendments, and the bill, with all the Senate amendments, was referred to a conference consisting of three Senators and three House conferees. As the result of that conference, so far as this particular part of the law is concerned, the conferees brought into the House a bill containing the following antipass provision:

No carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passage. Any carrier violating this provision shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not exceeding $1,000; and any person who uses, solicits, or accepts for himself or for another any such interstate free ticket, free pass, or free transportation shall be deemed guilty of a misdemeanor, and upon conviction thereof be subject to a like penalty.

On June 12, 1906, that bill was again brought up before the House, and Mr. DALZELL, of Pennsylvania, from the Committee on Rules, submitted the following privileged report:

The Committee on Rules, to whom was referred the resolution of the House No. 571, have had the same under consideration, and in lieu thereof report the following:

"*Resolved*, That the bill (H. R. 12987) to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, with the Senate amendments thereto, be, and hereby is, taken from the Speaker's table; that the House further insists on

its disagreement to the Senate amendments thereto in gross, and that the conference asked by the Senate is hereby agreed to; whereupon immediately, without intervening motion, the managers of the conference shall be appointed."

In the debate that followed on the question of adopting this rule there was much discussion on the antipass provision of this bill, and it quite clearly appeared from the expressions of many Members of the House that it was the consensus of opinion that railroad employees and their families should be excepted from the general law and permitted to accept passes. Other amendments to the bill—sleeping-car, palace-car companies, express companies, and pipe-line companies—received some attention in that debate, but considerable of the time and argument were devoted to the antipass question or amendment in the bill. Mr. GROSVENOR of Ohio, a member of the Committee on Rules, was on the floor urging the adoption of the above report, or rule, when the following dialogue occurred between him and myself:

Mr. DRISCOLL. Mr. Speaker, I wish to know this: If the House now sends this report back to the conferees and the report is not satisfactory to the House in any particular one of these amendments, can the House have a chance to vote on that particular amendment?

Mr. GROSVENOR. They can do it, and do it very easily, and do it without any difficulty, simply by voting down the conference report and send back the bill to the conference with any one or any dozen amendments that we want to have put in the bill. It is the simplest process in the world. Anybody can understand it, and I do not believe now——

Mr. DRISCOLL. Why not do that now?

Mr. GROSVENOR. Simply because it would be treating the conference unfairly.

Mr. DRISCOLL. I have great confidence in the House conferees; they did well the last time, and I hope they will do as well again.

However, many Members of the House, of which I am one, are in favor of a strong antipass provision in this law with an exception in favor of railway employees and their families. The exception should not extend much, if any, beyond this class. Now, if the antipass provision or amendment be stricken from the bill, or be encumbered with so many exceptions as to make it ridiculous and practically useless, we will want an opportunity for a vote on that question. I deem this part of the law very important, for if the companies be permitted to discriminate in the future as they have in the past in the granting of free transportations, my judgment is that the other part of the law against freight discriminations will not, and can not, be rigidly enforced. Both parts must stand or fall together.

I then voted for the rule, with the hope and expectation that the House conferees would at least not consent to a worse antipass provision than that inserted in the bill by the Senate. I was justified in this expectation, for the reason that since the Senate adopted the amendment it was fair to presume that the Senate conferees would stand for it in the conference, and that they would not violate the instructions of the body of which they were members by agreeing to a foolish, ridiculous, and wide-open provision called an "antipass law." But in this I was mistaken, for the joint conferees agreed upon and reported to their several Houses of Congress the following antipass provision:

On and after January 1, 1907, common carriers subject to the provisions of this act shall not directly or indirectly issue any free ticket or pass for carriage to any officer or person in the service of the United States, other than those in the postal service, to any officer or person in the service of any State, Territory, or the District of Columbia, or to any officer or person in the service of any county, township, or municipality; and except as herein provided no common carrier shall be prohibited from granting any free ticket or pass for carriage. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and shall, for each offense, pay to the United States a penalty of not less than $100 nor more than $2,000, and any officer or person in the service of the United States, or of any State, Territory, or the District of Columbia, or of any county, township, or municipality, who uses, or who solicits or accepts for himself any such free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and any amendment thereof.

This was a very bad and ridiculous provision. In a very loose, disjointed, and defective manner it declared that common carriers subject to the provisions of the act should not, directly or indirectly, issue any free tickets or passes to any officer or person in the service of the United States other than those in the postal service. The force in the postal service is very large, all the way from the Postmaster-General down to the fourth-class postmasters throughout the country, and there was no reason whatever why they should all be excepted from the rule. But aside from the officers or persons in the service of the Government of the United States in the several States, etc., all others were permitted to solicit and accept passes. The Government officials and officers of the Government all the way from Senators down were permitted to solicit passes for members of their families and their friends. And it is very doubtful whether, on a fair construction of the law, Senators and Representatives would not be qualified to accept passes for themselves.

This provision indicated a complete change from the iron-clad antipass law reported by the conferees on the previous occasion. They seemed to flop from one extreme to the other. This provision was, during the discussion, severely criticised by many Members of the House, and many of them, at least, were anxious to amend it if possible, of whom I was one; and in order to cut off debate, the Committee on Rules moved the previous question, and on a yea-and-nay vote the result was—yeas 121, nays 90. This vote practically expressed the opinions of the Members of the House who voted on the last antipass provision above set forth. It is fair to say that those voting "yea" favored that provision, and those voting "nay" were against it. That was on June 23, 1906.

It appears above that when Mr. GROSVENOR was on the floor I asked him if the House then sent that report back to the conferees, and it was returned unsatisfactory to the House in any particular one amendment, whether the House could have a chance to vote on such amendment; and he said that could be done, and done easily, and without any difficulty, simply by voting down the conference report and sending the bill to a conference with any one or any dozen amendments that we wanted to have put into the bill. He said it was the simplest process in the world; that anybody could understand it. I asked him why not do that then, and he replied that it would be treating the conference unfairly. I thought very likely that was so. I had confidence in the House conferees, for they had then reported such a strong provision against the granting of passes, and I voted for the previous question and for the resolution or rule.

Then, on June 23, when the bill was before the House again on the question of adopting the report containing this ridiculous antipass provision, I asked Mr. DALZELL, from the Committee on Rules, in the absence of Mr. GROSVENOR, to tell us how we could get a chance to vote on this particular amendment, and he said it could easily be done by voting down the report. This appears more fully in the following extract from the CONGRESSIONAL RECORD of June 23, 1906:

Mr. DRISCOLL. Mr. Speaker, will the gentleman yield?

Mr. HEPBURN. I yield to the gentleman from New York.

Mr. DRISCOLL. Mr. Speaker, following up what the gentleman from Alabama [Mr. RICHARDSON] has just said, when this matter was before the House the last time and was to be submitted again to the conferees, the gentleman from Ohio [Mr. GROSVENOR] had the floor. I asked him then if, when the report was brought back to the House and the House was not satisfied with any particular amendment or any particular part of it, we could get a chance to vote on each amendment. He said yes, very easily. Mr. GROSVENOR is now not present, and I wish either the Speaker, who is a member of the Committee on Rules, or the gentleman from Pennsylvania [Mr. DALZELL], who is also a member of the Committee on Rules, would tell us how to do that easily.

Mr. DALZELL. Why, Mr. Speaker, nobody, neither the gentleman from Ohio [Mr. GROSVENOR] nor myself undertook to say that any Member of this House could not exercise his right to demand the previous question at any time. If the House wants further debate on this matter, it can vote down the previous question and debate it until it is ready to order the previous question. Nor did the gentleman from Ohio [Mr. GROSVENOR] nor myself say that there was any way to discuss the individual items of the conference report except by voting down the report, and amending the same.

The previous question was moved and ordered, as stated above. Then on the roll call on the question of adopting the report we were either required to vote for it or against it. If we voted for it, it would mean the approval and acceptance of that very bad antipass provision. If we voted against it our action was liable to misconstruction by some who, without full consideration and information on the subject, would be apt to think that we voted against the railway rate bill.

I was one of the four who could not approve of the antipass provision contained in the report, and voted in the negative and did not change my vote. I had inserted in the RECORD quite a long speech on this particular part of the railroad rate bill, and incidentally said that I had voted for that bill and would do so again. And after my vote on that occasion was reported in the Syracuse papers I received a few letters from friends inquiring if I voted against the bill, notwithstanding my positive statement to the contrary. I was somewhat surprised at those questions, because I did not think there was a person in the district which I have the honor to represent who would be persuaded to believe or suspect that I would vote against a good, strong railway rate bill, according to the lines laid down by President Roosevelt in his message. For, while I have no prejudice against railroad companies, and believe that they should be treated fairly in all respects, yet I own no railroads and no railroad owns me, and my constituents are aware of that.

Now, I trust I may be pardoned for saying that I am pleased that the Senate rejected this report after three days' discussion, and rejected it by a large majority and without a roll call, and that the House conferees have been compelled to recede and accept substantially the full Senate amendment. This antipass

provision which is now before us is fairly good. It prohibits the granting of free passes or transportation to all persons except a few who are expressly described. Among them are employees of railroad companies and their families.

It is claimed that there is no consistency in permitting railway companies to grant passes to their own employees and members of their immediate families and denying the privilege of granting passes to other people generally. With this assertion I can not agree. There is, in my judgment, a distinct difference between the two cases. The contractual relation of master and servant exists between a railway company and each of its employees; and the company has a legal right in its contracts to grant its employees as a part of their salaries a certain amount of transportation.

No one would question but that a railway company would have the legal right to pay a fireman $50 a month and board, or to pay an engineer $100 a month and lodging at the other end of his route; or to pay a conductor a certain monthly salary and house rent; or to pay a trainman a certain monthly salary and provide his uniform. And by a parity of reasoning, why would it not be legal for a railway company to pay its men certain monthly salaries and transportation to and from their work, and a certain amount of transportation for members of their immediate families? It is simply a part of their compensation or consideration for their work.

The other exceptions to the general rule in the present report before the House are in favor of poor people generally, many of whom would have to walk if they were not favored with free transportation. There is no great harm in that. It will regulate itself, for the companies will not grant passes to that class of people. They do business on business principles, and grant passes only to people who are able to make good and return due consideration in some form or another.

This provision, as I understand it, will meet the approval of the Senate; and it is so much better than the one I was obliged to vote against a few days ago that I am pleased now to record my vote for it. [Applause.] And in doing so I can vote for the rate bill, and that is a pleasure, not only because I think it ought to pass, but for the reason that I can keep my word.

If this antipass law is strictly enforced it will accomplish much good; but if it is winked at, connived at, and violated, as the original law has been, then it may as well not be on the books. And if railroad companies are in the future permitted to discriminate in the passenger traffic they will also be permitted to discriminate in the freight traffic, for the same principle underlies both—that all must be treated alike; that there must be no favoritism, no partiality, no discriminations. Both parts of this law must stand or fall together.

Mr. GILLESPIE. Mr. Speaker, I also ask the same privilege.

The SPEAKER pro tempore. Is there objection?

Mr. MANN. On this subject?

Mr. SHERMAN. On this subject.

The SPEAKER pro tempore. The Chair so understands it. Is there objection?

There was no objection.

Mr. SHERMAN. Mr. Speaker, but four sentences, and no more. The committee of conference of the House has struggled hard to bring in here, what they believe they have now presented, a sane and a sensible report. They have not been swerved from the path of sanity and of duty by pictures of the hundred-handed briareus, nor have they been kept from following what they believed was the path of wisdom and justice by pictures of the octopus hung over them, nor even of word pictures of brands upon their brows. And, Mr. Speaker, I desire to say for the conferees who have signed this report that they manifested throughout the whole deliberation a degree of honesty and fidelity which certainly equals that which the single gentleman who has not signed the report admits he possesses. [Loud applause.] I move the previous question on the adoption of the report.

The question was taken, and the previous question was ordered.

The question was taken on the adoption of the report, and it was agreed to.

On motion of Mr. SHERMAN, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

GENERAL LEAVE TO PRINT.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that all gentlemen may have leave to print upon the subject of this bill within five days.

The SPEAKER. The gentleman from Iowa asks unanimous consent for all Members to print remarks upon this bill for five days. Is there objection. [After a pause.] The Chair hears none.

LEAVE OF ABSENCE.

Mr. COLE, by unanimous consent, obtained leave of absence indefinitely on account of death in family.

COLLECTION OF THE REVENUE.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 19750); and pending that, I ask unanimous consent that the session, continuing not later than 11 o'clock, shall be devoted exclusively to general debate upon the bill.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. You are not going to commence debate now?

Mr. PAYNE. Yes; right off.

The SPEAKER. The Chair hears no objection. The gentleman from New York moves that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill.

The question was taken; and the motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. CAPRON in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19750.

Mr. GAINES of Tennessee. Mr. Speaker, I ask unanimous consent to print in the RECORD certain newspaper clippings which I collected over two years ago, taken from the London and American press in the year 1902, and possibly other years, touching upon how and why the English Tobacco Company and the Duke Tobacco Company combined to control the tobacco markets of the world.

This combination, I claim, is unlawful under the antitrust act of 1890, and I have so charged for a long time. This monopoly is now being investigated. I desire to have these clippings printed in the RECORD in order that Congress and the people may learn something about why and how this international and unlawful combination was formed.

This tobacco trust and the Regie buyers have been unlawfully oppressing, to an unbearable extent, the tobacco growers in Kentucky, Tennessee, and the Atlantic States, but particularly in Kentucky and Tennessee. These clippings are very interesting reading and purport to quote some of the statements, undisputed, made in 1902 at the time this combination was formed by Mr. Duke, Mr. Ryan, and others in London.

[The Tobacco Leaf, New York, vol. 39, No. 39, October 8, 1902, p. 6.]

THE BIG COMBINATION.

The recently arranged agreement between the American and Imperial Tobacco companies continues to absorb the attention of the trade at large. And considering the vast value of the interests involved and possible scope of the combination, it is not surprising that many misleading and exaggerated statements should have been published on both sides of the Atlantic. But now that surprise has about exhausted itself and things have been allowed to simmer down, a more comprehensive view of the situation may be formed. The clearest statement of the case yet set forth is contained in the official explanation made by Thomas F. Ryan on his return from London, and which reads as follows:

"The agreement made between the representatives of the Imperial Tobacco Company, of England, on the one hand, and the Consolidated Tobacco Company, on the other, was mutual in its character, and entirely satisfactory to both sides. It was accomplished by friendly conference after full consideration of the interests of all parties affected. The agreement has an international character which has not belonged, I think, to any previous trade arrangement. It means the union of the representatives of an important business in Great Britain and America for the purpose of seeking trade hand in hand throughout the world.

"My visit to London grew out of an invitation extended to me in July last by the directors of the British company, after several of the directors had visited the United States, and while here had conferred with Mr. Duke, president of the Consolidated Tobacco Company, and myself regarding the respective interests of the companies we represented. The agreement made to transfer to the Imperial Tobacco Company the business of the Consolidated Tobacco Company in England was made for full and satisfactory consideration. The American company becomes a large shareholder in the English company, with three representatives on its board of directors, one of which is Mr. Duke.

"The Consolidated Tobacco Company will pursue its business in the American field, including not only the United States, but Cuba, Porto Rico, the Hawaiian Islands, and the Philippines, without competition from the British company. The Imperial company will not encounter the competition of the American company in the businesses of the United Kingdom of Great Britain and Ireland, including Scotland and Wales. In the new British-American company the British company has one-third of the stock and the American company has two-thirds. The board of directors consists of six representatives of the British company and twelve of the American, with Mr. Duke as its president, who remains abroad to perfect the organization. This British-American company will take over the entire business of the Imperial company and of the Consolidated company in all foreign countries and in the colonies of Great Britain, including India, Canada, and Australia. The agreement made is satisfactory to both sides and equitable to all interests represented."

[The Times, London, Monday, September 29, 1902, p. 4.]

THE TOBACCO TRADE.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden company's good will by an issue of ordinary shares. It has also been decided to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday. The Press Association adds that so far as the arrangement has been disclosed the directors of the Imperial company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world excepting the United States of America.

[Pall Mall Gazette, London, Monday, September 29, 1902, p. 8.]

THE NEW TOBACCO SITUATION—SCHEME TO CONTROL THE WORLD'S TRADE—"A BAD JOB FOR RETAILERS AND THE PUBLIC."

The agreement between the Imperial Tobacco Company and the American Tobacco Company was signed on Saturday.

The British company now enters into possession of the whole of the interests of the American company in this country, including the business of Messrs. Ogden (Limited), and the British company agrees to cease its plans for manufacturing in the United States, leaving the American company undisturbed on the other side of the Atlantic.

It is also announced that a highly interesting agreement has been reached with regard to the tobacco trade of the rest of the world. This will be mutually developed by amalgamating the export businesses of the hitherto competing parties. The amalgamation takes the form of a new company, the British-American Tobacco Company (Limited), with headquarters in London.

The position of the retail traders was discussed this morning by one of the leaders of the movement, which resulted in the formation of the Retail Tobacconists' Association.

"How," asked our representative, "will the Imperial trust under the amalgamation scheme affect the retail trade?"

"That," was the reply, "will depend upon their procedure after having obtained a supreme position. If they deal in a reasonable manner we shall view the situation with equanimity, but if the new trust attempts to squeeze us, or act tyrannically, we shall support the independent firms which have no connection with combinations."

A retailer in a large way of business said to our representative, "I regard the amalgamation as a bad job for retail dealers and the public."

[The Westminster Gazette, London, Monday, September 29, 1902, p. 8.]

END OF THE TOBACCO WAR—A NEW BRITISH-AMERICAN COMPANY.

The tobacco war has ended in the amalgamation of Ogdens with the Imperial Company, with Mr. Duke and Mr. R. H. Walters and Mr. T. Ogden on the board, the withdrawal of the Imperial Company from America, and the inclusion of both parties in a company (with a capital of £6,000,000) to deal with the rest of the world.

The Imperial Company, it is said, will continue to pay their bonus as provided by their agreement, but it is not known what will be the position with regard to the £200,000 promised by Ogdens.

Most of the small retailers in London view the present outlook with no great alarm. Of course, Ogdens having lately conducted their business at a loss, Ogdens' goods will naturally be raised in price, but those dealers who have had dealings with both of the companies think that the Imperial Company will not adopt any tyrannical tactics. In fact, the general opinion seems to be that matters will be much the same as before the "tobacco war" was thought of, and that the Imperial Company will treat retailers fairly and not in "the usual American way."

Ogdens have sent a circular to all retailers to the effect that they have sold their business to the Imperial Tobacco Company, as far as regards the British Isles, and request that all unexecuted orders may be considered as canceled.

["Tobacco" (journal), New York, vol. 33, No. 22, October 3, 1902, p. 3.]

END OF THE TOBACCO WAR IN ENGLAND.

It was announced by cable from London early this week that the trade conflict between American and British tobacco interests which has been in progress for something over a year had at length been terminated by an amicable arrangement, which it is believed will in the end be advantageous to both parties.

According to an official statement given out in London, the American and Imperial tobacco companies are to join hands in a new company, to be known as the "British-American Company," which will seek for trade in all parts of the United Kingdom of Great Britain and Ireland and the United States and Cuba. The trade in the United States and Cuba will be left to the American Tobacco Company and that of the United Kingdom to the Imperial Tobacco Company.

Ogden's, Limited, the British branch of the American company, has been transferred to the Imperial, and James B. Duke, R. H. Walters, and Thomas Ogden are to become members of the board of directors of the Imperial, while James B. Duke will be president of the new British-American company. The Imperial paid for the good will of Ogden's, Limited, in ordinary shares ranking with the similar shares of the original vendors, and paid for the tangible assets in cash.

The first board of directors of the British American Company will consist of twelve men heretofore identified with the American company and six from the Imperial, as follows: Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von R. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, Thomas Ogden, R. H. Walters, P. R. Walters, Percy Ogden, and Harold Roberts. The capital stock of the British-American Company will be $30,000,000, and it is to be apportioned one-third to the American interests. For the present the new company will have its headquarters in London; but it is stated that there is nothing to prevent transferring the headquarters to New York if it should be deemed later that it can be operated more conveniently at this point. It is further stated that with the colonial business which the Imperial transfers to the British-American the new corporation will begin operations with a ready-made annual trade of 4,000,000,000 cigarettes.

An official of the American Tobacco Company, in an interview with an Associated Press representative, commented on the matter as follows:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts. Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations."

Another official of the American Tobacco Company is quoted as saying:

"We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world."

A cablegram from London reports President Duke as saying:

"Is it not a grand thing in every way that England and America should join hands in a vast enterprise rather than be in competition? You may suggest that we have formed a huge monopoly, but we have done nothing of the sort. We do not represent half the tobacco in England.

"Those who say that the monopoly will be shown by a rise in prices are wrong. Prices will not go up. The tendency will be entirely the other way, because now we shall effect a great saving.

"We have formed an alliance. That is what the new company will be. Instead of England and America wasting time and money in fighting one another they will now help one another. We shall enter new fields together.

"You may say that my method of seeking an alliance by making war was a strange one, but experience teaches and I have learned."

When asked about the Ogden bonus, a matter which greatly stirs retail tobacco dealers in England, President Duke said: "As Ogden's (Limited) has ceased to exist, so has the bonus. After the payment of the quarter's installment, which is due to-day, nothing further will be paid."

Remarking upon the consumption of tobacco in England, which is only 2 pounds per capita as against 6 pounds in the United States, President Duke said he believed the small consumption in England was due to the high duty on tobacco, and that the reduction of this duty would result in trebling the revenues from it.

[Tobacco Leaf, October 8, p. 2.]

On Monday morning the British-American Tobacco Company (Limited) was formally registered at Somerset House in London. The capital of the company is $30,000,000, which is divided into $7,500,000 worth of preferred and $22,500,000 of ordinary shares. The first directorate will hold office until 1904. The head offices of the company will be in London. The company offered no shares to the public. The cable advises that the Imperial Company has already issued a circular giving a revised list of prices, confirming the reported discontinuance of the Ogden bonus, and expressing the hope of presenting an entirely new bonus scheme for the next financial year. The revised list practically restores the prices that were in vogue prior to American operations in the English tobacco field. That any practical change in present trading conditions will occur in this country is hardly likely, for the reason that the Imperial's interests in manufactured products were comparatively small.

[Tobacco Leaf, October 1, p. 4.]

J. B. Duke, R. H. Walters, and Thomas Ogden will be elected to seats in the Imperial board, and the first directors of the British-American company will consist of Sir William Henry Wills, J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo von Reitzenstein, Cunliffe-Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on September 30, and from that day it will be in the hands of the Imperial company. It is believed this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

A Leaf representative called on a prominent official of the American Tobacco Company at their offices, 111 Fifth avenue, this city, and was given the following supplementary statement:

"It is the first combination, to my mind, on right lines, and one that assures real unity of interests where powerful American and English concerns go out hand in hand to seek the trade of the rest of the world. It has been a difficult matter, requiring the most careful consideration. The negotiations have been proceeding since August 19. It was a subject which could not be discussed in the press while they were in progress, but now that they are concluded we have decided to issue an authoritative statement to head off garbled accounts.

"Personally, I think the lines on which this combination is formed are destined to affect the larger field of general Anglo-American commercial relations. We are decidedly pleased at the outcome of the negotiations. Not only are we pleased at the good business deal, out of which we made several millions, but we are pleased because the combination means a real amalgamation of interests, instead of buying off an opposition at a price which appears to the opponent to be a profitable figure. Such a real working combination of American and English interests as has just been effected will in any line of business unquestionably dominate the trade of the world. Regarding the details, you can say that the capital of the British-American company will be $30,000,000. Mr. Duke will be the president. While it is convenient to register it as an English company and have its headquarters in London we have named twelve directors and the Imperial company's interests have named six. Their respective financial interests are two-thirds American and one-third English. There is nothing to prevent transferring the headquarters to America if it ever proves more convenient to operate here, but at present the business can be best carried on in London. We have named three directors for the board of the Imperial company, which will hereafter confine itself to the United Kingdom, while the British-American company goes in for the world's trade outside of the United States, Cuba, and the United Kingdom.

"The Cuban provision insures for Americans the cigar business of the island, of which we now control 80 per cent. The Imperial Company throws into the new company its colonial business. So, with our trade outside the United States, the British-American Company starts with a ready-made annual business of 4,000,000,000 cigarettes alone. Regarding the Imperial Company's factories in the United States, concerning which considerable matter has been printed in England, they are merely leaf factories, and will be operated for that purpose."

"A representative of your company has been quoted as saying that this is the first move in the game which will result in a giant combination of the interests of the Consolidated Tobacco Company and the Imperial Tobacco Company," the leaf representative remarked.

"There are no further steps to be taken," answered the official. "The late amalgamation is all that is necessary. The British and American interests will now work in harmony and as one concern, which they virtually are."

"Was the Imperial forced to accept the amalgamation proposition?"

"The joining of these interests was equally desired by both factions, and both are well satisfied with the result. I think that we tobacco men, Americans and Britons, have set an example which will be followed by other branches of commerce."

Thomas F. Ryan, director of the American Tobacco Company, who has been in England participating in the negotiations with the Imperial Company, returned yesterday on the Kaiser Wilhelm der Grosse. In a statement to the press he said that his negotiations toward a working agreement had been entirely successful. "The agreement made," he said, "leaves the British field open to the Imperial Tobacco Company on condition that it does not compete with the American Tobacco Company in this country. The rest of the world, however, is an open field for both companies."

[The Magazine of Commerce, London, vol. 1, No. 1, November, 1902, p. 50.]

THE TOBACCO COMBINE.

The great tobacco war has resulted in the rival parties coming to a compromise. The net result is that we have one big trust instead of two competitive trusts. The halcyon days of the retailer and consumer are over. It is satisfactory that the British company carries off the honors of the war. Mr. Duke and Mr. Ogden join the board of the Imperial Tobacco Company, which now controls by far the greater part of the home trade, while a new company is to be formed to acquire both the American and the British foreign trade. The Yankee retains his own home trade to himself. The two rivals could not have continued at their cutthroat policy for long, and it was to be expected that some compromise would be arrived at, as the Americans were not the men to be completely bowled out of the country. An interesting point, however, arises as to the liability of Mr. Duke's company. In March last that company promised that for four years from April 2 it would distribute among its customers £200,000 per annum in addition to the whole of the net profits of Ogdens (Limited). Does this now become a liability of the Imperial Tobacco Company? Mr. Duke airily replies, "No." It would be a good thing if some legal responsibility attached to the wild promises made when trust meets trust. There is some talk of the consumer having now to pay for the extravagant expenses of the war. While such popular brands as Taddy's, Gallaher's, and Cope's remain outside the trust this is not likely to occur.

[The Magazine of Commerce, London, vol. 1, No. 3, January, 1903, p. 234.]

TOBACCO.

The Imperial Tobacco Company have launched a new bonus scheme for their trade customers, but at the time of writing these notes it is not possible to gauge the reception with which the scheme will meet. Briefly, the company undertake to set aside one-fifth of the net profits on their sales within the United Kingdom for distribution among their customers. On their side the customers are to conform with the company's prices and terms, and to boycott any person or firm who does not conform with those prices and terms. The London executive of the United Kingdom Tobacco Dealers' Alliance have recommended their various branches and associations to discuss the situation, and in the meantime not to tie their hands to any trust. The salient part of this agreement would appear to be the "prices and terms" of the Imperial Company, and it is noticeable that the Dealers' Alliance have advised their members to refrain from pushing any proprietary goods which do not carry the 20 or 25 per cent minimum schedules. As we have pointed out previously in these notes, there are some important concerns outside the British combine, and in the counsels of the Imperial Company this fact must weigh to the advantage of the retailer. Efforts, however, to prevent that price cutting which has been the ruin of so many of the dealers are to be commended.

[The Statist, London, October 4, 1902, p. 580.]

THE TOBACCO COMBINES—END OF THE WAR.

It is the expected that sometimes happens. And it is the expected that has happened in the termination of the tobacco war. With the formation of the Imperial Tobacco Company in February last, organized with the avowed object of combating "the obvious intention of controlling the British tobacco trade in the American interest" disclosed by the purchase of the business of Ogdens (Limited), by the American Tobacco Company, it was evident that the final result of the warfare would be either the overwhelming defeat of one of the parties or an amalgamation or compromise of some kind. The first alternative, taking into consideration the strength and standing of the opposing forces, was hardly within the range of practical politics, and as time went on it became increasingly evident that a compromise of some kind was inevitable. It has now been brought about, and an official announcement was made on Monday that the Imperial Tobacco Company had purchased the business of Ogdens, and that the export businesses of the two combines were to be amalgamated in a joint company. The official announcement is as follows:

"The business of Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Waters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

And as a sequel to the above there has been registered at Somerset House the British-American Tobacco Company (Limited), with a capital of £6,000,000, divided into 1,500,000 preference and 4,500,000 ordinary shares of £1 each. It is not proposed to offer any shares to the public.

We may recall that it is now just over twelve months since the shareholders in Ogdens (Limited) accepted the offer of the American Tobacco Company to purchase their undertaking. To meet more effectively the competition threatened, the chief British manufacturers agreed to amalgamate their business, and in February, 1902, the Imperial Tobacco Company of Great Britain and Ireland (Limited) was floated with a capital of £17,500,000, of which there has been issued £14,518,097, the various companies taking the whole of the ordinary shares of the Imperial Company, while £1,000,000 of 4½ per cent debenture stock and £3,000,000 in 5½ per cent cumulative preference shares were offered to the public. The Imperial Company also made an agreement with Salmon & Gluckstein (Limited) under which the 450,000 £1 shares of that company were converted into 10 per cent preference shares, the dividends being guaranteed by the Imperial Company, the latter taking all surplus profits. Almost immediately a period of sharp competition and rate cutting commenced, with offers of bonuses and profit-sharing schemes to the dealers, and issue of coupons entitling the free gifts to customers on behalf of Ogdens (Limited). A counter move was also made by the British company, which entered the American field to fight the American Company on its own ground. And it is very evident that some large losses must have been incurred; and it has been apparent for some little time that the insane competition would have to cease.

The announcement, therefore, of Monday was not altogether expected, and the decision of the American company to give up the contest is certainly a wise one. The American company retires to America; the British company confines its operations to Great Britain, and the export businesses of the two combines are taken over by the new joint concern. The British company has plenty of scope for business and expansion, and it can not be too strongly urged that its success depends largely upon the use it makes of the extremely strong position in which it stands. It is to be hoped that no measures to inflate prices will be taken. That some prices must be increased is, of course, certain. But any attempt to "corner" the trade would be futile, and we do not suppose that any such attempt will be made. The organizers of the British company have proved their business ability, and with the same able management continued the company should have a prosperous career. The present price of the £1 5½ per cent, preference share is 23s. 6d., giving a yield of about £4 16s. 6d. per cent. On the basis given in the prospectus of past results, the amount required for the preference dividend was covered four times over. With the improved prospects the shares do not appear overvalued. At the price of £106 for the 4½ per cent debenture stock the yield is about 4 per cent. The stock is well secured, and is also worth attention.

[British Trade Journal, London, November 1, 1902, p. 446.]

TOBACCO TRADE.

Early in the month it was announced that the American Tobacco Combine and Ogdens (Limited), in England, had been amalgamated with the Imperial Tobacco Company (Limited), of London, the markets of the world having been divided between the two concerns. The Imperial Tobacco Company have issued a new price list, which will show a larger margin of profit for retailers, and there will be a minimum scale of retail prices which will be rigidly enforced, thus preventing "cutting."

[The Tobacco Leaf, October 1, 1902, p. 6.]

The recently concluded international tobacco agreement promises to be big with indirect as well as direct results. A telegram received here yesterday conveys the information that the Louisville Tobacco Warehouse Company, composing a majority of the tobacco warehouses of that city and controlling the greater portion of the tobacco trade in Louisville, has submitted to its stockholders a proposition made by the houses outside of the combination which, if accepted, will mean the purchase of seven more warehouses there, given the "combine" practical control of that market. The seven warehouses which it is proposed to purchase handle about 35,000 hogsheads a year. If the deal is ratified it will go into effect on November 1. Another telegram from Richmond, Va., says that the completion of the Anglo-American deal has thoroughly demoralized the tobacco market there, the anticipations evidently having been that the "war" was to have been waged for an indefinite period, and business was being trimmed accordingly. The agreement is undoubtedly a great disappointment to southern and western tobacco-market interests.

[The Daily News, London, Monday, September 29, 1902, p. 5.]

TOBACCO WAR ENDED—ARRANGEMENTS FOR PEACE.

We are authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export businesses of the competing parties and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business will take effect next Wednesday.

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed the directors of the Imperial Company have effectually se-

cured the control of the home trade, as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American Company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly-acquired business on the lines hitherto pursued by Messrs. Ogden under the direction of their American allies.

THE BRITISH COMBINE—SOME DETAILS OF THE PLAN.

A Bristol correspondent has had an interview with a gentleman whose position carries great weight in the tobacco trade and who is intimately associated with the Imperial Company. This gentleman, while naturally reticient as to details, was able to throw a good deal of light on the nature of the terms under which Ogden's business has been acquired. Asked if it were true that the Imperial Company were paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course there were assets, and these would be paid for. The new British-American company, he added, was to be a British registered company and not an American one. The question of the position of the British colonies next arose, whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation. It may be taken that the colonies will come under the latter category, and the same remark applies to Cuba. Broadly speaking, the position is this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purposes of the amalgamation will be treated as foreign. As regards the question of bonus, the informant stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

The British combine was formed in February last, and was originally constituted of thirteen English and Scotch firms, including Messrs. W. D. and H. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided in equal number of preference, preferred ordinary, and deferred ordinary shares of one pound each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and a half million sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly seven millions sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,306.

[The Daily Chronicle, London, Friday, September 26, 1902, p. 7.]

THE TOBACCO WAR—SOME POSSIBLE DEVELOPMENTS.

In the tobacco trade generally important developments are expected to arise from the visit to this country of American tobacco magnates. These include Mr. J. B. Cobb, vice-president of the Havana cigar trust; Mr. Duke, and Mr. Fuller, the legal representatives of the American trust. The visitors are staying at the Carlton Hotel, and yesterday they were, it is stated, joined by two representatives of Messrs. Ogdens, who came from Liverpool. The impression in the trade is that a speedy arrangement will be come to between the Imperial Company and the American trust. The former, it is asserted, is anxious to buy out the interests of its American rival in Britain, with the object of securing complete control of the home market. The war for trade supremacy has cost both "combines" a considerable amount of money, and it is an open secret that they are desirous of, if possible, putting an end to the struggle on terms which would be mutually advantageous to both sides. Already the Imperial Company has opened a number of retail shops in London and the provinces, and there is a possibility of their number being increased largely should the negotiations between the rival companies prove successful. The shops do not bear the company's names, but they are, as a matter of fact, "tied" houses. By reason of this new inroad upon their business the retailers are up in arms, bitterly resenting the action of the English company. As a result of this new move on the part of the Imperial Company directly to push their own goods, a Daily Chronicle representative learned yesterday that there is a possibility of yet another "combine" being formed. This time it is the manufacturers not represented on the English trust who speak of amalgamating, with the hope of turning to commercial account the growing hostility of the retail trade to the Imperial Company.

[The Daily Chronicle, London, Monday, September 29, 1902, p. 5.]

THE TOBACCO WAR—AMALGAMATION OF THE RIVAL TRUSTS—FORMATION OF AN ANGLO-AMERICAN COMPANY.

From hated trade rivals the American Tobacco Company and the British Imperial Tobacco Company have become close commercial allies, and the important developments foreshadowed in The Daily Chronicle of Friday last have come to pass. As the result of the conference in London between Messrs. Duke, Cobb, Harris, and Ogden on the one hand and Sir W. Wills and his fellow British representatives on the other, an arrangement fraught with future commercial possibilities of, the highest importance has been arrived at. The following is the official statement:

"The business of Ogdens (Limited) has been transferred to the Imperial Tobacco Company, and the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in possesion of the trade of the United Kingdom, while the American company is not to be disturbed in the United States or Cuba, and the British-American company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart., Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. The transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests, joining hands instead of competing against each other in the sphere of commerce."

A Daily Chronicle correspondent learns that the capital of the new company will be £6,000,000. The result of the conference, with its scheme of amalgamation and formation of a new trust—for as such it is candidly regarded by the trade—is looked upon by wholesale and retail dealers alike with feelings of alarm. An immediate advance in prices is considered certain. The Wholesale Tobacconists' Protection Association has not been altogether unprepared for the turn which affairs have taken. From the war of the "combines" they have hitherto reaped a rich financial harvest. No secret has been made of the fact that they were carefully playing off one "combine" against the other; "squeezing" each in succession, and extorting concession after concession. But all this, it is anticipated, must now end. Absolute master of the home market, and with no powerful rival to fear, the Imperial Company, it is felt, will speedily dictate fresh terms to the trade. Already the wholesale tobacconists are moving in the matter, and steps have been taken to summon an early meeting of the trade.

A promient member of the wholesale trade in the course of an interview with a Daily Chronicle representative on Saturday said he felt certain that an increase in prices would follow from the amalgamation. "You can take it from me," he went on, "there will be no more bonuses. Smokers and the trade generally have done well out of the 'war.' The new order of things will, I fear, be bad for the wholesale dealer, bad for the retailer, but worst of all for the smoker. It is a curious thing," continued our informant, "that the Imperial Company was formed ostensibly in the interests of British smokers, to combat the threatened inroads of the American trust. Now that the Americans are retiring, the Imperial becomes nothing less than a gigantic trust itself, with the whole of the home market at its mercy."

"Are prices likely to be advanced very much?"

"That I can not say until the Imperial Company shows its hand. In the past the company has been 'squeezed.' Now its turn has come, and I shall be much surprised if it does not in its turn do the 'squeezing'—slowly, perhaps, but nevertheless surely."

Several retail traders were also seen on the subject. Without exception they took a very pessimistic view of the situation.

"The intentions of the Imperial Company," said one, "are already becoming manifest. For some time past they have been gradually establishing retail shops in London and the provinces, not under their own name, of course, but nevertheless theirs. This, no doubt, has been in anticipation of the home trade passing entirely into their hands. Now the number of these shops is sure to be extended. Without them the competition is keen enough, and a further increase will absolutely ruin many a struggling shopkeeper."

Our Bristol correspondent says it is locally believed that the list of directors on the new company is incomplete, and that one or more names will be added. It is stated that under the agreement the company is British registered, and not American registered. The Imperial Company will continue their bonus arrangements, but what will become of the £200,000 promised by Ogdens is uncertain.

The British "combine" was formed in February last, and was originally constituted of thirteen English and Scottish firms, including Messrs. W. D. & W. O. Wills, of Bristol; Messrs. Lambert & Butler, of London; Messrs. John Player & Sons, of Nottingham; Messrs. Hignett Brothers, of Liverpool, and Messrs. Stephen Mitchell & Son, of Glasgow. Two or three other firms have since entered the combination. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary and deferred ordinary shares of £1 each, and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first-mortgage debenture stock. The purchase money amounted to just under £12,000,000 sterling (£11,957,022), of which £10,500,000 sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000 sterling (£6,992,221), the next largest being Messrs. Lambert & Butler, with £754,305.

[The Standard, London, Monday, September 29, 1902, p. 3.]

THE TOBACCO COMBINATION—AN AGREEMENT ARRIVED AT.

It is authoritatively stated that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of the British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the five-and-a-half per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial Board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. C. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe, Owen Percival, S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect on the 30th instant, and from that day it will be in the hands of the Imperial Company.

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ordinary shares of £1 each; and the issue to the public in February consisted of 3,000,000 preference shares and £1,000,000 first-mortgage debenture stock. The purchase money amounted to just under twelve millions sterling (£11,957,022), of which ten and one-half millions sterling (£10,518,097) was taken by the vendor firms in shares and debentures, principally preferred ordinary and deferred ordinary shares.

A Bristol correspondent has had an interview with a gentleman intimately associated with the Imperial Company. While reticent as to details, he was able to throw a good deal of light on the nature of the terms by which Ogden's business has been acquired. Asked if it was true that the Imperial Company was paying a substantial sum for the good will of Ogden's, he replied that it was difficult to see what good will there was to be purchased. Of course, there were assets, and these would be paid for. The new British-American Company, he added, was to be a British registered company and not an American one.

As to the question of the position of the British colonies—whether they were included in the British interest retained by the Imperial Company or whether they were included in the foreign field to be worked by the new amalgamation—he remarked that it might be assumed that the colonies would come under the latter category, and the same remark applied to Cuba. Broadly speaking, the position was this: The United Kingdom will be in the hands of the Imperial Company, the United States will be left in the undisputed possession of the American Company, and the rest of the world, for the purpose of the amalgamation, will be treated as foreign. As regards the question of bonus, the gentleman stated that the Imperial Company would continue to pay their bonus as provided by their agreement, but he did not know what would be the position with regard to the £200,000 promised by Ogden's. It would certainly not be paid by the Imperial Company.

[The Manchester Guardian, Manchester, England, Monday, September 29, 1902, p. 4.]

END OF THE TOBACCO WAR—AMALGAMATION OF BRITISH AND AMERICAN INTERESTS.

It is announced officially that the business of Ogden's (Limited) has been transferred to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogden's (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation under the name of the British-American Tobacco Company (Limited).

The result is that the Imperial Company will, as between the hitherto competing parties, be left in possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world. The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original venders behind the 5½ per cent preference shares of that company. Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board. The first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. R. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, R. Cunliffe Owen, P. S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts. This transfer of Ogden's English business will take effect to-morrow, and as from that day it will be in the hands of the Imperial Company. It is believed (says the Central News) that this is the first attempt to unite any great international combination, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

The following statement has been made by a gentleman who occupies a prominent position in the tobacco trade: "The announcement which has been made concerning the termination of the tobacco war has been anticipated for some days, and so far as the arrangement has been disclosed, the directors of the Imperial have effectually secured the control of the home trade as well as a proportion—which can not yet be ascertained—of the trade in all other parts of the world excepting the United States, where it is clear that the American Company is not to be disturbed. It is not to be expected that the Imperial will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies. Seeing that the transfer will take effect so soon there is, however, no time for discussion on this point. The main effect is that British trade has been secured for British manufacturers, and for the first time Englishmen and Americans join together in developing trade foreign to both countries, while leaving each other in places in their own lands."

[The Glasgow Herald, Monday, September 29, 1902, p. 6.]

TOBACCO WAR ENDED—AMALGAMATION OF THE COMBINES—SIGNING OF THE AGREEMENT.

The Press Association is authorized to state that agreements were signed on Saturday in London transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Tobacco Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares. This has been accompanied by an agreement to amalgamate the export business of the competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds:

The announcement of the termination of the "tobacco war" has been anticipated for some days. So far as the arrangement has been disclosed, the directors of the Imperial Company have effectually secured the control of the home trade as well as some proportion of the trade in all other parts of the world, excepting the United States of America, where the American company will not be disturbed. It is unlikely that the Imperial Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point. The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills, of Bristol; Lambert & Butler, of London; Players, of Nottingham; Hignett Brothers, of Liverpool; and Mitchells, of Glasgow. Two or three more firms have since entered the combine. The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock. The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firms in shares, and debentures principally preferred ordinary and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert & Butler with £750,000.

A gentleman intimately associated with the Imperial Company, interviewed by a Bristol correspondent, said that the new company was to be a British registered company, and not an American one. The Imperial Company would continue to pay their bonus, but he did not know what would be their position regarding the £200,000 promised by Ogdens. It would certainly not be paid by the Imperial Company. The United Kingdom would be in the hands of the Imperial Company. The United States would be left in the undisputed possession of the American company; and the rest of the world for the purposes of the amalgamation would be treated as foreign.

[The Liverpool Mercury, Monday, September 29, 1902, p. 6.]

THE TOBACCO WAR—END OF THE STRUGGLE—ANGLO-AMERICAN AGREEMENT—LETTER FROM MESSRS. OGDEN.

The Press Association is authoritatively informed that agreements were signed on Saturday in London, transferring Messrs. Ogden's English business and the other British interests of the American Tobacco Company to the Imperial Company, who are to pay for the Ogden Company's good will by an issue of ordinary shares.

This has been acomplished by an agreement to amalgamate the export business of the hitherto competing parties, and to form an English company under the name of the British-American Tobacco Company (Limited). The transfer of the Ogden business takes effect next Wednesday.

The Press Association adds that the announcement which has been made concerning the termination of the tobacco war has been anticipated for some days. A gentleman who is a prominent figure in the trade says so far as the arrangement has been disclosed the directors of the Imperial Tobacco Company have effectually secured the control of the home trade, as well as some proportion, which can not yet be ascertained, of the trade in all other parts of the world excepting the United States, where, it is clear, the American company is not to be disturbed.

It is not to be expected, we are informed, that the Imperial Tobacco Company will conduct their newly acquired business on the lines hitherto pursued by Messrs. Ogden, under the direction of their American allies, and, seeing that the transfer will take effect on Wednesday next, there is no time for discussion of the point.

The main effect of the agreement is, it is stated, that the British trade has been secured for the British manufacturers, and for the first time Englishmen and Americans have joined together in developing a trade foreign to both countries, while leaving each other at peace in their own lands.

Appended is a copy of a letter forwarded by Messrs. Ogdens (Limited), to their retail customers, by Saturday's post:

BOUNDARY-LANE, LIVERPOOL,
September 27, 1902.

DEAR SIR OR MADAM: We beg to inform you that we have sold our business (so far as the United Kingdom is concerned) as from the 30th instant, to the Imperial Tobacco Company (of Great Britain and Ireland), (Limited). Any unexecuted orders must therefore be treated as canceled.

In thanking you for your support in the past, we desire to express the hope that the same pleasant business relations will be continued with the Imperial Company as have existed with us.

Your future orders should be addressed to the Imperial Tobacco Company (Limited), Boundary-lane, Liverpool.

Yours, faithfully,

OGDENS (LIMITED).

THE IMPERIAL COMPANY.

The Imperial Tobacco Company was formed last February of thirteen English and Scotch firms, including Messrs. Wills (Bristol), Lambert and Butler (London), Players (Nottingham), Hignett Bros. (Liverpool), and Mitchells (Glasgow). Two or three more firms have since entered the combine.

The share capital of the company is £15,000,000 sterling, divided into an equal number of preference, preferred ordinary, and deferred ordinary shares of £1 each, and the issue to the public consisted of 3,000,000 preference shares and £1,000,000 first mortgage debenture stock.

The purchase money amounted to nearly £12,000,000 sterling, of which £10,500,000 was taken by the vendor firm in shares and debentures, principally preferred, ordinary, and deferred ordinary shares. The leading firm in the company is Messrs. Wills, who were the moving spirits in bringing about the combination, and whose capitalization was nearly £7,000,000, the next largest being Lambert and Butler with £750,000.

[The London Times, October 2, 1902.]

THE TOBACCO TRADE.

The British-American Tobacco Company (Limited) was registered on Monday last with a capital of £6,000,000, divided into 150,000 preference shares and 4,500,000 ordinary shares of £1 each. The objects of the company are to adopt an agreement proposed to be made between the Imperial Tobacco Company (of Great Britain and Ireland, Limited) of the first part, Ogden's (Limited) of the second part, the American Tobacco Company of the third part, the Continental Tobacco Company of the fourth part, the American Cigar Company of the fifth part, the Consolidated Tobacco company of the sixth part, and Messrs. Williamson, Whitehead, Fuller, and James Inskip, trustees on behalf of the British-American Tobacco Company (Limited), of the seventh part. The further objects of the company are to carry on the business of growers, manufacturers, and exporters of tobacco and its products in any part of the world. The first 18 directors are to hold office until 1904. The head office is to be in London, but the solicitors registering the company are Messrs. Grace, Smith, and Hood, Liverpool. The registration duty paid on the formation of the company is £15,050. The company does not now offer any shares to the public.

[St. James's Gazette, London, Monday, September 29, 1902, p. 11.]

THE END OF THE TOBACCO WAR—AGREEMENT AND AFTER—FURTHER DEVELOPMENTS ANTICIPATED—SPECIAL INFORMATION.

Notwithstanding that the agreement between the Imperial Tobacco Company and the American trust had been anticipated for a week or more, the official announcement coming so soon after the first reports has taken many in the trade by surprise. There is a general disposition to give the British amalgamation every credit for having forced the Americans to give up the idea of being able to capture the British trade, but the agreement, so far as it has leaked out, tends to confirm the opinion that the Imperial company were forced to meet the American trust some considerable distance toward a compromise with a view to ending the struggle between them. The "war," although it has taught the Americans that there is still life in the British bulldog, has benefited no one, except perhaps the growers of the tobacco leaf.

When Mr. Duke's trust planted itself in England with the unconcealed object of becoming master of the situation, the demand for the raw material was greatly increased. A new and very large customer of the growers had come upon the scene. Just at that time, too, there was an unusual shortage of the raw material, and the extra demand sent up the prices 10, 20, and in some cases 50 per cent above the normal. Although the supply has slightly increased in the interval, there has been a shortage ever since, with the result that the inflated value of the raw material has been kept up. In view of the cutting down system that was resorted to by the Americans, it was impossible for the British manufacturers to raise their prices in order to recoup themselves for the extra outlay. The wholesale traders and the retailers were supposed to benefit by the "war," and they did to a certain extent, but it was infinitesimal, for although bonuses of £200,000 look very large in the aggregate they get to very small proportions before they reach the individual dealer. The only class that can be said to have really benefited was the farmers who grow the leaf.

Some of the British manufacturers suffered more than others. Those who amalgamated and became the Imperial Company were able to counteract very largely the decrease in profits by the amount they saved in reducing their individual expenditure. The manufacturers, however, who could not accept the principle of amalgamation and remained outside the British trust were not in such a favorable position, and at the outset the enhanced value of the raw material absorbed a fairly large percentage of the profits they were formerly able to count upon. As the "war" proceeded, however, much of the loss is said to have been made up in other directions. According to one of the independent manufacturers, a reaction on the part of the retailers set in against both the trusts, and the manufacturer who had stood aloof got increased trade.

The situation created by the agreement between the Imperial Company and the Americans is not quite clear. A representative of the "St. James's Gazette" who made exhaustive inquiries in all sections of the trade to-day found that there was a great deal of uncertainty as to the future. Everyone outside the firms that constitute the British trust is waiting for the full text of the agreement. The details published are regarded as too meager to form any opinion as to what the Imperial Company mean to do. One of the large independent manufacturers said he was not disturbing himself very much about the future of the British amalgamation. He was concerning himself far more about the probable effect the agreement would have on the price of the raw material. He thought that they might reasonably expect a reduction in the price of the leaf in case the majority of them refused to bind themselves to either trust, claiming only fair profits and desiring no bonuses. During the "war" they were able to secure a better living than they had formerly done, but they were not by any means satisfied with the position of affairs, which gave them no security for the future. Now that the Americans have capitulated, many of them fear that the Imperial Company will become autocratic. A meeting will probably be held shortly to consider the newly created situation. One of the leaders of the retail trade said they were going to fight for fair profits, and they were also, he said, going to protest against the Imperial Company embarking in the retail business. The British amalgamation, he said, already control two large London retail firms, and they were about to open more shops. This action, he contended, was in direct opposition to the interests of the retail trade generally, and if it were persisted in the retailers would appeal to the public to support them in fighting the company. It therefore does not look as if it will be all smooth sailing in the tobacco trade in the near future.

WHAT THE PAPERS SAY.

The opposing trusts have concluded an alliance which lays the smoking world at their feet—the smoking world, at all events, of Great Britain and the United States. What is more, they have inserted a clause in their treaty pledging themselves to work hand in hand for the conquest of the whole earth.—Chronicle.

The American wolf pounced upon the fold, expecting to find sheep. It found a bulldog instead. If we are compelled to smoke trust tobacco, we prefer that the trust should be of British origin, and from that point of view, and as a salutary lesson to the commercial filibusters of the United States, we are gratified at the triumph of the Imperial Company.—Daily News.

Mr. G. Fraenkel, the president of the Wholesale Tobacconists' Association, was disinclined to go very deeply into the subject. "We shall be friendly," he said, "with every manufacturer, but we shall keep our eyes open for any developments." Another wholesale trader whom our representatives saw said he feared that the victory gained by the Imperial Company would have far-reaching results. There was a rumor, he said, that the British trust intended to deal direct with the retailer. Such a movement, he thought, was doomed to failure because the small retailers—and they formed the majority of the trade—could not afford to buy direct from the manufacturer. A retailer as a rule, he pointed out, only wants small quantities of many kinds. Were he to get them direct from each manufacturer the postage would run away with all his profits. What he does at present, said the wholesaler—and what in his opinion he would continue to do—is to send his orders to the wholesale traders who kept all brands in stock and could make up a parcel which would cost the retailer no more in postage than would one from a manufacturer. Some of the independent manufacturers have made overtures to the wholesale dealers with the object of coming to an arrangement which will be of mutual benefit to both sides.

The retail dealers have also some apprehension regarding the future.—The St. James Gazette.

It is permissible to point out that the American Company's eager desire for peace is not the result of any particular affection for the consumers of tobacco in this country, but is solely due to the fact that they have been worsted at the tactical game it pleased them to commence.—Standard.

We shall be agreeably surprised if the British trust, released as it now is from its struggle with its American rival, does not enter at once into more or less open hostilities against the firms which refused to enter it.—Leader.

"It is because we are free traders that these trusts of the American type," to quote the words used by Professor Graham at the British Association, "can have only a small range of culture in England."—Daily Graphic.

[Journal of Commerce, Liverpool, Monday, September 29, 1902.]

END OF THE TOBACCO WAR—AMALGAMATION OF THE TRUSTS.

It is officially stated that the business at Ogdens (Limited) has been transfered to the Imperial Tobacco Company, and that the export businesses of the Imperial Company, Ogdens (Limited), and the American Tobacco Company and its allies have been amalgamated, and a joint company is in course of formation, under the name of British-American Tobacco Company (Limited). The result is that the Imperial Company will, as between the hitherto competing parties, be left in the possession of the trade of the United Kingdom, while the American Company is not to be disturbed in the United States or Cuba, and the British-American Company will compete for the trade in other parts of the world.

The Imperial Company will pay for the good will of Ogden's business in ordinary shares, ranking with the similar shares of the original vendors behind the 5½ per cent preference shares of that company.

It is understood that Mr. J. B. Duke, Mr. R. H. Walters, and Mr. Thomas Ogden will be elected to seats at the Imperial board, and the first directors of the British-American Tobacco Company will consist of Sir W. H. Wills, Bart; Messrs. J. B. Duke, J. B. Cobb, H. H. Wills, W. P. Harris, C. E. Lambert, W. W. Fuller, W. G. Player, C. C. Dula, Hugo Vaughan, B. Cunliffe Owen, Percival S. Hill, Thomas Gracey, W. B. Ogden, R. H. Walters, Thomas Ogden, P. R. Walters, Percy Ogden, and Harold Roberts.

The transfer of Ogden's English business will take effect on the 30th inst., and from that day it will be in the hands of the Imperial Company. It is believed that this combination is the first attempt to unite any great international industry, and its progress will be watched with interest everywhere. It may mark a new development in the direction of British and American interests joining hands instead of competing against each other in the sphere of commerce.

[Canadian Cigar and Tobacco Journal, Toronto, vol. 9, No. 4, April, 1903, p. 13.]

THE TOBACCO INVESTIGATION.

The report of Judge McTavish on the investigation of the exclusive contract system in the tobacco trade has been laid before Parliament. It rings a rather dull and uninteresting curtain on a little drama that occupied a prominent place on the trade stage a short while ago. The document, which is quite lengthy and exhaustive, states in substance—

(1) That the contract system complained of by the petitioners does, in fact, exist, and is in general use in the cigarette and tobacco trade in Canada.

(2) That the provisions of the contracts are not illegal, either under the common law or under any statutory law heretofore enacted by the Parliament of Canada.

(3) That the manufacturers of cigarettes and of Canadian tobacco other than the American and Empire Tobacco companies are at a disadvantage in the distribution of their goods and in the prosecution of their business generally by reason of such contract system.

While this information may be of interest to the Members of the House, we hardly think it will be received as a startling announcement by the trade. The consignment and contract system existing in the cigarette and Canadian tobacco trade is thoroughly familiar to even the smallest dealer. The trade condition that exists by reason of this modern method of handling trade does not, in the judge's report, bring to light anything new to the trade. The report merely states those facts with which every reader of the Cigar and Tobacco Journal is thoroughly conversant. This must not be construed as a criticism of the report, for it is difficult to conceive of what the esteemed commissioner could do other than to ascertain the facts and submit them to Parliament. Yet the report will naturally be very disappointing to those competing firms who devoted considerable time and money both to securing the investigating commission and in bringing evidence before it. That their efforts have not been fraught with success is no reflection upon their judgment in attempting to alter a trade situation which, it must fairly be admitted, is very detrimental to the complaining manufacturers.

His Lordship concludes his report with the statement that "the extent to which legislative control over the freedom of contract should be exercised, and how far the rules of trade can be interfered with by statutory enactments without injury to the public interest, are questions of policy for the consideration of Parliament.

Whether Parliament will consider this question of policy is as yet uncertain. Freedom in the making of contracts between individuals, or corporations and individuals, is very necessary in every-day business life; and while in specific instances they may work to the detriment of competing firms, who are sidetracked by such contracts, it is extremely difficult to conceive of any law that could be framed to give them redress.

The evidence of the commission showed that similar contracts exist in a great many branches of trade, and are apparently an everyday incident of modern commerce. The trend of nearly every industry, as well as our own, is toward absorption, concentration, and control, and it is evident that it is with the condition we must deal, rather than hope for a change in the prevailing commercial system. Modern enterprise in all the varied significance of that term must, it seems, be the solution for each individual firm confronted with the problem.

[Commercial Relations of the United States with Foreign Countries During the Year 1902, Bureau of Foreign Commerce, Department of State, volume 1, p. 977.]

LEAF TOBACCO.

From January 1 to August 15, 1899, there existed a duty of 35 per cent on leaf tobacco, and from the latter date the Japanese Government has monopolized the import.

While the 35 per cent duty was in force, and in anticipation of the exclusive importation by the Japanese Government, there was imported by merchants and manufacturers an enormous quantity of leaf tobacco, valued at $2,533,004, against $2,254,774 in 1898, and $159,785 in 1897. The import of 1899 seems to have glutted the market during the two

years following and to have destroyed the Government's chances to do much business in the community, the value of the import having decreased to $226,237 during 1900, and to $15,075 in 1901. The establishment of the Government monopoly has had the effect to encourage the raising of tobacco in this country upon a much larger scale than formerly, official estimates increasing the acreage of 1902 to 61,358 acres, expected to yield 78,177,012 pounds.

As to quantity, the Japanese are not such excessive users of tobacco individually as are found in many other countries; they make more frequent use of it, but in lesser quantities, the small Japanese pipe, carried at the belt and holding less than a thimbleful, being emptied many times a day. Tobacco is largely used by the natives at seaports and in the larger cities in the form of cigarettes. Many are consumed by the jinrikisha men, and when one is called he places the cigarette behind his ear ready for another draw at the end of his run.

The American Tobacco Company has recently invaded this country with large capital and up-to-date methods, and is continuing to absorb the trade.

There were shipped from this port last year cigarettes valued at $681,490, against a total export of $838,293, and nearly all the balance was sent from Osaka, in this consular district. Some 70 per cent of the whole was shipped to China.

During 1900 the export of cigarettes to China was more than doubled, and during 1901 that of 1900 was more than trebled.

The duty on manufactured tobacco remains at 150 per cent.

The CHAIRMAN. The gentleman from Pennsylvania is recognized for thirty minutes.

Mr. DALE. Mr. Chairman, in the time allotted me I wish to call your attention to a subject of intense interest to the district I have the honor to represent, and a subject so broad in its varied interests it should receive the attention of this House. I refer to the mining industries of the United States. In the very outset I desire to state that I shall use H. R. 14611 as the basis of my remarks. This bill provides for a bureau of geology and mining, and was reported February 13, 1906, from the Committee on Mines and Mining with a unanimous recommendation that the bill pass. In the early days of this session the gentleman from Colorado [Mr. BROOKS] introduced a bill of like import, which was referred to the Committee on Mines and Mining, and was thoroughly discussed by that committee and a number of amendments suggested. The gentleman from Colorado accepted the amendments, and, incorporating them in a new bill, reintroduced the same. So that, while the gentleman from Colorado should have full credit as the author of the bill, still as it now stands it is essentially a committee bill.

The distinguished gentleman from Wisconsin, the chairman of the committee, has prepared and filed a very able and excellent report (No. 1184), in which he shows in strong and concise language the growth and importance of the mining industry. I understand the enactment of the measure into a law will entail no extra expense upon the National Treasury, and that the proposed new Bureau is attached to the Department of Commerce and Labor because the organic act creating that Department gave it jurisdiction over the mining industry. The bill is now upon the Calendar of the Committee of the Whole House on the state of the Union, and I frankly confess I would not now be trespassing upon the time of the House if I were not fearful that in these closing days of the session the bill may not be reached. If I needed a further excuse for addressing myself to this subject, I find it in the fact that the single county of Lackawanna, Pa., which comprises my district, produced in the calendar year 1904—the last year for which official statistics are obtainable—the enormous output of 17,309,723 tons of coal. The average price per ton, as computed by Mr. William W. Ruley, chief of the bureau of anthracite coal statistics, Philadelphia, Pa., is $2.35 at the mine; so the value of this one product of this single Congressional district for the year 1904 will be 17,309,723 tons multiplied by $2.35, or $40,442,849.

Even this magnificent showing is exceeded by the adjoining county of Luzerne, so ably represented in this body by General PALMER. His district, composed of the single county of Luzerne, produced in 1904 over 24,000,000 tons, with a valuation at the mine exceeding $57,000,000. The output of coal for 1904 of these two counties, comprising the Tenth and the Eleventh Congressional districts of Pennsylvania, was over 41,000,000 tons, with a valuation at the mine of $97,920,979, and I believe the output for 1905, when officially ascertained, will show a value of over $100,000,000. So far as relates to the value of their coal production, these two counties stand at the head of the list—they are the banner counties of the United States. But, Mr. Chairman, I fully realize if this subject were simply of local interest it would be difficult to justify the asking of Congress to pass the proposed legislation. It is a fact, however, that in no country upon the face of the earth has there been so large and widespread deposits of coal as obtain in the United States. There are workable deposits of coal in twenty-seven States and in three Territories, and in all these States and Territories these deposits are being developed to a greater or less extent. The output from these widespread and workable deposits for the year 1904 was 352,310,427 short tons, with a spot value of $444,816,288—a remarkable exhibit, and one that confirms the United States in its position as the head of the coal-producing countries of the world.

In that year our production exceeded that of Great Britain by over 35 per cent, and lacked less than 95,000,000 tons of equaling the combined production of Great Britain and Germany, these two countries ranking second and third, respectively, in the production of coal. In addition to this, Mr. Chairman, coal is not the only mineral product of the United States. While my interests and studies have made me more conversant with coal than with other minerals, and while coal ranks first in value of our mineral and metal productions, it is only fair to state that iron ranks a close second, and its deposits are perhaps as widespread as those of coal. In the year 1904 twenty States produced 16,497,033 long tons of pig iron, with a total valuation of $233,025,000, and the production of iron ores in the United States exceeded that of any other country in the world. The production of gold in the United States in 1904 amounted to 3,910,729 ounces, with a valuation of $80,833,648. The production of silver was 55,999,864 ounces, with a commercial value of $32,035,378, and the production of copper amounted to 812,537,367 pounds, with a valuation of $105,629,845. The production of lead was 307,000 tons, with a valuation of $26,402,000, and of zinc there was produced 186,702 tons, valued at $18,670,200. For purposes of reference and for convenience I have grouped the mineral and metal products in a table, which, if there be no objection, I will not read, but will insert in the RECORD.

Table showing the output of the mines in the United States for the year 1904, and the valuation thereof.

	Production.	Valuation.
Coal ..... short tons..	352,310,427	$444,816,288
Iron ..... long tons..	16,497,033	233,025,288
Gold ..... ounces..	3,910,729	80,835,648
Silver ..... do....	55,999,864	[a] 32,035,378
Copper ..... pounds..	812,537,367	105,629,845
Lead ..... tons..	307,000	26,402,000
Zinc ..... do....	186,702	18,670,200
All other minerals	.....	347,631,227
Total	.....	1,289,045,586

[a] Commercial value.

This table shows the total value of the output of our mines in 1904 to be in excess of one and a quarter billion dollars. Surely from the standpoint of dollars and cents the mining industry of the United States is important enough to call for the care and consideration of a separate bureau. But, sir, there is another phase of the subject to which I desire to call your attention. While it is true that during the past fifteen years the coal industry of the United States has more than doubled its output and its growth has been by leaps and bounds, it is also true that this industry is still in its infancy. Compared with Europe, we have only scratched the surface of our almost inexhaustible coal fields. While Europe, and especially Great Britain, has nearly or quite reached its maximum output, our vast coal fields are comparatively undeveloped. And in this connection I wish to read what Consul-General Mason, of Paris, has to say concerning the future of American coal, as found in Consular and Trade Report No. 2504, page 3. I quote:

It is in respect to quantity and quality of coal supply that the advantage of North America over European countries is decisive and overwhelming. Whatever the facts concerning ores may be, the known coal measures of the United States render their fuel supply secure, abundant, and of excellent quality for centuries to come. There are hundreds of thousands of acres of gas and coking coals of high quality in the Appalachian regions—to say nothing of other fields—which have as yet been hardly scratched by the pick and drill of the miner. New coal deposits of greater or less extent are being discovered from year to year. With what is now known the present enormous annual output of 280,000,000 tons of bituminous coal can be maintained for hundreds of years without exhausting the available supply. In Europe, on the contrary, the years of adequate coal provision are definitely numbered. In England the experts estimate the duration of the workable coal measures to be from sixty to one hundred years. Germany has a somewhat longer lease of industrial life dependent on the coal supply, but the subject is so acute that a heavy contract for the delivery of German coal to France for iron and steel works is understood to have been canceled recently at heavy loss to the sellers, because, as it is definitely understood, the Imperial Government objected to the depletion of the national coal supply for the benefit of the neighboring countries. France has native coal for a generation or more, but the mines are deepening, the cost of production is gradually increasing, and economists are looking with growing apprehension at the future. Twenty-five or, at most, thirty years hence, the question of an adequate coal supply will be a serious problem for France.

Our vast coal fields "have as yet been hardly scratched by the pick and drill of the miner." As an American I am glad we have this great storage of heat and power, for I have marked the interesting fact that the development of our min-

ing industry has been coincident with our growth toward world industrial supremacy. In my judgment there are those in this House to-day who will see the time when great ocean freighters, built expressly for that purpose, will leave the harbors of our coasts bound for European ports and loaded exclusively with coal; and as Consul-General Mason puts it:

It will be strange, indeed, if American foresight shall fail to recognize the opportunity which time shall ripen and the immutable laws of demand and supply will offer to American enterprise.

Mr. Chairman, to encourage that enterprise, to foster and aid its growth, to seek and publish information relating thereto, and to help in every legitimate way to build up an export trade would be the proper function of the proposed Bureau of Mines, since in the end it would lead to the employment of other thousands of toilers, and would increase the prosperity and material wealth of our country. But, Mr. Chairman, there is still another and a higher reason why the bill to which I refer, or a bill drawn on similar lines, should become a law. In my opinion, the establishment of a Bureau of Mines will make for the safety of life and limb of the workers in our mines. The bill provides inter alia that the Bureau—

Shall gather such data and information with regard to the operation of mines, labor, and wage conditions, and mining machinery and appliances as shall tend to the improvement, economy, and efficiency of mining methods and the safety of mining employees.

With all the safeguards possible, the work of mining is extra hazardous. I doubt if there be a more perilous occupation. When a miner descends a shaft 200, 500, 1,000, or 2,000 feet below the surface to engage in his daily toil there is no hour of the day in which he is exempt from danger. That danger may come in many shapes and in many forms—a sudden fall of unpropped roof, a defective powder charge with its consequent delayed or premature blast, of the explosion of gas followed by the fatal firedamp. It is, alas, true that these accidents sometimes occur through the carelessness of the miner. Constant and continual familiarity with danger apparently causes him to forget ordinary caution, and that carelessness, that forgetfulness occasionally results in fatal accidents.

Recently in discussing the matter with a colleague on the Committee on Mines, I made the assertion that there were more killed and injured from accidents in our mines every single year than the entire loss of the United States Army and Navy in killed and wounded during our war with Spain. In attempting to verify that statement, I wrote to the Secretary of Commerce and Labor requesting information as to the number of killed and injured in our mines during 1904. His reply shows that no such statistics can be obtained at present, and the absence of this data presents another argument in favor of the esablishment of a Bureau of Mines. I will read Secretary Metcalf's letter:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, February 14, 1906.

Hon. THOMAS H. DALE,
House of Representatives, Washington, D. C.

SIR: I have received your letter of the 9th instant requesting information as to the number killed and the number injured in mines in the United States during the calendar year 1904, classified according to the kind of mineral produced, but I regret to say that there are no statistics compiled which cover the data you wish.

The Bureau of the Census makes an annual collection of mortality statistics, but does not deal with statistics of persons injured, and the mortality statistics are restricted by law to those of States and cities registering deaths, at the time of occurrence, under local compulsory laws.

There are but eleven States, including the District of Columbia, represented in the statistics now collected, and in none of these is mining so prominent an industry as in others; moreover, while the certificates of deaths filed by the coroners with the registration officials usually state the manner of death, such as "explosion," "burns," "fractures," etc., they do not usually specify that the death was due to an accident occurring in connection with mining, and that important distinction can not be accurately made.

Very respectfully, V. H. METCALF, *Secretary.*

After receiving this letter, I examined the statistics of my own State. I found that in the State of Pennsylvania there were in the year 1904 1,131 killed and 1,964 injured, or a total of 3,095 killed and injured by accidents incident to the mining of coal. I doubt if any State has a better mine-inspection law than Pennsylvania has placed upon her statute books, and I believe that Iowa alone has a law that comes anywhere near equaling that of Pennsylvania in its provisions for the safety of the miner. Since the production of coal in Pennsylvania was about 49 per cent of the production in the United States, I think you will agree with me that I am safe in assuming that the total casualties in the United States would equal double the casualties in Pennsylvania, and this would give over 6,000 killed and injured in the United States. If to this total were added the casualties in the mining of the other minerals and metals, the sickening figures, the sad result would be largely increased. Now, it has been officially ascertained that in the war with Spain our loss was 698 officers and privates killed, and the total number killed and wounded was 3,457. We justly shrink from the horrors of war and earnestly hope for the dawn of that day, foretold and so earnestly anticipated by the gentleman from Missouri, Mr. BARTHOLDT, when there shall be no war.

Yet, sir, here is an industry of peace—an industry which gives to our nation the iron to build its machinery, and the coal which furnishes its power—an industry, however, in which every year there are more killed and maimed than our entire loss in our last war, and still we hesitate to pass a measure which the best authorities believe would tend to lessen the appalling loss of life in carrying on that industry. Mr. Chairman, notwithstanding the fact I was once a coal operator, I do not claim that all operators are saints. I do assert, however, that these mine accidents are not always due to the grasping cupidity of the operator. I want also to correct an impression that seems to be very widely entertained, that if one can only be a coal operator he is sure to accumulate great wealth. It is true that where the conditions are favorable—where the veins of coal are of sufficient thickness and purity, large returns of profit come quickly, but these conditions are exceptional. Thin veins, faults, and impure coal are more apt to be the rule, and where these conditions prevail it is generally a race between the operator and the sheriff with a writ of foreclosure as to who shall own the plant, with the sheriff winning in a large number of cases.

As a rule the operators and superintendents having immediate charge of the mining operation come up from the ranks. I have in mind such an operator. He began as a boy carrying water to the workmen in the mines. Afterwards a doorkeeper, opening and shutting the doors for the ingress and egress of the cars—these doors being necessary for the proper control of the air in the mines. Then he became a driver boy, then a laborer, then a miner, then a foreman, then a superintendent, and finally an operator and part owner of a mine. He was a hard student, spending almost every evening over his books, and while his success may in part be attributable to his studious habits, still he is typical, insomuch as the superintendents and many of the operators come from the ranks and have a practical knowledge of mining. These men are humane; but, sir, because of the necessity of close application to their work, in order to make both ends meet, it is impossible for them always to know all that is transpiring in the mining world. There may be inventions and appliances that make for the safety of the miner which they would be glad to adopt if the knowledge of these appliances were only brought to their notice through the agency of a bureau of mines.

Mr. Chairman, I shall not attempt to picture the harrowing scenes following a sudden and terrible explosion of gas in the mines. It is appalling, and one who has witnessed it can never lose its impression, can never forget it. In an argument before the supreme court of Pennsylvania John R. Jones, esq., of Scranton, used this language:

Travel with us through the coal fields and you will observe the effects of the mine on every hand, in the mangled cripple who goes about with a crutch and cane; in the asthmatic cough of the miner whose lungs are filled with the smoke of the blast; in the blue marks of the powder-burnt face, and in the pathetic figure of him, the victim of the explosion, who with sightless eyes and palsied limbs spends his days in hopeless gloom.

In conclusion, Mr. Chairman, I am not wedded to any particular bill, but I do advocate the passage of the bill to which I have referred or a substitute drawn on similar lines. I plead, not in a spirit of demagoguery—which I despise and detest—but in the spirit of humanity, because it is my best judgment that the establishment of a Bureau of Mines will be a step toward reducing the dangers of what, in any event, must always remain the perilous occupation of the toiler in our mines. [Loud applause.]

Mr. SAMUEL. Mr. Chairman, the verdict of history will be that this Congress has produced some very wise legislation, such as will redound to the credit of those who have been instrumental in placing these laws on the statute books of the nation. But there are still some other questions that ought to have attention before final adjournment. One of these is the proper restriction of foreign immigration, and another is a law that shall make eight hours a day's labor in the United States. These are both live subjects for legislation by the American Congress, having to do with that great body of men who are the bone and sinew of this great country of ours. I shall expect to speak to you on both these subjects later on in this session. I now address myself to a question of reform in postal legislation.

To this Congress of thinking men, and more especially to the honorable members of the Committee on the Post-Office and Post-

Roads, I might not expect to contribute any new ideas in reference to postal reforms and improvement. But earlier in this session it was my privilege to introduce a bill (H. R. 11499) entitled "To provide for the merging of the fourth class of domestic postage into that of the third class," and I feel that the title in itself ought to gain for the bill a hearing in the interests of the people.

It was not until several weeks after introducing the bill in question that it was my good fortune to get time to read the last annual reports of the honorable Postmaster-General and of the honorable Third Assistant, and then I discovered that the very matter covered by my bill for the merging of the third and fourth classes of mail had been warmly urged by both Postmaster-General Cortelyou and his Third Assistant, General Madden. I am glad to be found in such good company. On page 73 of his report the Postmaster-General says:

> It is not deemed wise, at least, at this time, to ask authority of Congress for the establishment of a separate parcel post in the domestic service, but an earnest recommendation is made that third and fourth class mail matter be merged at the rate of 1 cent for 2 ounces. This could be done without the necessity of rearranging the service. All merchandise parcels not exceeding 4 pounds in weight would continue to be carried in ordinary pouches and sacks at one-half the rate now charged, and afford a great opportunity for distributing light packages to a multitude of places not reached by express companies and at a charge sufficient to reimburse the Government for actual cost of carriage.

At page 23 of the Third Assistant Postmaster-General's report I find the following:

> The matter of classifying the mails should be so simple that any postmaster, or any other person, ought to be able to determine the rate accurately and beyond doubt. There should be no necessity for a postmaster, when matter is presented for mailing, to submit the question to the Department for the consideration of experts in order to determine what rate should be charged, as is now so often necessary under our complicated classification system.
>
> With regard to second-class matter, the complications have already been stated, and they do not, of course, apply as between matter of the third and fourth classes. But as to these two there is much difficulty of correct and satisfactory administration. It often happens that similar matter mailed at one post-office at the third-class rate is at another post-office, due to the different interpretation of the postmaster there, required to be prepaid at the fourth-class rate. This is a great annoyance to the public, and it is unjust and a great hardship to patrons of the service. It can be corrected only by a ruling of the Department. One of the postmasters is, of course, wrong in his interpretation. This is expensive to the person who is required to pay the higher rate, if it be improper, and that sort of thing brings reproach upon the service. The consolidation of the third and fourth classes, which I recommend, will correct this. Simplification is what is needed, and need badly, and it should be carried to the utmost.

Now, as to the question of parcels post, which may need a word just here: Under the present sparsely settled condition of certain portions of the United States the results of a general parcels post at this time would be that the Post-Office Department would get the long hauls and the express companies would get the short ones. I think that it may be considered as a settled proposition that parcels post will be a good thing and a desirable thing when the United States acquires a density of population to warrant it; such, for instance, as that in England at the present. When that time arrives and conditions warrant parcels post, no member of the American Congress will any more dare to oppose it than would a member of the opposition dare to offer a bill against rural free delivery, if the unfortunate event should come upon us of our friends, the enemy, ever again gaining the ascendency.

But the merging of the third and fourth classes of mail matter is a question that can be taken up now and here; and the conditions not only warrant it, but the people have a right to demand it, and where understood do demand it.

In no phase of our system of government do we so nearly legislate for the people—the whole people—as in matters of postal reform and improvement. The Army and Navy legislation, while in the interests of the General Government, does not touch the people as a people. River and harbor legislation is, in the final analysis, in the interest of certain communities. The tariff, if you please, the rallying shibboleth of the Grand Old Party for the past forty years, is possibly the only legislative question before the American Congress which first, last, and all the time is paramount to all other questions, and one which can safely be left to the wisdom of the Republican party to correct when and where corrections are needed. Yet the tariff does not interest all the people.

Different, however, is the question of a reduction in postage, which concerns the whole people. I am convinced that the time for a reduction in letter postage from 2 cents an ounce to 1 cent has not yet arrived—that there is no such general demand for it as should bring this Congress to a consideration of that question.

The purpose of the bill I have offered is to do away altogether with the fourth-class designation of postage, and by merging the fourth class (the merchandise class) with the third class (generally speaking, the printed-matter class) to corral all matter and things now included in both these classes into one class, to be known as the "third class." A few examples will show how it will work. On a pair of men's shoes, weighing, say, 36 ounces, now rated as fourth class, the postage charge is 36 cents. If made third class the charge would be but 18 cents. On a pair of women's shoes the charge under this bill would be about 12 cents, whereas it is now double that amount. Clothing, etc.—indeed, anything of a merchandise nature weighing under 4 pounds—would, under the bill I have proposed, cost the sender just half as much as he is required to pay now.

Then, too, there is the confusion and annoyance caused by the two classes—the third and fourth—being so closely allied at some points that postal officials are at times in a quandary as to which class the article belongs. Take, for instance, an ordinary calendar. If printed on cardboard or paper it falls within the third class, with postage at the rate of 1 cent for 2 ounces. But should it be printed on leather, wood, celluloid, or kindred substance, it is rated as fourth class, with the postage rate 1 cent an ounce. In the case of printed cards or blank cards the same difference occurs. A blank book is rated as fourth class. If the same book should be ruled and contain printed headings, it receives the third-class designation. Burnt wood (I mean work done by the pyrographic process) offers a peculiar example. Not only do different post-offices make various charges on this species of hand product, but different clerks in the same office will be found to be at sea as to how it should be rated. Thus the two classes are so confusing at some points that fairly intelligent clerks are unable to differentiate, and I have been told that one of the worst sources of annoyance to the post-office clerk is to have persons object to paying postage at the fourth-class rate on an article which had recently been received through the mails from another office at the third-class rate—just half the amount. And while it is an annoyance to the post-office official it is no less an annoyance to the citizen who does the mailing, for he is entitled to a uniform rate with that which is being charged at other offices.

Now, the only feasible plan appearing to me to avoid the inconsistency of having any individual at any office overcharged, no matter whether in a metropolitan city or at the little office at the country wayside, is to so simplify the rates as that there shall be, or at least need be, no confusion in the classes. The first class is very easily understood. It consists of simply written matter or sealed matter. Either one of these conditions makes an article first class and requires 2 cents for each ounce. In the second class—being newspapers and periodicals mailed by publishers—there is no confusion.

I therefore ask the support of this House for the merger bill I have offered (H. R. 11499). By it all kinds of mail matter other than first and second class will be covered by the one designation of "third class" at the rate of 2 ounces for 1 cent. Confusion and annoyances to both postal officials and the public will be avoided, and it will be a concession in the lowering of postage, which will mean much to the common people, whom the lamented Lincoln said: "God must have loved, for he made so many of them." [Applause.]

The CHAIRMAN. The gentleman from Missouri [Mr. RUCKER] is recognized for fifteen minutes.

Mr. RUCKER. Mr. Chairman, a few days ago the gentleman from Michigan [Mr. TOWNSEND] entertained the House with a discussion, or more properly speaking, a recital of the more important measures enacted into law at this session. He boasted of the fact that the dominant party on this floor has the power to pass, without Democratic assistance and even with the opposition of every Democratic Member, any legislation desired. He extolled and glorified the virtues, efficiency, and patriotism of his party as reflected in the wise, beneficial, and wholesome legislation enacted.

He did not recite, however, the many most important measures which his party has failed to pass and which it has stubbornly, persistently, and willfully refused and still refuses to even consider. He should remember that while power has its glory it also has its responsibility—that the party in power is responsible to the people not only for the character of laws enacted, but likewise for partisan opposition to legislation demanded by the people.

The Republican party makes loud boasts of its friendship and devotion to the man of toil. Just before the Congressional elections our Republican friends grow vociferous in their hypocritical pretensions.

But when they have full power, time, and opportunity they refuse to act. Early in this session great labor organizations, representing and speaking for more than 3,000,000 wage-earners, respectfully, courteously, and urgently appealed to the President of the United States and to the Speaker of this House and others

in authority to give consideration to measures vitally affecting the welfare and happiness of this large number of worthy American citizens. How have you answered this appeal? You have spurned and ignored them, not because you love the horny-handed son of toil less, but because the Republican party loves the oppressors of labor, who make large campaign contributions, more.

You may with Democratic help enact an immigration bill with its best and most desirable features eliminated by your party, but you will not pass the anticonvict labor bill. You may with solid Democratic support pass a pure-food bill, but you refuse to pass the eight-hour bill demanded by labor.

You may with Democratic assistance, both in the framing and passage, enact a rate bill, but the corporations won't let you pass the anti-injunction bill.

The committees of this House are carefully formed so as to advance or prevent legislation, as the party in power wishes. For months friends of the workingman sought to induce the Committee on Labor to report the eight-hour bill, but their efforts were futile until on May 29, when it happened that only seven members of the committee—four Democrats and three Republicans—were present, and the Democrats, being in the majority, ordered the bill favorably reported. The gentleman from New Jersey [Mr. GARDNER] was authorized to make the report.

His report on the bill was filed in the House on June 26. I appealed to the Speaker to-day to recognize me for the purpose of asking unanimous consent for the consideration of this bill, and he promptly refused my request in a manner quite emphatic. I soon realized that even though I could speak with the tongue of angels and had all faith so that I might remove mountains, yet I could not possibly move a Republican Speaker of this House to consent to legislation in the interest of 3,000,000 American workingmen. Thus this just measure, ordered reported by Democratic votes, will die on the Calendar because we have not a Democratic Speaker in the chair.

In conclusion, I ask consent to include in my remarks some extracts from the able and convincing argument of Mr. Thomas Carl Spelling, of New York, attorney for the American Federation of Labor, before the Judiciary Committee of the House, April 12, 1906, in support of the bill known as the "Pearre anti-injunction bill."

Now, gentlemen, I desire to say it is your duty, and you know it without my telling you, to consider the interest of the public in this question of whether the courts shall abuse their powers or be kept within proper limits. What is the interest of the public? I tell you, gentlemen, that the people of the United States, outside of manufacturing, outside of the unions, have no interest whatever except a sentimental interest in the question whether any one man or any one corporation carries on business at any particular place in the United States or carries on business at all. If one fail and retire, there are others to take his place. Why, do you not see the result of the struggle of competition? You find a man in the front rank of the legal profession in a town. Something happens; he makes some mistake; perhaps his enemies become active; others come to the front, and he loses the lead. Perhaps he deserves to, and perhaps he does not. At any rate, sooner or later he takes a back seat and retires from the field.

Now, of what interest is that to the public? You know, gentlemen, that the public never pretends to take any interest in that, except a sentimental interest, and I say that no court of equity has any more right to interfere in the manner in which they have been interfering in these labor disputes than a court of equity would have in that case to set up as a peace officer, a guardian of the morals of the whole community, and compel the whole community to do what that court conceives to be justice, poetic justice, to that lawyer. And the same is true of merchants, and the same is true of manufacturers. But I will tell you, gentlemen, what the public has an interest in. Take all these manufacturers, taking them to represent the whole industry of the country. If these men get all the profit, they put it in a private bank account. Does that do the public any good? It may do the public some good, and we would dislike to see any good citizen, any "captain of industry," fail in business.

But what is the real interest of the people of the United States aside from these sentimental interests? If they pay out better wages to those men, the increase goes over the counters of all the shops and into the shops of the shoemakers, and to the milliners, and the barbers, and everybody, and it goes into general circulation in those communities. Not only that, but these shopkeepers and storekeepers are enabled to buy more goods. Some of that money goes to manufacturers again and elsewhere. It goes to fisheries and to miners, and it goes to farmers; because the extra money that those men get is used to buy farm products that they need to support them. That is where it benefits the public. Why, gentlemen, the steel trust last year had a net profit of $119,000,000. I do not know what its labor gets, but it is dissatisfied, and I have no doubt that it has cause to be.

Do you not think it would have been better if half or two-thirds or three-quarters of that $119,000,000 had been distributed in the many towns and cities where that trust has its plants, and been spread broadcast throughout the length and breadth of this country? Do you not think it would have been better, even if those men had received more than you or myself, sitting as a high priest of finance and commercialism, or than some of these Federal judges in the positions that they take, might consider to be their due; that it would have been better to have had this money distributed among the people? It would have been better for everybody. That is the interest that the public has in this matter, and I say that that interest and that contention is along the lines of justice, along the lines of public justice.

As much as we may favor the purpose of The Hague tribunal for the promotion of peace, as much as we may desire the attainment of absolute prosperity and peace between labor and capital, we all know that these conflicts called strikes and lockouts frequently occur, and are liable to frequently occur. That is one of the conditions of society for which no remedy has ever been found, and probably none ever will be found. It is inconvenient for us who are not immediately interested or involved; but whatever inconvenience or deprivation it may inflict upon us, we have to endure it, just as we have to endure the coming of a contest between two of these gigantic monopolies. We have to submit to the extortion when the small industries throughout the country are strangled to death by the trusts, and, so far as I am concerned, I do not know any remedy for that unless we amend the Constitution.

Workingmen are not in the habit of trying to get some court to exceed its jurisdiction. They are fighting this battle between capital and labor bravely—fighting it in the open. They do not do business, and from the fact of their greater numbers they can not do business behind closed doors in little rooms about half the size of this room. They must wage their war openly and in the public eye. But they do not go filing affidavits and trying to steal a march on the enemy by some cowardly trick. I do not know of but one instance in which workingmen ever applied for a remedy against a combination made against them and a blacklist. Why the blacklist of the workingmen? They form these combinations; they use all manner of cruel and unusual weapons to destroy the organizations; but we recognize that they have that right. We do not plead the baby act at all. We do not withhold anything that we claim ourselves, and, on the other hand, we claim nothing which we are not willing to concede.

Now, I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called "special legislation"—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress have given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing, and overwhelming advantage against what, despite its numbers, is the weaker adversary. And this legislation is sought in order to mark anew the dividing line between the jurisdiction in law and equitable jurisdiction.

I desire now to mention two illustrations. In the western district of Arkansas the judge of the Federal court issued an injunction against the strikers at the Texas and Kansas coal mine. The case is the Texas and Kansas Coal Company *v.* Denney et al. I recently read an article describing the condition of those miners, and there never was described anything in all my reading more wretched than the condition of miners working in the plants of those companies. Anyhow, Judge Rogers issued an injunction, and it is no worse than a great many others, and I desire to read part of it to you. Among other things he enjoined them from "congregating at or near or on the premises of the property of the Kansas and Texas Coal Company in, about, or near the town of Huntington, Ark., or elsewhere"—

They could not meet anywhere. They had to wander off in groups consisting of one each and hunt for their graves or hunt for a job elsewhere or faint on the road. They could not, two of them, meet together on the road and travel together. That is forbidden by the words of this injunction.

(Continuing reading:)

"near the town of Huntington, Ark., or elsewhere, for the purpose of intimidating its employees or molesting its employees or preventing said employees from rendering service to the Kansas and Texas Coal Company, from inducing or coercing by threats, intimidation, force, or violence, any of said employees to leave the employment of the said Kansas and Texas Coal Company, or from in any manner interfering with or molesting any person or persons who may be employed or seek employment by and of the Kansas and Texas Coal Company in the operation of its coal mines, at or near said town of Huntington, or elsewhere."

If they should meet a man in Patagonia, they could not persuade him not to go back to work under the terms of this injunction.

Mr. TIRRELL. Was that injunction appealed from? Was the legality of such an injunction as that ever tested? A judge might go on and issue an injunction saying that I can not speak for the next six months. He might do it, but it would be illegal to do it. Was that ever tested?

Mr. SPELLING. I am glad you asked that. I do not know whether it was appealed from or not. It is utterly immaterial. The mischief is already done. The ruin is wrought. The oppression is complete in a very short time after these arbitrary and ultrajurisdictional orders are granted; and you know that, and are bound to admit it. The right of appeal is not worth the time that it takes to name it in any of these labor disputes. Very few of these workingmen are able to employ lawyers; and suppose they were, it is unnecessary. I think it is absolutely vain and a waste of time for me to undertake to tell you gentlemen, members of the bar, about the utter futility of the right of appeal from these orders. The law is made by a judge assuming to make it in a judicial capacity. It is really special legislation, outside of his authority, and such as might issue from the star-chamber or from the throne of Caligula, and it goes forth as a thunderbolt and it strikes dumb and completely paralyzes one side of this trade dispute. And then you ask me about this right of appeal. It is absolutely worthless and not worth considering.

Now, I want to give you another instance. It happened right here. I want to say that these injunctions are increasing. They are being issued with increasing rapidity and in increased numbers. But I want to call your attention to one instance in the city of Washington within the last two weeks. The judge of one of the courts, upon a complaint filed by the Typothetæ, which is an association of employing printers of the United States, issued what was called a "restraining order" against the strikers.

The typographical union—the members of the typographical union—are on a strike. The whole union is not on a strike. Most of them are at work; but the whole union is backing up those who are still out on strike. Now, it happens that heretofore the unions have been working, I think, nine hours a day, and now they refuse to work any longer except at eight hours a day. And are not eight hours of that kind of work enough? I know something about it. It is more trying on the nerves; it is more exhausting to the vitality and to the eyes—it is usually done by artificial light—than the hardest kind of study.

Are not eight hours enough? But probably it does not become me to argue the merits of that question. That is my view—that eight hours are enough. At any rate, the union stood for an eight-hour day in the printing offices. It happens that these employing printers have a lot of men employed on time contracts at nine hours a day. That time contract means this: That they pay the men every week, and they are to stay with them, I believe, for a certain time, at so many dollars a week. Some of the members of the union went to these men who were

working on time contracts and told them that they had a right to quit; that the employers might sue them for damages if they had any case against them for quitting, but that that was the only consequence which could ensue, that they could quit.

I do not know how much else there is in this case; I do not care to go into all the facts. But these are substantially the facts: The Typothetæ goes into court and says that the union men are persuading these contract workers to violate their contracts, and thereupon the court assumes jurisdiction. Like a great guardian of morality or spiritual oracle of everything in this city, notwithstanding that there are adequate remedies at law for the violation of those contracts, the judge takes cognizance of the moral question involved in giving this advice. And it is not necessary for me to defend the morality of the men violating these contracts. But you gentlemen know that a court of equity has no business to interfere if I advise a man to violate a contractor to do or not to do anything else. That is a specimen of what is going on in this country under cover of the judicial ermine.

Mr. PARKER. I did not notice the word "persuade" in that previous injunction that you read. Is the word "persuade" there?

Mr. SPELLING. I am not sure. Suppose that he enjoined them from threatening these men. I would like to hear some lawyer come before some well-informed and reasonable and just man who knows the law, knows the limits of equitable jurisdiction, and make an argument that any court anywhere has a right to enjoin a man from threatening another personally under any circumstances. I throw out that challenge, and I am willing to meet it before any one such man, or before any number of such men. However, it is not involved in this controversy; that particular question is not involved here, because, as I said before, we are conservative. We stop short of the utmost boundary of our rights in this bill.

I want to point out to you where another error has arisen, where the courts have absorbed an old error from some bad precedent, and have followed it in a number of decisions, and have built up what might under some circumstances be called good law, but which I say is most detestably bad law. They have got across this line which separates personal rights—that is, the right of a man to make a bargain with reference to his labor, the right of a man to do business of a particular kind, or to do business generally or in any particular place or of any magnitude, which I say is a personal right, they have got across the line which divides those personal rights from property and property rights.

Now, gentlemen, there is nothing like a good illustration. Suppose a man is an employer; suppose he is manufacturing watches, and he employs a number of men—well, I will say one man, and he represents a hundred or a thousand.

This one man exercises his brain and his muscle and his nerves in making a watch. As a matter of fact it takes, I think, about a hundred men to make a watch, but that one man is representative. The employer has no property interests—he may have a personal interest, and it may be valuable, too—in the continuance of that employment. That man contributes those talents and those exertions. Perhaps the material in that watch is not worth more than one-fiftieth part of the aggregate value when it is completed, but I tell you that the property right of the employer is in that material, and that holds good at any stage of the process, whether it is one-tenth done or one-half done or completed. In other words, the property is represented and consists in the result of labor and not in the labor itself, and when anybody says, whether a chancellor or a Federal judge or any individual, that any employer of labor has any other interest in the labor of the men in his employ or whom he is seeking to employ he utters an absolute absurdity.

But I feel that I would be remiss in the performance of duty if I did not give special attention to the conflict now waged in New York between the Typothetæ and the Typographical Union, which the Typothetæ's attorney, Mr. Beatty, told us about. I have with me the wage scale now in force in that city, as presented to me by Mr. Frank Morrison, secretary of the American Federation of Labor, and it reads as follows:

NEW YORK SCALE FOR BOOK AND JOB OFFICES, MARCH, 1905.

Compositors: Book and job scale—hand composition, 44 to 50 cents per thousand; per week, $21.
Proof readers: Per week, $21.
Floormen and admen: Per week, $21.
Machine printers: Per week, $21.30.

You can scarcely realize the inadequacy of such wages if you have not lived in New York. Of the educational qualifications required of the employees I can not speak in detail, but they are very high. In short, each must be a man above the average in literary attainments. The most talented writers always expect the proof sheets to come back with a lot of query marks on the margin calling attention to rhetorical lapses, to say nothing of the absolute correctness required in the matter of orthography and punctuation.

Well, of 7,000 of these, 700 are on strike for an eight-hour day. It seems that the Typothetæ have yielded to nine-tenths of the strikers. But they have a legal and a detective force on the heels of the 700. Nevertheless, the other 6,300 are tending aid to the 700. But with the lawyers and detectives and bullys always hired to insult and pick quarrels with strikers and afterwards to appear as witnesses against them, there have been eight convictions for assault. The attorney for the Typothetæ got an injunction and flaunted it here proudly and exultantly. The poor, weak, unfair judge who issued it was no doubt made to believe that the mere business of the complainant was property. But that was not enough to warrant the issuance of an injunction. To complete the fabricated basis for the infamous outrage which he perpetrated upon these poorly paid and overworked men, who are among the best citizens of New York, notwithstanding their poverty, he had to hold that the capitalist has a property interest in the unemployed in what he would term the "labor market." But owing to the brazen zeal and blind partisanship of the Typothetæ and their legal representative, the rapacity, unfairness, and overreaching greed of the Typothetæ was made to appear in a very strong light. He thought he had advanced a very telling argument when he said it was necessary to enforce a nine-hour day, which really means lower wages than an eight-hour day, in order to capture and hold in New York the book and job printing of the United States.

There is one other question that I wish to touch upon. It is suggested by the question of the gentleman from Massachusetts. You see how far England has gone in modifying the common law. Now what has been done in the United States? Absolutely nothing in the interests of labor. One act was passed—the civil rights bill—in the interests, supposedly, of humanity. I believe it was declared unconstitutional; but at any rate it is a dead letter. Then you passed the anti-trust law, and the millions of dollars that have been spent from the time of Olney to the time of Moody in futile and vain attempts to enforce that law have been spent in vain. There never was anything accomplished in all that litigation; there has never been anything more brought to light as the result of the hundreds of thousands of dollars spent by the Bureau of Publicity than could be procured for 25 cents at some printing office in Wall street. And yet a great deal is said about the restraints which have been thrown around organized capital.

Now, two suits, I believe, have been won—the Addyston Pipe Company and the Trans-Missouri case. The Northern Securities case and the Trans-Missouri case stand on the same bottom and amount to the same thing. Some combinations in restraint of trade were dissolved. But to advance at a bound to the conclusion—because I want to save time—you all know that "communities of interest" have united men that control substantially all the railroad mileage in the country, and that monopoly is more complete, more absolute in its prestige and its power, than it was before these decisions were rendered.

There was the Addyston Pipe Company case—and all those interests, I understand, are scooped up and united in the steel trust, and they are enjoying great prosperity despite all of the so-called "legislation" against them. By reason of all this, I say the antitrust law is a dead letter. The interstate-commerce law stands on the same basis. There are more abuses in the matter of rates and fares, more discriminations and more oppression by railroad corporations, than there was before that act of 1887 was passed. I might give you my opinion about the attempts to regulate rates, but that is not called for and is not necessary.

These, gentlemen, are the only legislative attempts to change the common law in this country in the interests of the public. You did pass the eight-hour law, but gave it a limited application, and its enforcement is a farce. There is really no serious attempt to enforce it; or if there is, it is abortive. At any rate, the act, on account of its phrasing and the way it is used, is of no benefit particularly.

You take the legislation in the interest of capital and there is no end to it. You have your national banking law and you have laws of various kinds. You have bankruptcy laws in order to help business men, and I can not begin to enumerate them. There are volumes and volumes of such statutes. And I say that where labor asks so little, and asks it upon such obvious reasons of justice, simply asking you to go back to recognized fundamental principles, and give labor what it has always been conceded it was entitled to until the modern era of usurpation, I think, gentlemen, you ought to give it very careful consideration, and I hope to see the best results from this attempt to get a bill.

Mr. KAHN. Mr. Chairman, on the 18th of last April the entire world was startled by the message which was carried by telegraph and cable to the most remote regions of the universe that San Francisco had been visited by an earthquake and that a fire was rapidly destroying the city. Much that was true and much that was untrue appeared in the press during that period. As a matter of fact it has been amply demonstrated that 95 per cent of the damage that occurred there was caused by conflagration. The earthquake did comparatively little damage, and except in those portions of the city where the houses were old and cheaply built and those portions where the ground had been filled in, the buildings were left practically intact and showed no signs of damage or injury as a result of the tremor.

Many of the tales of horror that have been chronicled as actual occurrences were mere myths and emanated from the imagination of some fertile minded and resourceful individual who little thought of the harm he was doing the stricken community by his exaggerations.

For instance, I saw newspaper accounts of a herd of wild steers that ran up Market street, the main artery of the city, and when they had reached a huge fissure that had opened in the middle of that thoroughfare the entire herd tumbled in pell-mell and forever disappeared from view. Now, everybody who knows anything about San Francisco is aware of the fact that cattle are never landed within miles of Market street; and as a matter of fact the huge fissure which was said to have engulfed the alleged steers never had an existence. I merely cite this as an example of the gross misrepresentations that occurred in many very reputable journals.

Then, too, there is a prevailing impression throughout the country that all of the water mains in the city burst, and therefore the firemen were powerless to cope with the conflagration. That is not the case. The main supply pipes—three in number, and each 44 inches in diameter—that conduct the city's water supply from Lakes Pilarcitos, San Andreas, and Crystal Springs burst about 10 miles south of San Francisco.

These pipes were carried on a trestle over what is known as the "San Bruno Marsh." During the earthquake this trestle collapsed, and as a natural consequence the pipes burst. So that the water, instead of continuing to flow into the various reservoirs that are located on the heights of San Francisco, was spilled upon the marsh, while the city's reservoirs were soon emptied by reason of the backward flow of the water through the very pipes that had been feeding these reservoirs. I mention these facts because I believe the country should know the truth about the catastrophe.

Indeed, Mr. Chairman, to show you how slight was the damage by earthquake let me cite the case of the gas companies. After conditions began to again resume a normal state the companies had a thorough survey made of their mains, pipes, and house connections. The work had to be done carefully and completely, and I recently saw an announcement that the San Francisco Gas and Electric Company had issued its

statement to the effect that the company's entire damage from earthquake was only about 2 per cent. Why, sir, if it had not been for the fire all traces of the earthquake would have been completely effaced in less than ninety days. But the conflagration was probably the greatest in the history of the world. The great fire of London in 1666 burned an area of 463 acres. It has been recorded in history as one of the world's great calamities. The fire at San Francisco consumed 497 city blocks; in other words, there were more blocks burned at San Francisco in 1906 than acres in London in 1666. The area destroyed by the flames in the metropolis of the Pacific is greater than the combined area devastated by the conflagrations of Chicago, Boston, and Baltimore. The burned district of San Francisco covers 2,560 acres of closely built-up homes, churches, schoolhouses, factories, business blocks, hotels, apartment houses, and other structures. Thirty-four schoolhouses were destroyed by the all-consuming flames. Nearly every library in the city, including the great free library, was laid in ashes.

On the night of April 18, 200,000 persons were homeless, and on the following night 300,000 souls slept in the public parks and military reservations, under the blue canopy of heaven. The scenes of individual sacrifice and individual heroism that were enacted during those days will never be adequately described. But, through it all, the courage of the people of the doomed city never forsook them. They were still imbued with the spirit of the Argonauts of 1849. Even while the fires were raging, our leading citizens, called together by Mayor Eugene E. Schmitz, were taking steps to insure the reconstruction of the stricken community.

And here and now I deem it but proper to pay a tribute to the splendid ability of San Francisco's mayor. Up to the time of his election to the mayoralty, about five years ago, he had never been in public life. He had been a leader of an orchestra for many years, but had not actively taken part in governmental affairs. But when the emergency occurred, he rose equal to the situation and gave another demonstration of the splendid dignity, the undoubted ability, and the sound, sober judgment of the American citizen under any and every circumstance and condition. Mayor Schmitz had been elected to office as the candidate of the labor unions. He had been assailed bitterly and persistently in our newspapers. But since the disaster of April 18, many of his bitterest opponents have become his most ardent supporters. And right here let me explode another canard that was published far and wide. I mean the story about martial law having been proclaimed. That story is pure fiction. The military authorities rendered magnificent services during and since the calamity. But in all they did, they acted in cooperation with and at the suggestion of Mayor Schmitz.

I said the military authorities rendered magnificent service. I am afraid that I but poorly express the debt of gratitude that the people of San Francisco owe to Maj. Gen. A. W. Greely, Brigadier-General Funston, Maj. C. A. Devol, of the Quartermaster's Department; Maj. C. R. Krauthoff, of the Commissary Department, and Lieutenant-Colonel Torney, of the Medical Department, as well as to the officers and men under them.

Within three hours after the earthquake, and while the fire was raging and spreading, the soldiers of Uncle Sam's Army were patrolling the streets of San Francisco, protecting property and life. While it is true that a proclamation was issued by the mayor that all looters would be shot on sight, the fact remains that not in a single instance was it necessary to enforce the drastic order. All the stories of men having been shot down by the regulars while the former were engaged in dismembering the bodies of their hapless victims in order that they (the thieves) might possess themselves of the jewelry and gewgaws of their prey are purely the creation of some fertile imagination. General Greely told me personally that not a single instance of the kind had occurred, so far as a strict investigation could determine.

Nor were the officers and men of the American Navy less active. They, too, rendered yeoman service in saving property and protecting life. But it is impossible, in the brief period allotted me, to mention all of the splendid army of officials and individuals who found no duty too hazardous in their efforts to stop the ravages of the onrushing flames. The Federal officials, in saving Federal property, risked their own lives and fought the fires with courage undaunted while all around them roared a sea of flame and smoke. That three out of the four Federal buildings in San Francisco were saved is the greatest monument to the courage and heroism of these men and their officers. The police and fire departments of San Francisco sought neither sleep nor rest during the more than sixty hours that the fire raged. We of San Francisco are proud of them: we know their loyalty, their devotion to duty, and we know, too, how splendidly they fought during those trying hours in the face of almost insurmountable obstacles.

As I stated before, it is impossible to give a full measure of praise to all that deserve it, because my time is entirely too limited. But the acts and the deeds of our heroes are written indelibly on the hearts and in the minds of the grateful people of San Francisco. And what shall I say of the gratitude that fills their hearts for all the sympathy, moral and material, that has been showered upon them, not only by their fellow-citizens throughout these United States, but by all the peoples of all the world? I feel that I can but inadequately express their sentiments to the Congress, to the President and all of his Cabinet, to the governors and the citizens of the various States of our Union, to the mayors and the residents of the thousands of municipalities throughout our nation that heard the cry of San Francisco's distress, nor heard it in vain. The Southern Pacific and the Santa Fe railroads rushed supply trains into the stricken city on passenger-train schedules, and in all that city of houseless and homeless thousands there was none that wanted for food even from the beginning of the holocaust, and in a very brief period there was none that wanted for shelter. For all those who heard that cry we utter a fervent "God bless you."

And as a Representative in this House from the stricken city, I feel I should be recreant in my duty if I omitted to say a few words in regard to the manner in which her people acquitted themselves in the hour of their peril and distress. Every order, every command, every request that was issued by those in authority was obeyed to the letter. There was no murmuring; there was no whimpering.

Each man assumed his own burdens, and tried to cheer up those less fortunate than himself. For days the city was in absolute darkness at nightfall. For days the water supply was impaired. For weeks it was found inadvisable to start fires within doors, and all cooking had to be done in the streets. There was danger of epidemic from contagious diseases unless sanitary regulations were zealously enforced. Our people accepted all of these conditions cheerfully, hopefully, buoyantly. It was a return to the days of the frontier—to the days when we had a primitive civilization on the shores of the Pacific. Our property loss was probably the greatest in the history of mankind. As nearly as I have been able to learn the lowest estimate of the loss, the most conservative estimate, is $350,000,000. Some estimates are as high as $500,000,000. The question of insurance is a burning, vital question with the people of San Francisco at this time. I am informed that the amount of insurance carried on the destroyed property aggregated $208,000,000. The splendid report emanating from the Judiciary Committee of this House and also the one from the Judiciary Committee of the Senate indicate that Congress has no jurisdiction over the question of insurance. It is perhaps unfortunate that such a condition should exist. I am told, and I learn from the San Francisco newspapers, that more than half of the insurance companies that have been doing business in that city for many years have announced that under no circumstances will they pay more than 75 per cent of their policies.

Some companies have repudiated their policies entirely, and I am informed reliably that only thirty-three or thirty-four companies have announced, up to the present time, that they would pay their losses dollar for dollar. The question of insurance is not alone of interest to the people of San Francisco, but to the people of the entire United States, and the people of the United States ought to know the names of those insurance companies that repudiate their policies and those that refuse to meet their just obligations. Mr. Chairman, when Congress reconvenes next December, I hope to place in the CONGRESSIONAL RECORD the name of every insurance company that refuses to meet its just obligations in that city, in order that the people of the United States, the people who pay their premiums in the hope of recovering their losses in case of fire, may know the names of those companies that are unreliable and dishonest and that will not pay their obligations when the time comes for them to do so. Every person that carries a fire-insurance policy is interested in this matter. Every person is entitled to know and ought to know whether the company that collects its premiums from him is honest or dishonest.

Mr. MANN. Will the gentleman yield for a question?

Mr. KAHN. Yes, sir; certainly.

Mr. MANN. Do these insurance companies that refuse to pay the full amount of the insurance make any claim that part of the loss was by the earthquake and not by the fire?

Mr. KAHN. They do not. As far as I have been able to learn, there have been about thirteen companies who had clauses in their policies to the effect that if the proximate cause

of the fire was some act of God, such as an earthquake, then they would not be responsible, and one of those companies, up to the present time, has announced frankly and candidly that it will take advantage of that clause and will refuse to pay any of its losses. Now, of course, that will lead to a legal fight probably, but that is the only instance that I know of where a company has fallen back on some clause in its policy. About sixty of the other companies have simply signed a compact, as far as I have been able to learn, saying that under no circumstances will they pay more than 75 per cent of the amount due under their policies.

Mr. MANN. Without regard to any claim of justice at all?

Mr. KAHN. So I have been informed. Now, mark you, there were only about 117 or 118 companies doing business in San Francisco. So that 50 per cent of all the companies have declared they intend to repudiate their contracts. If they persist in that intention, they ought to be exposed thoroughly and fully. The insurance commissioner of California, Hon. Myron E. Wolf, will prepare an official list of the honest and the dishonest companies in the near future. I feel that as a Representative from that city, which has suffered so much and to which the loss of this insurance money means so much, I ought to make known to the people of the United States and to the entire world, for that matter, the name of every honest company and the name of every dishonest one. [Applause.]

Sir, the people of San Francisco are doing all that mortal man can do to recover from their present misfortune. The labor unions of the building trades promptly declared that there would be no demand on their part for an increase of wages, and that for the time being they would work nine hours instead of eight. Temporary structures are being erected everywhere. But we need this insurance money, and we must have that which is rightfully and justly due us.

And so, Mr. Chairman, we shall continue to hope for a settlement of this vexatious question. The people of San Francisco are determined to rebuild their city, to recover from their present misfortune. They come of that stock that does not know the meaning of the word "fail." They will build anew, and they will build better and stronger and firmer than before. They have the most magnificent harbor in the world. They have a climate that knows neither the extreme of summer's heat nor winter's cold. They possess a soil that will produce anything that grows on the face of God's footstool. They have unbounded, undying faith—faith in the future of their glorious State and their beloved city, and they will work constantly, earnestly, loyally, and uncomplainingly to rear their stricken city from her ashes. [Loud applause.]

Mr. WHARTON. Mr. Chairman, I would like to make a few remarks upon the agricultural appropriation bill, and especially upon that part of it which pertains to the meat inspection provision, commonly known as the "Beveridge amendment," and the bill that was reported by the House Committee on Agriculture, which was up for consideration this afternoon.

In the first place, Mr. Chairman, there has been an unwarranted and inestimable amount of damage done not only to the packers of Chicago, but to an industry that is one of the largest in the Middle West, namely, the cattle raisers. I think I am correct in stating that the State of Texas alone contains at this time about 9,000,000 head of cattle. I believe there is somewhere in the neighborhood of 45,000,000 head of cattle in the United States.

Now, then, the disclosures that have been made have been made simply, in the first instance, because of a book written by one Upton Sinclair, and which was taken notice of by the President of the United States, who thereafter sent a commission to make an investigation of the conditions in the stock yards. This commission, composed of Messrs. Neill and Reynolds, presented to the President a report which was intended to carry terror to the hearts of everybody who ate canned meat or meat of any description. I can not say what the motives of anybody in this investigation have been except by an examination of those things we have before us in the form of evidence. One of the things that we have is the report of these commissioners, Neill and Reynolds, this privy council, sent out by the President, given authority by him, made official by his stamp; and all you have to do is to examine their report to see whether or not there is any truth in its apparent purport.

In the first place, it makes a general statement of the conditions that exist there, and everything that the Commission attempts to prove is done in an argumentative manner.

There is another report, if you remember, a report made by the Department of Agriculture, a report which is thorough. It went into detail. It gave the names of the places that were examined, it gave the time and the place, and the things that were found to be against sanitation, and the conditions that existed at the time and just as it was. This later report of Neill and Reynolds was simply a sort of résumé of the mental condition of the two commissioners. They point out things in that report which, as said by the President, were revolting; but they attempt to show them as general conditions, as practices existing, as general practices of the people who worked in that industry, and permitted by the owners of that industry, when in fact it was not warranted by the conditions as they found them.

Now, then, in the first place, the very instance that was pointed out—one of the things which Messrs. Neill and Reynolds, this privy council, found—was the case of a poor, inoffensive hog that had been killed and was going down to the cooling room, and it went along on that little trolley on which all these hogs are carried until they get into the cooling room. Through some accident, some mishap, the hog fell on the floor, and, as Mr. Neill in his report says, went part way into a man's privy. That may have been true in that particular isolated instance; but I want to say, if it was, it was only an insolated case of such a happening as that. Every working day in the year hundreds and hundreds, even thousands, of hogs go along that same trolley that this one went along, and this is only one instance of such an occurrence in operations involving the handling of thousands of hogs.

There is another instance in Mr. Neill's report, in which he said while making this examination he was walking along through one of the working rooms when he saw a large table covered with meat, meat which was going into the canning department, to be sent out as prepared food products. Now, this table was as long as the table in the room of the Committee on Agriculture, and three times as wide as that table, which would hold hundreds and hundreds of pounds of meat, and there he found that evil thing, a piece of rope and a piece of pigskin! Think of it; one little piece of rope and a piece of pigskin! One little incident in a bunch of meat that contained thousands of pounds, and on examination he said "Why, I did not examine to see if that was the general condition of that meat there on the table." A whole table full, and he just saw this particular isolated instance. Picked it up, and laughed, showed it to Mr. Reynolds, and walked along.

Now, what do you think of the testimony of a man who did such a thing as that? Why, when he saw this, did he not examine that table of meat to see if any more such instances were present? Sent out there to find out and observe the conditions as they were for the purpose of reporting to Congress, a report which was to go to the country, and not only to this country, but every country that uses our canned products. But, no, when the time for the report came, when it was liable to create an impression in the minds of the people which would influence them to the extent of injuring the products of this industry to the extent of millions of dollars, he has nothing but inferences and innuendo. Why, do you think it would have been made by a man who had had any experience, who had gone out there with the intent to find the conditions as they were and bring back a truthful and an accurate account to Congress? Would he have done it in that slipshod manner? I do not think any reasonable man would say that he would have done that way at all. No; of course he would not. They would have gone out, if they were competent and honest commissioners, and started to make an investigation along thorough lines.

They would have tabulated the places visited, they would have tabulated the things and conditions they actually observed, and put it down with some regularity, so that when they came back they could report upon it and tell what they saw. They would tell it to us on their responsibility, and say under what conditions it occurred. Then we would have something to be guided by. But here they take up this isolated case which they had observed, drag it in here and throw it on the people, the workers of that district as a general practice of these workers.

Why, he makes in his report a charge something like this: The conditions in which these people, and especially the girls in the canning department work, has a tendency to lower their moral degredation. They throw a blast like that upon a lot of girls whose only crime in the world is the fact that they are compelled to work and slave as laborers out there and be insulted and dragged down and villified by a man like Mr. Neill. This is a slander made to bolster up his report and is not warranted by the true conditions.

In another place in his report he testified before the committee that he saw meat thrown upon the floor, dragged from room to room in rotten wooden boxes, through which course it was in the way of gathering the expectoration of tuberculous and other diseased workers. When pressed for the reason for that

statement before the committee, he said he thought that they were tuberculous workers there, because they looked like it from his observation of them as he walked along. Is there a man in the world who would dare to get up in an audience and make such a broad assertion like that—that people working in a certain line were tuberculous, without having opportunity for at least some investigation? Why he was just casually observing, and he charged these people to be tuberculous, not one or two, but as a class—that they had that appearance to him generally. When pressed further for an explanation of the basis of his statement as to the other diseased workers, he said that they looked and had the smell of people that he had examined in the G. U. section.

Think of that as a statement to make to the country, that this meat that was consumed, not only in this country, but abroad, handled by people in this condition, when he knows, if he ever talked with physicians who had any practice in that district, or with anybody who knows anything about it, these 30,000 people engaged in that industry, that he told a deliberate falsehood when he made those statements. [Applause.] He knows that those conditions are not true. He knows that he went out there to make that report just as he made it. He knows that he had no foundation for the things that he put in that report, and he knows that those things which he saw, if he did see them, were simply isolated cases, like those which will happen in the management of any large concern. I do not care anything in particular about the packers, but I do care about the people who work in that district, because anything that affects the packers affects them directly. If the packers do not have a demand for their product they do not have a demand for the labor of the people who work there, and if there is no demand for the labor of the people who work there they must lie idle. They are poor people; they must work somewhere. They have lived and worked there all their lives. That is their line of business, just the same as working in a mine is the business of a miner.

Mr. GARRETT. How long a period did that Neill-Reynolds investigation cover there?

Mr. WHARTON. He said it covered about two weeks.

Mr. GARRETT. And how long a period did the investigation made by the Agricultural Department cover?

Mr. WHARTON. I do not remember the time, but my recollection of it is that it was something like a month.

Mr. GARRETT. Prior to or coincident with the Neill-Reynolds investigation?

Mr. WHARTON. Prior. If I remember correctly, it was some time in April that that investigation was made, months before Neill went out to make his investigation.

Now, there is just one other question that I want to speak about, and that is a question that received some attention here this afternoon. They spoke about the payment of the inspection by assessing a fee on each head of cattle killed. There is no doubt that inspection is needed.

The best inspection that we can have is none too good. It is demanded by everybody who is interested, everybody who eats the meat, everybody who has one interest or another in that industry, and by the public at large. It is a matter which concerns the public health. For that reason alone it is of enough importance to the public to be borne at the public expense. But here is one great objection that I have to assessing the cost of inspection as a fee upon each individual animal killed. I claim that the inspection has for one of its purposes the establishment of confidence in the minds of foreigners who use our products. If that be true, of course there are interests in foreign countries which have every object in the world to decry our meats, to keep them under suspicion, and to create as much opposition to them as possible.

Now, if this fee was assessed on the cattle, or if the packer, in other words, had to pay the fee, the argument would be made, "Why, certainly; the packers pay $3,000,000 a year, a large amount of money, for their inspection. What good is that to us? We want something which will be a guaranty to us that these food products are exactly what they are represented to be; we want to know that they are pure, clean, and wholesome. We can not know that as long as the inspection is paid for by the packer. What we want is Government inspection. We want the stamp of the approval of your Government before we will be satisfied to accept your meats." Now, we want the impression to go abroad, and to be founded on the fact that these meats are all right, that they have been examined by the Government and that that examination will be accepted by everybody interested as a guaranty of the purity and wholesomeness of our American meats and their cleanliness of preparation. [Applause.]

Mr. Chairman, I ask unanimous consent to extend my remarks in the RECORD.

The CHAIRMAN. The gentleman asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. PAYNE. Mr. Chairman, I would ask if there is anyone on the other side of the House who would like to be recognized?

Mr. WILLIAMS. Mr. Chairman, at this moment there seems to be no one on this side who desires to speak.

Mr. JOHNSON. Mr. Chairman, during the entire session of Congress now drawing to a close I have not addressed the House except upon pending legislation. I shall depart from my usual custom for the few minutes accorded me this evening.

I wish to talk about the State which I have the honor in part to represent on this floor. I am led to that course because many Members of Congress do not know how to pronounce the name even, although the State has taken a conspicuous part in every era in American history. The name is historic, significant, and euphonious when pronounced properly, South Carolina. When pronounced as I frequently hear it, it is harsh and meaningless. As I said a moment ago, the State has always taken a conspicuous part in every crisis in our history. Her people have been a people of marked individuality and characteristics. It has frequently happened that South Carolinians were in a hopeless minority, but her people have never left any doubt as to their position on public questions.

We have, Mr. Chairman, a unique and ideal civilization. A few weeks ago, when a divorce congress was in session in this city, South Carolina was the only State in the Union that had no delegates there. She needed none. South Carolina is the only English-speaking State in the world where the courts are forbidden to dissolve the marriage ties. We believe that when a man and a woman, in the presence of man and God, plight their troth, for better or for worse, for weal or for woe, only death should them part. It is a sacred and inviolable union.

The constitution of the State prohibits any court created by that constitution from ever undertaking to assume jurisdiction in a divorce case. The constitution prohibits the legislature from conferring that power on any court hereafter to be created. This unique and ideal civilization results in our being taught from infancy that a woman's honor is above the law and beyond price. No man dare lay the strong hand of violence on a woman. No man will dare destroy the ties that even the courts are forbidden to break. Our people will defend a woman and the sacred ties of the home with their lives, if need be. From these circumstances some people believe us a hot-blooded people. It is to our credit that even our failings lean to virtue's side.

We have not only this high idea of civilization, but we are one of the most magnificent States, agriculturally and industrially, in the Union. Most people would suppose that the great corn States would take the prize in the production of Indian corn. Let me call your attention to the fact that in 1889 the American Agriculturist, published in New York, offered a prize of $500 in gold for the largest yield of corn on 1 measured acre. The contest was open to all the farmers in the United States. The South Carolina Agricultural and Mechanical Society supplemented this offer with $500 more if the successful contestant was a South Carolinian. Mr. Z. J. Drake, of Marlboro County, S. C., won the prize, making 254 bushels and 48 pounds of corn, the largest known yield in the history of the world. The full account of this remarkable corn contest can be found in the American Agriculturist, of New York, for March, 1890. It would pay any farmer well to read it.

Having astonished many of you by showing that the largest yield of corn produced on 1 acre was in South Carolina, I will go one step farther and show that it is not the rich lands of Mississippi, Louisiana, Arkansas, and Texas that have produced the largest yield of cotton on 1 acre, but that distinction belongs to South Carolina. In 1904 the First National Bank of Spartanburg, S. C., offered a prize of $100 in gold for the largest yield of cotton on 1 surveyed acre of land. This contest was confined to Spartanburg County, the county in which I live, and the county, by the way, which is the largest cotton-manufacturing county in the South.

Mr. C. A. Murph, who won this prize, made 4,284 pounds of cotton on 1 acre of land. I insert here the names and yield of fourteen contestants, and it will be observed that the lowest yield was 1½ bales of cotton per acre. It is not intended to convey the impression that all farmers make 255 bushels of corn or 4,284 pounds of cotton, but this test shows what can be accomplished in the production of corn and cotton in South Carolina by intelligent effort:

THE $100 PRIZE.

Monday the committee to award the $100 prize offered by the First National Bank for the best yield of cotton on 1 acre met and received

the returns. They are as follows, the weight of the seed cotton being given:

C. A. Murph	4,284
Thomas Murph	3,422
J. J. Tinsley	3,350
J. C. Lee	3,348
G. C. McMakin	3,031
C. G. Smoak	3,009
John T. Gentry	2,962
J. W. Ballenger	2,527
J. B. Lee	2,524
Paul V. Moore	2,255½
A. S. Wingo	2,215
D. H. Golightly	2,198½
J. A. Weir	1,968
T. J. Moore	1,935

C. A. Murph, near Rich Hill, received the prize. It will be noted that the first four all live near Rich Hill, indicating that the soil in that vicinity is well adapted to cotton.

Mr. Chairman, not only in the production of corn and cotton, but in manufactures South Carolina has made marvelous progress, and to-day she makes a magnificent showing. In the seventies, when we began to construct cotton mills in the South for the manufacture of coarse goods and succeeded remarkably well, it was said that the South possessed peculiar advantages in the manufacture of the coarse grades of cotton goods, but that we could never manufacture the finer grades in competition with New England. As the years went by we continued to build mills for the manufacture of finer goods, and now we are manufacturing cotton fabrics which turn out 7, 8, 10, and 12 yards of cloth to the pound. We have not found that we did not possess the same advantages in the manufacture of the finer grades that we possessed in the manufacture of the coarser grades. I will insert at this point an extract from the Manufacturers' Record, which is authority on subjects of this kind and can be absolutely relied upon for accuracy. This shows the growth of cotton manufacture in the South by decades:

Of the growth of cotton manufacturing in the South during the last five years much has been written, and yet a bare recital of what has been done, as told by the statistics of this industry, may well command attention. Elsewhere in this issue we are publishing a detailed statement giving the name, address, and number of spindles and looms of every cotton mill in the South. This list shows a total of 642 cotton-mill companies or firms, many of the companies owning two or more mills, with an aggregate of 9,470,000 spindles. Comparing this with the statistics of the past, we have the following statement of the growth of this industry in the South:

Year.	Number of spindles.	Capital invested in cotton manufacturing.
1880	667,000	$21,000,000
1890	1,712,000	60,000,000
1900	4,452,000	112,837,000
1905	9,470,000	230,000,000

I also insert an extract from the Scrap Book, quoting from the Manufacturers' Record certain figures showing the marvelous growth of the South in the industrial world:

In a hazy sort of way many persons in the North have long been aware that the Southern States are giving their northern sisters a close race in the fight for industrial honors. The fact is, however, that in the course of the last quarter of a century the progress made by the "New South" has been little short of phenomenal. This will be readily appreciated by all who glance over the following examples of commercial growth. The figures for 1880 are from the Government census of that year, and those for 1905 have been obtained by R. H. Edmunds, the editor of the Manufacturers' Record:

"From $257,000,000 invested in capital for factories to $1,500,000,000; increase, $1,243,000,000.

"From $457,000,000 yearly value of products of factories to $1,750,000,000; increase, $1,293,000,000.

"From $21,000,000 capital invested in cotton mills to $225,000,000; increase, $204,000,000.

"From $313,000,000 annual value of cotton crop to $680,000,000; increase, $367,000,000.

"From 225,000 bales of cotton used in southern cotton mills to 2,163,000; increase, 1,938,000 bales.

"From $39,000,000 yearly lumber product to $250,000,000; increase, $211,000,000.

"From 397,000 tons of pig iron produced to 3,100,000 tons; increase, 2,703,000 tons.

"From $261,000,000 yearly value of exports abroad to $555,000,000; increase, $294,000,000.

"From $660,000,000 yearly value of farm products to $1,750,000,000; increase, $1,090,000,000.

"From 20,000 miles of railroad to 60,000 miles; increase, 39,400 miles.

"From 179,000 barrels of petroleum produced to 42,495,000; increase, 42,316,000 barrels.

"From 45 cotton-oil mills to 780; increase, 735 mills.

"From $800,000 capital invested in cotton-oil mills to $54,600,000; increase, $53,800,000.

"From 667,000 spindles in cotton mills to 9,205,000; increase, 8,538,000 spindles.

"From 211,377 tons of phosphate mined yearly to 1,087,428; increase, 876,051 tons.

"From 397,776 tons of coke produced yearly to 6,244,185; increase, 846,409 tons."

To crown it all, from $3,051,000,000 assessed property valuation to $6,500,000,000; increase, $3,449,000,000, or an average increase of $138,000,000 for the twenty-five years.

I also insert a table from the Manufacturers' Record, showing the number of mills, spindles, and looms by States, brought down to April 1, 1906:

State.	Mills.	Spindles.	Looms.
Alabama	54	767,276	15,059
Arkansas	4	35,628	240
Georgia	113	1,770,987	38,500
Kentucky	7	87,032	1,338
Louisiana	3	91,700	2,350
Maryland	17	201,750	3,624
Mississippi	20	168,007	4,707
North Carolina	243	2,495,982	51,235
South Carolina	136	3,329,408	84,214
Tennessee	20	219,308	4,475
Texas	15	79,433	2,343
Virginia	10	223,526	8,028
Total	642	9,470,647	215,263

I desire to insert in the RECORD at this point two tables, showing the takings and consumption of raw cotton for the year ending August 31, 1905, by the northern manufacturers and by the southern manufacturers:

Stocks, takings, and consumption of raw cotton by northern manufacturers during the year ending August 31, 1905, by States.

State.	Stocks Sept. 1, 1904 (bales).	Net takings during year (bales).	Consumption during year.		Stocks Aug. 31, 1905 (bales).	Average weight per bale (pounds).
			Bales.	Pounds.		
Total	267,155	2,283,193	2,138,829	1,063,919,890	411,519	497
Connecticut	11,996	124,129	112,029	55,121,649	24,096	492
Indiana	1,328	26,623	24,484	12,355,726	3,467	505
Maine	18,209	161,525	147,670	74,078,007	32,064	502
Maryland	1,445	61,302	58,630	27,778,469	4,117	474
Massachusetts	149,386	1,089,236	1,044,169	520,975,956	194,453	499
New Hampshire	35,206	289,722	269,056	135,761,535	55,912	505
New Jersey	3,550	30,599	27,903	12,823,576	6,286	460
New York	10,115	172,946	157,250	77,993,864	25,811	496
Ohio	2,711	28,486	21,884	10,421,156	9,313	476
Pennsylvania	4,638	64,780	57,606	28,647,973	11,812	497
Rhode Island	24,693	180,775	168,564	83,552,394	36,904	496
Vermont	1,574	12,808	11,784	5,935,997	2,596	503
All other States	2,304	40,264	37,780	18,373,708	4,688	486

Stocks, takings, and consumption of raw cotton by southern manufacturers during the year ending August 31, 1905, by States.

State.	Stocks Sept. 1, 1904 (bales).	Net takings during year (bales).	Consumption during year.		Stocks Aug. 31, 1905 (bales).	Average weight per bale (pounds).
			Bales.	Pounds.		
Total	81,299	2,204,895	2,140,151	1,012,079,237	236,043	473
Alabama	10,793	245,467	228,942	113,338,977	27,318	495
Arkansas	65	3,738	3,408	1,689,737	395	496
Georgia	14,548	511,148	477,004	219,717,434	48,692	461
Louisiana	53	14,926	14,701	7,118,663	278	484
Mississippi	1,140	36,530	33,913	16,736,679	3,757	494
Missouri	596	5,032	5,128	2,743,535	550	535
North Carolina	15,333	622,747	594,174	277,921,815	43,906	468
South Carolina	31,909	675,627	620,839	292,550,372	86,757	471
Tennessee	2,513	57,460	50,135	21,874,787	9,838	436
Texas	602	31,623	29,172	14,716,049	3,053	504
Virginia	1,691	62,605	57,223	28,165,597	7,073	492
All other States[a]	1,996	27,942	25,512	12,505,532	4,426	490

[a] Includes Florida, Indian Territory, Kansas, Kentucky, and Oklahoma.

It will be observed from these tables that South Carolina is the second State in the Union in cotton manufacturing, Massachusetts being first. Our success in this field of endeavor is due to conservative management and the high character, industry, and intelligence of the help. Our people are not acquainted with the methods of frenzied finance. Subscriptions to stock are paid for in cash at par. We have no watered stock. Even in cases where the stockholder desires to pay his subscription or any part of it in property, the law requires that fact to be stated upon the subscription list, and there must be written on the face of the subscription list a minute description of the property and the value he places upon it, so as to advise the other stockholder of the facts and enable him to determine for himself whether he will place cash against the property at the price indicated. We have no promoters or contributed influences, who issue thousands and millions of dollars' worth of watered stock as the price of their influence.

A moment ago I spoke of the high character, industry, and intelligence of the employees of the South Carolina mills. All

the employees are native born. They were born and reared on the farms and have habits of industry, thrift, and frugality, and these qualities have caused and will maintain success in the operation of the mills.

So, Mr. Chairman, South Carolina, by her peculiar civilization, to which I have referred, her splendid climate, her soil so well adapted to the cultivation of cotton and corn, and her manufactures, is a most inviting spot.

Mr. PADGETT. Mr. Chairman, the House being in Committee of the Whole House on the state of the Union, it can not be inappropriate, at least it will not contravene the custom of the House and its practice, to make some remarks pertaining not to the bill under consideration, but to matters relating to the state of the Union.

I desire at the outset of my remarks to call attention to what I consider one of the most remarkable and one of the most extreme and dangerous statements ever made by a public man in American history. I realize that the President of the United States who now occupies the White House was elected to that honorable position by a wonderful majority, an unprecedented majority of the popular vote.

I realize also that he is an exceedingly popular man at the present time, and it might be considered perhaps a little amiss to offer a suggestion that might be construed as a criticism of either an act or a statement of the present Chief Magistrate of these United States. I refer to the statement made by the President in his address delivered at the laying of the corner stone of the Office Building of the House of Representatives, commonly designated as his "muck-rake speech." After delivering himself upon various subjects the President used this language:

> It is important to this people to grapple with the problems connected with the amassing of enormous fortunes and the use of their fortunes, both corporate and individual, in business. We should discriminate in the sharpest way between fortunes well won and fortunes ill won, between those gained as an incident to performing great services to the community as a whole and those gained in evil fashion by keeping just within the limits of mere law honesty. Of course no amount of charity in spending such fortunes in any way compensates for misconduct in making them. As a matter of personal conviction, and without pretending to discuss the details or formulate the system, I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual, a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual, the tax of course to be imposed by the National and not the State government. Such taxation should of course be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.

It occurs to me, Mr. Chairman, that that statement, made by the President of the United States, coupled with the fact that he is an exceedingly popular man, is calculated to mislead and to do an enormous amount of injury in this country. Because of his popularity the country may not pause to weigh and consider the gravity of the utterance or its dangerous tendencies. It seems to me that the President loses sight of the foundation principles upon which this Government is based and launches forth toward the goal of socialism, the outpost of socialism, to which no public man of standing in this country has ever yet approached. It is to be noticed that the President recognizes and calls attention to the fact that there are fortunes well won and fortunes ill won, and yet in his remedy he treats all alike.

I am aware that the President calls it a tax. I deny that the remedy which he proposes is in any sense a tax. He boldly declares and proclaims, as a remedy for what he considers to be an existing evil, confiscation of the estates of private citizens. It will be noticed that the President declares that the limitation shall be, to use his exact words, "a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand out more than a certain amount to any one individual," and just before that he uses this language: "I feel that we shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount, either given in life or devised or bequeathed upon death to any individual." That is to say, the President of the United States is advocating that the National Government and not the State government, under the guise and the semblence of the exercise of the taxing power, shall take away from the individual during his lifetime the power to dispose of his estate and his property beyond a certain amount, and upon the death of the individual to limit the right of descent and of inheritance. I shall not attempt to carry out this discussion to all of its logical consequences. The statement of the proposition will arouse in the thoughtful mind reflections that are calculated well to put to serious thought the conscience and the judgment of the American people. This remedy proposed by the President of the United States, to take away from the States the control of inheritance and confer it on the Federal Government and to take away from the individual citizen the right during lifetime to dispose of his estate, and upon his death the right either of descent or of inheritance by will or under the State law, to receive the estate of the ancestor, and this curtailment to apply to all beyond a certain amount, I would say is a doctrine that is subversive of the fundamental principles upon which rests the theory of our Government and the very genius of our institutions.

Mr. GARRETT. Will my colleague yield for a question?

Mr. PADGETT. Certainly.

Mr. GARRETT. Does my colleague believe as a lawyer that, under the income-tax decisions, reasoning by analogy, the utterances of the President of the United States upon that question amount to anything more than mere spectacular thought, like so many other things that the present distinguished occupant of the White House has dealt with in his public career?

Mr. PADGETT. I think, so far as realization is concerned, it is purely spectacular. I think that, so far as its injurious effects and consequences upon the public mind and public thought, calculated to arouse discontent and to breed feelings that are subversive of the best interests of the country are concerned, it is extremely dangerous. Let us think for a moment. Suppose that we should adopt the principle laid down by the President and here enunciated, and that we should fix any amount that a person could transmit by gift in life or that could pass under the law of inheritance or by descent or will after death, and suppose we should fix that at fifty millions, how long would it be, having undermined the fundamental right and doctrine of private estate and private property, until there would arise in this country the advocates who would assert that fifty millions was too much and that twenty-five millions was a sufficiency?

If $25,000,000 were then adopted, how long would that remain in force until another sect would arise and assert that $10,000,000 was enough for any one man to own or to transmit; and if ten million were adopted, how long would it be until a sect would arise declaring that five millions was sufficient, reducing it down. This declaration undermines the very basic principle upon which our institutions rest—the doctrine of the ownership of private property. And you will bear in mind that this is in no sense an advocacy of a tax, notwithstanding he calls it a tax; because a tax carries with it the idea of a contribution by the citizen of his legitimate share, based upon the general law, toward the maintenance of the Government; but this declaration, boldly made, asserts the purpose to take away from the individual all of his estate except a given amount. For instance, suppose the Government should establish that $50,000,000 was the limit, and a man was worth a hundred million, and you take away from him all above $50,000,000. Is that a tax? Is that the idea upon which the principle of taxation rests in this Government? Nay, verily. But I only use this as an introductory, if you please, to what I desire to call attention to now. The President recognizes that times are out of joint; that conditions are in a wrong state, and that a remedy is needed. I agree with him, but I do not agree as to the remedy which he proposes.

Mr. GILBERT of Kentucky. Does not the Government already, under our system of jurisprudence, prevent an estate from accumulating to the extent that it becomes a menace to public order by repealing the laws in relation to entailment and primogeniture and other property rights that existed in the old country?

Mr. PADGETT. Yes; to some extent; but still leaves the right of transmission. It does not confiscate.

Mr. GILBERT of Kentucky. But why was the right of transmission curtailed? Was it not done for the public good?

Mr. PADGETT. Yes, sir.

Mr. GILBERT of Kentucky. Do you not think that if the Standard Oil Company could entail a profit of $100,000,000 year after year for a generation that it would become a menace to good order?

Mr. PADGETT. It might do so. A corporation is a creation of law. The law prescribes and limits its power and purposes and may decree how much or what character of property it may own.

Mr. GILBERT of Kentucky. Do you not think that every citizen holds his property subject to the public good? The titles to our lands are said to be allodial—that is, whenever a public exigency demands it, they can take that property by paying a just compensation for the property.

Mr. PADGETT. But——

Mr. GILBERT of Kentucky. Why should not that apply to vast estates that become a menace to good order?

Mr. GARRETT. If my colleague will permit me to suggest,

never yet has the Government sought to take, and never yet has the idea been advanced that the Government would take, except what was sufficient to serve the purposes of government and administer the affairs of government.

Mr. PADGETT. And for a public use and upon the return of an equivalent consideration.

Mr. GARRETT. And if my colleague will permit further, the fact that the laws permitting entailment have been repealed does not inure to the benefit of government.

Mr. PADGETT. But only to distribution of the money——

Mr. GILBERT of Kentucky. But preventing private fortunes from accumulating from one generation to another indirectly inures to the benefit of the Commonwealth.

Mr. PADGETT. Certainly; the distribution of money to those entitled to it, but it does not confiscate it. If you will bear with me for a moment, I have your idea, and I think I shall meet it. I call attention to this as the remedy suggested by the President for conditions that are existing, which he admits are evil and are wrong and need a remedy. I agree with him that there are evil conditions existing; that they need to be remedied, but I disagree with him as to the remedy proposed. It will be noticed that the proposition of the President does not suggest a change of conditions which make possible the accumulation of these menacing fortunes. He suffers these conditions to continue, but advocates the confiscation of the fortune after it has been made. Would it not be wiser and better to change the wrong conditions and prevent their accumulation? What are the evil conditions? Why do they exist? It is because the laws and machinery of the Government have been used for the purpose of creating and maintaining artificial conditions. Natural conditions have been destroyed by legislation. There has been substituted in its stead an abnormal condition, an artificial condition. The taxing power has been used not for the legitimate purpose of government, but to foster and build up, as it is said, and protect the interests and businesses of private individuals. The Government has been constituted an agent, and the powers of government have been used as the machinery and as the engine, not for governmental purposes, but for private ends, for the purpose of building up a few at the expense of the many.

What has been the result? A few have prospered, and as the few have prospered there has arisen a rivalry, not of competition among themselves, but a rivalry to secure more of Government benefit and more of Government protection. More and more the effort has been put forth to induce the Government, through the agency of the taxing power, to place its strong arm beneath the business of this individual and build up his business, and this one has joined with the other to the same end until we have existing in this country a mighty power exerting itself upon legislatures and the instrumentalities of government to run the Government and to use the powers of Government for the upbuilding of the classes at the expense of the masses of the American citizenship. [Applause.]

Let me illustrate with reference to the tariff. The tariff is simply a tax. The collection of tariff duties is simply the exercise of the powers of government to tax. In our State government we have a direct system of taxation. The tax assessor assesses the property, the tax collector collects and gives a receipt, and you know precisely in dollars and cents how much you have paid. Not so in the Federal system, which we call the "tariff." That is an indirect method, one that is hidden away from the observation of the common masses of the people. Nevertheless it is a tax. Let me illustrate. An importer of merchandise comes, we will say, to the port of New York with a cargo of merchandise of any of the manufactured articles that are used and consumed in the commerce and the business of this country. But, for simplicity of illustration, let us say that he comes with a cargo of men's hats. He has purchased those hats in a foreign market at such a price that he can sell them to the American consumer at $1 each and make a fair and reasonable profit. Immediately that he reaches the port of New York he is met by a customs officer—a tax collector, if you please—who says to him: "Sir, before you can enter the ports of this country and receive the benefits of our market you must first pay upon each hat the sum of 50 cents." I take that as an illustration because it is about the general average of the tariff tax. I imagine that man addresses to him the question: "Sir, why is this; for what purpose?" A Democrat there says to him: "Sir, you propose to receive the benefits of our markets. It is but just and right that you should contribute something, your legitimate proportion toward the payment of taxes and the burdens of government." Every man who hears the statement, I care not what his politics, admits that that is a just statement. But a Republican standing there says: "No, sir; I deny that. I assert that the taxing power of the Government is not to be used solely for revenue. It is to be exercised for other and different purposes." And very naturally you ask him: "Sir, what are those other and different purposes?" And he says: "For the sake of protection." And you ask: "What do you mean by protection?" He says to you that "Over here in New Jersey, or New York, or Pennsylvania, or South Carolina, or Tennessee, or Texas, or any of the States of this Union, we have certain of our citizens that are engaged in the manufacture of hats." We will say, for simplicity of illustration, that Jones & Smith are engaged in the manufacture of hats. They are not willing to sell their hats to the American consumer at $1 each and be satisfied with the profit that would arise at that figure. In order to enable Jones & Smith to sell their hats to the American consumer at $1.50 the Government levies a tax of 50 cents upon the hat of the importer in order to increase its cost and force him to sell to the American people at one dollar and a half, in order to enable Jones & Smith to sell at one dollar and a half.

Now, bear in mind that the 50 cents that is levied upon the hat of the importer goes into the Treasury, but the 50 cents upon the hat of Jones & Smith does not go into the Treasury, but they put it into their pockets. Now, what are the statistics? They show that for every dollar of imported merchandise upon which the Government receives the tariff tax there are, at the lowest estimate, $10 upon which the Government receives no tax, but upon which the tribute money goes into the pockets of these private individuals.

Now, you will permit this illustration, simple as it may seem, to extend and enlarge, so as to embrace all of the manufactured products of this country. Our wearing apparel, our household goods, our farm machinery, railroad equipment, and everything that enters into the consumption of the American people, and you have some idea of the enormity of this question and of its vital importance to the American people. Then it is that you begin to realize and properly appreciate how it is that the Government of the United States has been using the taxing power of the Government to levy tribute upon the private citizens of the United States, upon the labor and the toil and the production of the American people, and this tribute has been emptied into the coffers of these favored and protected classes to build up these enormous fortunes of which the President complains.

You perceive at once that if you place the tax at 50 cents Jones & Smith make 50 cents. If you place it at 25 cents, they only make 25 cents. If you place it at 75 cents, they make 75 cents upon each hat. And thus it is, my friends, as we slide up and down this tariff tax, we see enough to illustrate and to demonstrate how it is that the Government of the United States, through the exercise of the taxing power, levies a contribution upon the labor, toil, and production of the masses of American citizenship and empties it as tribute money into the tills of this favored and protected class.

Mr. GOULDEN. Will the gentleman permit a question?

Mr. PADGETT. Yes, sir.

Mr. GOULDEN. Is it not a claim made by our friends on the other side that it is necessary to have this protective tariff in order to build up the infant industries of the country? Will you tell the House something about these infant industries that have been so long growing out of their swaddling clothes and that still seem to need the nursing bottle?

Mr. PADGETT. I am just coming to that. The first tariff that was levied at the formation of the Government of the United States declared upon its face that it was for the purpose of protecting American industry; and yet the average tax upon duties collected upon imports was less than 10 per cent. Yet with more than $9,000,000,000—nine thousand eight hundred millions of dollars, if you please—according to the census of 1900, invested in the manufactures of the United States, and with all the capital and all the wealth of the country, the average tariff tax on dutiable goods was 49 per cent in the year 1900 by the Federal statistics. The infant in 1790 received a protection of less than 10 per cent, and this giant of whom we are complaining, and of whom the President is complaining in this speech that I quoted, is receiving a protection of 49 per cent in 1900. If you please, I desire to call your attention to another fact.

Mr. JOHNSON. Will my friend from Tennessee yield a moment?

Mr. PADGETT. Certainly.

Mr. JOHNSON. I do not like to disturb the gentleman, but I should like if my friend during the course of his argument would tell us just where free trade ends and protection begins. I have noticed a great many gentlemen on the other side of the House talking about free trade when we are discussing rates far in excess of any that Mr. Clay or Mr. Morrill and the original protectionists ever dreamed of.

Mr. PADGETT. The gentleman will excuse me if I fail to follow his invitation to enter into a discussion of the abstract questions of protection and free trade. I do not think that anybody in this country, notwithstanding statements to the contrary, advocates free trade. Everybody is for a tariff. The question is, For what purpose, with what end, shall these tariffs be levied and collected? The question I desire to discuss, and what I am leading up to, is this: The concrete proposition. Are existing conditions, are the tariff taxes that are now being collected justified by the conditions? Should there be a revision of the tariff? I say there should be and that the revision of the tariff is the legitimate remedy for the conditions complained of by the President of the United States in the speech I quoted, and not the confiscation of the estates of the individual citizen. [Applause.]

Mr. WALLACE. Will the gentleman allow me?

Mr. PADGETT. Yes.

Mr. WALLACE. Was not the lowest tariff that this country ever knew in 1792?

Mr. PADGETT. I just referred to that.

Mr. WALLACE. Did you state under what Administration that was?

Mr. PADGETT. That was in Mr. Washington's Administration. Now, if you will pardon me and allow me to proceed without interruption, two theories are advanced as a basis and support for the doctrine of high tariff taxes now existing. It is said, first, that it is necessary to maintain the high standard of wages, and then it is said that it is necessary for the protection of the manufacturer against foreign competition. I desire to address myself to those two questions. I admit that a tariff multiplies riches in the hands of the beneficiaries of the tariff. We have abundant illustration that the wealth of the country has been gathered in tribute from the many, to the building up of these colossal estates that challenge the best thought and the best patriotism of the American people. But is it justified, is it right that this should be continued, upon a theory and a hypothesis that is not correct? I say that these conditions would justify the manufacturer in paying to the laborer a higher wage rate; but I say that as a matter of fact they have not done so, and I wish to use the official figures of the Twelfth Census to demonstrate what I say, that the wage-earners of this country have not received a fair and a legitimate share or per cent of the production of their labor.

Now, let me call your attention, if you please, to the abstract of the Twelfth Census of the United States, which I hold in my hand, and, first, to table 152, on page 300 of the Abstract. It is there shown that the number of manufacturing establishments in the United States in 1900 was 640,056. The capital invested is given $9,858,205,501. The proprietors and firm members numbered 708,623. The wage-earners were 5,370,814. The total wages paid amounted to $2,323,055,634; miscellaneous expenses, $1,030,110,125; cost of materials purchased in the raw state and in a partially manufactured condition, and freight, fuel, etc., amounted to $7,363,132,083. The value of the product was $13,058,562,917. Now, what do we get? What per cent of profit to the manufacturer, after deducting the wages paid and the cost of material, miscellaneous expenses, and freight? It left him a clear annual profit of 23¾ per cent. The per cent of wages paid was 17.78.

Now, you hear it said very often that the labor cost of manufactured articles is anywhere from 50 to 80 per cent of the cost of the article. Yet, here are the figures of the census, that any school boy can take and figure out for himself. Taking the more than 600,000 manufacturing establishments, their total cost in wages, the total value of the wage product, and the per cent received by the laborer is only 17.78, or, in round numbers, 17¾ per cent. I also call attention, on the same page, to table 153, that gives a comparison between 1900 and 1890; and I desire to call your attention to the fact that in 1900, after deducting for these items and the additional cost of salaries paid to employees in addition to wages paid, the net profit was 19.37 per cent and the wages were 17.88 per cent. In 1890 the profit was 19.89 per cent, and the wages paid in 1890 were 20.17 per cent. In other words, the wage-earners in 1890 were paid a larger per cent of the value of their productions than they were in 1900, while the manufacturer received an increase in profits.

Now, if you will turn to page 302 of the Abstract of the Twelfth Census, you will find a number of pages where there are given the various manufacturing industries of the country, beginning with agricultural implements, ammunition, baking and yeast powders, bicycle and tricycle repairing, boot and shoe factories, and all the manufacturing industries of the country. The capital invested, the value of the product, the cost of the materials, and all these items are set out here. I have taken a few of these for the purpose of calling your attention to some comparisons.

Let us take agricultural implements. In 1890 the wage per cent paid to the wage-earner was 22.27. In 1900 it was 22.18 per cent, a slight decrease.

The profit in 1890 to the manufacturer was 21.71 per cent. In 1900 the manufacturer's profit had risen to 22.7 per cent. You note that the wage per cent fell off and the profit increased. Take baking and yeast powder. In 1890 the wage per cent was 7.75 per cent. In 1900 it was 4.92 per cent. Take the profit, if you please, in 1890, and it was 71.31 per cent. In 1900 it was 80.65 per cent. And here we have the baking and yeast powder manufacturing industries of the country that are getting profits ranging from 71 per cent to 80 per cent annually upon the capital invested that in 1900 was paying their wage-earners 4.92 per cent of what they produced. What a shame. What a travesty on justice.

I submit to any fair-minded man the solemn question whether the wage-earners in that industry received a legitimate share of the profits produced by their labor. No honest man can say they did.

Let us pass to some others, if you please—and I have taken them at random. Take shipbuilding. In 1890 the wage per cent was 34.43. In 1900 the wage per cent was 31.83. It had fallen off 3 per cent. The profits in 1890 were 16.7 per cent. In 1900 it was 20.99 per cent, or had gone up nearly 5 per cent in profit. Manufacturers' profits increased; percentage of the wage-earners decreased.

Now, here is one that will shock the integrity and the intelligence of every honest man. We have heard a good deal said about tobacco and the tobacco trust. Here are some figures. I have transcribed them here because they do not make the light as good now as they used to, and I can see these a little better. In 1890 the wage per cent in the tobacco industry was 10.55 per cent. In 1900 the wage per cent was 6.85, a decline from 10 per cent to 6 per cent. In 1890 the profit per cent was 96.66. In 1900 the profit was 140.47 per cent upon the capital invested, and the tariff duty was 111.84 per cent. I have the official documents here to exhibit and to give the page and the very place upon which the figures are given.

I submit to you, my countrymen, is it fair, is it just, is it honorable, is it patriotic, that the tariff duty should be maintained at such an exorbitant rate for the protection of any industry that has received an annual profit of 140 per cent upon its capital invested and is paying its laborers 6.85 per cent of the value of the products which they produce?

Take these figures home with you and consider them as you sit alone with your conscience and your God. And yet they say there is no occasion, no necessity, for revising the tariff, and that this tariff tax ought to be maintained in order to enable the industry to continue to exist, and to enable the manufacturer to continue to pay to his wage-earners the wages which they are now receiving.

Let me call your attention to another industry. Take hosiery and knit goods. In 1890 the wage per cent was 24.65. In 1900 it was 25.51 per cent. In 1890 the net profit was 29.02 per cent; in 1900 it was 24.48 per cent. Iron and steel—in 1890 the wage per cent was 18.32. In 1900 it was 15.02 per cent.

In 1890 the per cent of profits was 17.49 and in 1900 the profit per cent was 28.3, an increase of the per cent of profits from 17 to 28 and a decrease of wage per cent from 18 to 15.

And you may take the list through and through—they are all given here—and you will find the same comparative and relative proportion of the increase of profit to the manufacturer and a decrease in the percentage of the wage-earners' share on the product of his labor.

Mr. GOULDEN. Does not this account in a large measure for the fact that you can take four of the leading financial magnates in this country, namely, the heads of the steel, the coal and coke, tobacco, and beef trusts, and their combined wealth exceeds two thousand million dollars, all made within the past forty years?

Mr. PADGETT. I have already said that this use of the taxing power of the Government to levy tribute upon the toil and the labor and the production of the masses of American citizenship, to empty them into the coffers of the favored classes, is the proof of the cause of these colossal fortunes that threaten American institutions. [Applause.]

I now wish to call attention to the boot and shoe factory products. In 1890 the wage per cent was 27.49; in 1900 the wage per cent had gone down to 22.69. In 1890 the profit per cent was 43.12, and in 1900 it was 31.68. There is an exception to the rule as laid down here by these figures to which I have called attention. There was a decrease in profits during the decade in that particular instance. Let us now take men's

clothing. In 1890 the wage per cent was 23.22; in 1900 the wage per cent was 19.12. The profit per cent in 1890 was 60.74, and in 1900 it had gone up to 79.80. Yet the tariff duty was 75 per cent upon men's clothing; and they say, in the light of these figures—and they are the figures of the Census Department of the United States taken only as samples—that it is necessary to maintain this tariff-tax condition in order to enable the wage-earners of this country to receive their present wage scale. To-day we have the highest tariff tax that was ever known in the history of the American people, and in 1890, by the Census of the United States, the wage-earners were receiving a higher per cent of the products of labor than they were receiving in 1900.

Let me call your attention to another phase of the question as the tariff relates to the wages of laborers and what the census and the statistics of the Bureau of Statistics show:

In the year 1905 the average ad valorem rate of duty collected upon dutiable goods was 45.24 per cent. The effect of the duty is to increase the cost of the article to the consumer an amount equal to the duty, and it has a similar effect upon the cost price to the consumer of goods of domestic manufacture of like character. The very object and purpose of levying a protective tariff duty upon foreign imports is to increase the selling price of similar goods of domestic manufacture. So that generally speaking the average cost price to the consumer upon both domestic and import goods included this average tariff duty of 45 per cent. So that on the general average in the purchase of each dollar's worth of such goods there was included 31 cents as tax if imported goods, or tribute if domestic manufacture, and 69 cents represents the actual cost value of the article. I have already called attention to the fact that the laborer only receives 17.78 per cent of the value of the product of his labor, as shown by the census figures before referred to. So that the wage-earner only receives the benefit of 17.78 per cent of the 31 cents, or 5½ cents, while the manufacturer receives 25½ cents of the 31 cents. In the light of the above figures it is not difficult to tell who is receiving the great bulk of the benefits of the present high tariff duties, nor is it more difficult to explain and understand the cause and the reason for the piling up of "those fortunes swollen beyond all healthy limits." Nor is it difficult to discern that this clamor for the maintenance of these excessive tariff rates is not really in the interest of the wage-earners.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WILLIAMS. Mr. Chairman, I ask unanimous consent that the gentleman may have two minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. PADGETT. Mr. Chairman, I had intended to discuss our foreign trade and to show by figures even brought up to April 30 last, that our trade conditions were such that we were competing with the foreigners at their own door, and if we can carry in the last six years and ten months more than three thousand millions of dollars of our products and pay the freight charges and the cost of handling abroad and sell them in competition at the door of the foreign manufacturer, certainly here at our own door we can compete with him without this artificial stimulus that is piling up these enormous fortunes. But I must forego that matter and content myself with extending my remarks in the RECORD.

Mr. Chairman, I submit herewith a statement of the amount of the exports of domestic manufactures for the years 1900 to April 30, 1906, and also a statement showing some of the various articles and the value thereof exported during the year 1905, and from this statement it is apparent to every fair-minded man that our export trade is not a mere incident; it is not simply the sale or disposition of our surplus products or shopworn goods, but it is a substantive and distinctive business of American enterprise in which we all feel a just measure of pride. These goods are transported to and sold in all the countries of the earth. Freight charges and additional costs for handling are paid, and yet these goods are sold in Europe and Asia at the very doors of foreign competitors in competition with the foreign markets and foreign conditions and foreign labor. It is idle to say that this enormous business is not conducted at a profit. Because the very fact of its increase from year to year shows that it is a profitable trade which our manufacturers are seeking and cultivating and they should do so, and their efforts have my sympathy and commendation.

It is claimed that the foreign markets are cheaper than our home markets; that foreign goods can be and are sold cheaper than American goods, and that for this reason American manufacturers can not compete with foreign manufacturers, and that the present excessively high schedule of tariff duties must be maintained to enable our home manufacturers to maintain themselves. Mr. Chairman, I submit these figures as a complete answer and refutation of that contention. If we can transport this enormous amount of manufactured goods to Europe and sell them successfully at a profit in competition with European products, why can not we sell the same goods to the American people at the same profit here at home and make, in addition, the freight charges and other costs of handling abroad? These figures successfully dispute and overturn the necessity for charging American consumers a higher price for products than are charged to foreigners. Mr. Chairman, I feel a deep and abiding interest in the welfare and prosperity of the American people and in the development of its civilization and the promotion of the welfare of its citizenship. I fully appreciate the enormity of the evils springing up in our country, as evidenced by these abnormal and excessive fortunes caused by and superinduced by the perversion of the functions of government and the creation of the artificial conditions whereby legislation levies tribute upon the toil and production and consumption of the many to concentrate wealth in the hands of the few. The statistics I refer to are as follows:

Exports of domestic manufactures.

1900	$433,851,756
1901	410,932,524
1902	403,641,401
1903	407,526,159
1904	452,415,921
1905	543,607,975
1906 (to April 30)	494,774,806
	3,146,750,542

1905.

Agricultural implements	$20,721,741
Books, maps, etc	4,844,160
Brass, and manufactures of	3,025,764
Cars, carriages, and parts of	10,610,437
Chemicals, drugs, dyes, etc	14,450,490
Clocks, watches, and parts of	2,316,414
Copper, and manufactures of	86,225,291
Cotton manufactures	49,666,080
Iron and steel manufactures	134,728,363
Leather, and manufactures of	37,936,745
Oils, mineral, refined	73,433,787
Paper, and manufactures of	8,238,088
Tobacco manufactures	5,690,203

Mr. Chairman, this is a great country of ours. We are proud of it. It is vast in its territory, extending from ocean to ocean and from Gulf to lake. We look over the scope and breadth of it and we feel in the grandeur of our citizenship that no pent-up Utica contracts our powers. We look over it, and we see the great mountain that lifts its head into the very blue of heaven, and we say, how grand is the mountain. We see the valley outstretched, with its landscapes of flowing streams and field and farm and flower, and we say, how beautiful are the valleys. We gather from the mountain side and from the valley the flowers and inhale their fragrance, and we say, how sweet are the flowers. Let us not forget, Mr. Chairman, manhood is grander than the mountains, womanhood is more beautiful than the valleys, and patriotism is sweeter than the fragrance of the flowers. [Applause on the Democratic side.]

Mr. SPARKMAN. Mr. Chairman, I rise for the purpose of discussing bill H. R. 5281, introduced early in this session by the gentleman from Maine [Mr. LITTLEFIELD], entitled "A bill to remove discriminating duties against American sailing vessels in the coastwise trade." Although this bill may not be reached, and should not be considered at this or any other session of Congress, I think in view of its vicious character I can not do better than to use the time allotted me in discussing some of its features.

This bill, Mr. Chairman, is one of the most unjust measures ever introduced into this body. It is unjust alike to every interest concerned. To the shipping interests because it will deprive them of the aid of the splendid pilot systems at many, if not all, of the ports to be affected by it in our South Atlantic and Gulf States, from Virginia to Texas, inclusive, without furnishing an adequate system to take its place. To the pilots because in destroying their business it will rob them of the means of support for themselves and their families, besides taking from them or rendering useless—which is the same thing—the property and costly plants, accumulated by them as a result of years of economy and saving for the carrying on of their business, without giving to them just compensation therefor. To the States to be affected because the laws of Congress and the necessities of their commerce will continue upon them the burden of providing efficient pilots for both the domestic and foreign ships that seek their harbors, while this bill would deprive them of the usual means of so doing. That these would be the results no one at all familiar with the conditions surrounding the various pilot systems in the States mentioned will for one moment doubt.

The whole bill is objectionable, Mr. Chairman, but I wish to

call attention especially to sections 1 and 2, amending sections 4442 and 4444 of the Revised Statutes of the United States.

Section 1, among other things, provides that—

Whenever the master or mate of a sailing vessel of the United States employed in the coastwise trade, claiming to a skillful pilot, offers himself for a license, the inspectors (meaning the inspectors of hulls and boilers) shall make diligent inquiry as to his character and merits, and if satisfied from personal examination of the applicant, with the proof that he offers, that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of five years to pilot any vessel within the limits prescribed in the license.

Section 2 provides, in substance, that no State or municipal government shall impose upon any such pilot any obligation to procure a State or other license in addition to that so issued by the inspectors, or any other regulation which will impede such pilot in the performance of his duties; and further prohibits the levying of any pilot charges by any State or municipal government on any vessel piloted by anyone holding such inspector's license, or upon any vessel so engaged in the coastwise trade, being towed into or out of any port of the United States by a vessel under command of a pilot licensed as provided for in said bill.

It will thus be seen that the bill proposes to create pilots out of the masters and mates of coastwise sailing vessels at the option of such masters and mates and the inspectors of hulls and boilers, and to substitute them for the local pilots by prohibiting, as it does, the enforcement of any State or municipal requirement to take or pay for a State pilot by any coastwise vessel piloted by a captain or mate, or towed by any boat under the command of a pilot, so licensed, which, as I shall show presently, will practically put the pilots at a large majority, if not all, the ports in the States mentioned, out of business.

Mr. Chairman, I shall take but little time in showing the importance of an efficient pilot system to our maritime commerce at each port in this country. Indeed I should consume no time at all in such an effort but for the suggestion made by the mere introduction of this bill here that its advocates and friends do not consider such a system as longer worthy of consideration or of preservation.

But, sir, the experience of the world condemns such an idea. For hundreds of years the pilot has been considered an important adjunct to maritime commerce. In fact, the system had its origin in the necessities of the sailing vessel when the demands of commerce for the first time sent her from her own harbor to distant lands and unfamiliar waters for the purpose of distributing the products of earth to the consumer; and from then until now the skill of the local pilot has been considered necessary, at least to the sailing ship, entering or leaving a port.

The Supreme Court of the United States, presided over by the ablest and most enlightened men produced by our civilization, said in the case of Ex parte McNiel (13 Wall.) that "the pilot is as much a part of the merchant marine as the hull of the ship or the helm by which it is guided;" and the learned justices might well have added "as indispensable to the successful voyage as either," for if dangers are found in the dashing billows, and the hurricanes sweep far out at sea, perils also lurk in the hidden rock and the shifting sands near the coast. The trained pilot may only be trusted to guard against the one, while the skilled navigator can alone cope with the other. Men are trained for both positions, and may, indeed must, have a general knowledge of the duties of both, but neither is necessarily skilled in all the duties of the other. The navigator is trained aboard the ship and at sea; the pilot mostly in the harbor and on the bar where he is expected to follow his vocation. At least that is the way it should be, and as it is under the systems in all the maritime States of this country. Under them the pilot is controlled by the States, or rather I should say by local boards created by State legislation, and composed of men living in the communities immediately bordering on the harbor to be served by the pilot, and who are hence familiar with all the necessities of such harbor. This has ever been the practice of the maritime world, and rightfully so, too, as all pilot matters can be much better controlled by the localities nearest a given harbor or bar than by an authority remote from such pilotage grounds.

The Supreme Court of the United States in discussing this very feature of pilotage says:

It is local, and not national, and it is likely to be best provided for, not by one system or plan of regulation, but by as many as the legislative discretion of the several States deem applicable to the local peculiarities of the ports within their limits.

The conditions, Mr. Chairman, at no two harbors are the same, and especially is this true of the harbors infi the section of the country to which it is intended this bill shall apply. The harbor at Tampa and that at Pensacola are not alike, but are essentially different as to conditions, and the same is true of Key West and Jacksonville, as it is of all the other harbors in that section. Courses and distances, currents and channels, the bars and the banks are different. In many the bottoms are constantly changing, a bar perhaps forming to-day where none existed yesterday, currents setting in one direction now and in another a little later, requiring constant and daily watching on the part of the pilot in order to be fitted to conduct the ship safely over the bar and through the harbor.

Now, sir, the States in their control of pilotage undertake to guard against these dangers. Under the present State systems a pilot must serve a long apprenticeship, from four to eight years, not on a dozen, or even two bars, but on the one bar upon which he is to become a pilot, studying its conditions, its currents, the nature of the bottom, taking soundings, piloting vessels, familiarizing himself with courses and distances, and in the meantime must go to sea, spending several months upon a sailing vessel, until he shall have thoroughly learned how to handle all classes of ships. Then he is examined by a local board of pilot commissioners or port wardens, at least one of whom usually is an expert pilot for that particular bar. Having been thus examined and found competent by this expert board, he is given a license to pilot alone on that bar and no other, and there he must live and work to the day of his death, unless he leaves the business or in like manner qualifies himself to pilot in some other port.

That, sir, is what the States require for the safety of life and property. What does this bill propose to give us? Why, sir, under its provisions the pilot need never have seen the harbor, or to have taken a ship across its bar, nor is he required to possess any of the qualifications of a pilot except such as he may have gathered as a seaman. All that is necessary under the provisions of this bill for the creation of a full-fledged pilot is for the captain or mate of a coastwise sailing vessel to appear before the inspectors of hulls and boilers anywhere in the country, maybe hundreds—yes, thousands—of miles away from a particular harbor in which he may wish to act as a pilot, and knowing nothing, perhaps, about its condition or of the requisite qualifications of a pilot there, claim to be a skillful pilot, and offer himself for a license, when it shall become the duty of these same inspectors to examine his proof, and, if they are satisfied from such personal examination that he is qualified, to grant him a license to pilot within the limits mentioned in the license, which might embrace not only that one harbor, but the whole Atlantic and Gulf coasts as well.

And this, Mr. Chairman, is the system that is to take the place of that now in existence in the States south of the Potomac, and under which our commerce has been builded up to its present respectable proportions.

Why, sir, it is absurd on its face. The blind is to give sight, ignorance to lend wisdom, a nonprofessional is to create a professional, a nonexpert an expert.

Another feature of the State system—one, too, of transcendent importance—is that known as "compulsory" pilotage. I say "transcendent importance" because no system of pilotage could exist, nor could maritime commerce be carried on, without it. There is not a commercial nation of the world to-day of any consequence whose pilotage system does not contain this feature in some shape or other, either in the matter of employing a pilot or, which is practically the same thing, in the payment of his fees when he is prepared to render and tenders his services, whether they are accepted or not. The purpose of this requirement is to guard against the results of cupidity and greed by putting a check upon the gambling instinct, for without compulsion masters of vessels, in order to save pilotage fees, will often take dangerous risks in entering and leaving a harbor without a pilot.

Then, again, there is no greater objection to compulsory pilotage than to many other burdens in the nature of taxation which we have to bear in order that government may live and be effective in the protection of life and property. The citizen often has to pay for instrumentalities of government from which he reaps no direct benefit. A police force, for instance, is a feature of every municipality, though everyone does not need a policeman. Public schools are established throughout the land, yet all persons taxed for their support may not patronize them. On this same principle, among others, compulsory pilotage is justifiable; indeed, is justified. It is no objection to say that this individual or that, this vessel or the other, does not need the aid of a pilot. There are vessels which do need them, and the importance of the commerce is such as to justify the tax on all in order that trained pilots may be at hand when needed.

I for one believe that a sound policy, based upon the idea of protecting life as well as property, would require every vessel when on pilot grounds, whether entering or leaving a harbor, to take a pilot, and if she should not, pay pilotage fees in any event. As before stated, it is the only way to keep up the sys-

tem, and the system must be maintained if commerce is to grow and flourish.

Now, the Supreme Court of the United States has also lent its indorsement to this system in the strongest kind of language, for in the case of the *China*, reported in 7 Wallace, and decided nearly forty years ago, Justice Swayne, speaking with reference to and construing that part of the pilot laws of the State of New York which provided for what is known as "compulsory pilotage," said:

It is necessary that both inward and outward bound vessels of the classes designated in the statute should have pilots possessing full knowledge of the pilot grounds over which they are to be conducted. The statute seeks to supply this want and to prevent, as far as possible, the evils likely to follow from ignorance or mistake as to the qualifications of those to be employed, by providing a body of trained and skillful seamen, at all times ready for the service, holding out to them sufficient inducements to prepare themselves for the discharge of their duties and to pursue a business attended with so much of peril and hardship. The services of the pilot are as much for the benefit of the vessel and cargo as those of the captain and crew.

And this, sir, is our system to-day, a system which prevails in the States affected by this bill, a system the result of hundreds of years of experience, during which the marine vessel has developed and grown from the small sailing boat that scarcely ventured out of the harbor where it was launched to the proud ships of to-day, sailing every sea and conveying the products of earth to every nation and people.

The system was held in such great favor by the fathers of the Republic that in the very first session of the First Congress, under the present Constitution, the Members of that body, with many weighty problems pressing upon them for solution, yet found time in the midst of their labors and perplexities to deal with this great question, enacting, among other things pertaining to our maritime commerce, the following:

Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States, respectively, wherein such pilots may be or with such laws as the States may respectively enact for the purpose.

This they did, though under the Constitution they might have taken full control of the entire system.

Now, that instrument had been framed, perhaps, with never a thought by its authors that pilots were embraced within its commerce clause. But the statesmen of that day—than whom no abler or patriotic have lived in any age or country—wisely left the matter with the States, thus placing the seal of their approval upon State management and local control, where it has remained, with one exception, ever since. That exception was an act of Congress in 1871, which relieved coastwise steam vessels from compulsory pilotage.

This action, Mr. Chairman, may not have been wise. It has been criticised by many, but I shall not stop to discuss its wisdom. Still, there were reasons for the action, whatever their merits, sufficient for the legislators of that day. Steamboat navigation, unknown and unthought of when the act of 1789 was passed, but introduced more than a quarter of a century afterwards, had grown to considerable proportions by 1871, and Congress, in passing the act referred to, was actuated mainly, no doubt, by the thought that the greater ease with which steam vessels could be handled in all kinds of weather, in deep as well as shoal water, making them independent of winds and waves and currents, rendered the service of a local pilot in many instances comparatively unimportant, while the greater relative cost of operating them made it advisable, in the opinion of many, to release them from pilot charges, except when the pilot's services were accepted by the master of the vessel. Moreover, Congress no doubt considered that the local pilot systems could be kept up to a high degree of efficiency by coastwise sailing vessels and foreign shipping combined, and that coastwise steam vessels might well be exempt from the compulsory features of the State laws, the main thought being, no doubt, to equalize more nearly the conditions in the matter of operating expenses between the two classes of boats—sail and steam—with as little interference as possible with the system in the various States. And very little damage, Mr. Chairman, has been done to the pilots by that slight innovation, as coastwise and foreign shipping have been found sufficient to keep up the system to that degree of efficiency demanded by commerce.

But this measure, Mr. Chairman, if passed will interfere very seriously with the efficiency of those systems. It is proposed in this bill to take that step which the statesmen in 1789 would not take, and which those in 1871 did not and would not have dared to take in view of the results which they knew too well would follow. They knew, and I repeat that everyone acquainted with the facts knows, that the passage of this bill will destroy the pilot systems at a majority of the ports in the Southern States, and seriously cripple them at all the others.

Mr. GOULDEN. Will the gentleman allow me an interruption?

Mr. SPARKMAN. Certainly.

Mr. GOULDEN. Would it be possible to maintain an efficient pilotage system in the Southern States, the South Atlantic and Gulf ports without a State compulsory pilotage?

Mr. SPARKMAN. It would not, Mr. Chairman.

Mr. GOULDEN. May I say to the gentleman that as a member of the Committee on Merchant Marine and Fisheries who investigated this matter thoroughly, that that was the testimony adduced here before that committee during the last three years.

Mr. SPARKMAN. Now, Mr. Chairman, the pilots in these States are supported by coastwise sailing vessels and foreign shipping. I have taken some pains to ascertain the amounts received at these ports from the former source, and find the average, from the best information I can obtain, to be about two-thirds of the whole. So that the effect of the passage of this bill will be to cut off 66⅔ per cent of the earnings of these pilots. Can anyone suppose that they can live on this? Why, sir, at the very best the expenses are from one-fourth to one-third of the earnings, while at some they amount to much more. So that the entire gross income at these places would be taken for expenses and nothing left. If it should be answered that at some of the ports the pilotage receipts from foreign shipping are more than one-third, I reply that at a large majority of them their earnings from that source are much less, and at those the pilots would not be able to pay even operating expenses, to say nothing of a living for themselves and their families.

The conclusion, then, is justified that nothing but disaster to the State pilot systems can follow the passage of this bill unless the States affected and on whose shoulders the burden, under the laws of the United States, would still rest of keeping them up, should resort to some other method of taxation than that of collecting pilot fees for their support, and I ask this House if it is right for Congress to force a tax or burden upon one State or one group of States not borne by all, as would be the case in the South Atlantic and Gulf States if this bill should become a law?

Now, Mr. Speaker, what is the excuse for this ruthless attack upon the pilot system of the South? The title of the bill says it is to remove discrimination against coastwise sailing vessels. Reference is here no doubt made to the exemptions just referred to of coastwise steamboats from compulsory pilotage. But, sir, there is no unjust discrimination, as the small expense of running a sailing vessel when compared with the much larger cost of operating the steamboat puts the former more nearly upon an equality with the latter. Indeed, if there is any difference, the discrimination is against the steamboat, the operation of which costs some eight or ten times more for a vessel of a given tonnage than a sailing vessel of the same tonnage. True, the former can make more trips during a year, but this difference in speed does not compensate for the greater expense of running her. And it is a fact easy of proof that the net earnings of the sailing vessel are for this reason among others much greater than those of the steamboat. In fact, I doubt if there is any water craft in the world that pays as well as the American coastwise sailing vessel.

True, some of the advocates of this bill say that it is otherwise. But the facts show the hollowness of their claim. For instance, I read in the hearings before the Committee on Merchant Marine and Fisheries on this bill, held in January of this year, a statement made by Mr. Pendleton, a majority owner in more than 100 coastwise sailing vessels plying in the South Atlantic and Gulf waters, his vessels being of comparatively light draft, who as a lobbyist has been here for years pressing the passage of this bill, and who has done more to inspire and foster whatever sentiment there may be for its passage than all others. In his statement, to be found on page 11 of the testimony then given, he boldly asserts:

That there is not a vessel on the Atlantic coast of the United States in the coastwise trade which has run up against these pilot charges—

Meaning those in the South Atlantic and Gulf ports—

that has paid interest and insurance for the past ten years.

And further, that if there were one he would not ask for the passage of this bill.

Then, Mr. Chairman, he should have his bill withdrawn, fold his tent, and silently steal away from these corridors and galleries, for I am going to call attention to one coastwise sailing-vessel owner who says his vessels pay, and that quite handsomely.

I hold in my hand a booklet gotten up for another purpose—

by no means in the interest of this measure or that of the pilot—in which the writer, a schooner owner of Massachusetts, I believe, takes anything but a pessimistic view of the present conditions and future prospects of the coastwise trade, and especially of sailing-vessel owners. The booklet is entitled "The Coastwise Trade," and the leading article is headed "A new era in the coastwise trade." The book is prepared by and for the Gilbert Transportation Company. I will read from this article a few choice extracts. Listen!

The coastwise trade has always been a source of pride and of wealth to New England. The sailing vessels which have been built in her shipyards and have been outfitted at her ports have widely extended her commerce, have furnished profitable employment for the hardy and adventurous sea folk of her coasts, and have made the fortunes of many of her oldest and wealthiest families.

The coastwise trade is to-day making fortunes as it did of yore. It was at one time thought that the sailing vessel would be entirely superseded by the steamship; but the course of events has demonstrated that this was a mistaken surmise. Great as has been the development of steamboat traffic, it has not by any means entirely displaced the sailing vessel. This is especially true in regard to the coastwise trade. Experience has shown that in this trade there is a class of traffic which can be and always will be more profitably carried on by sailing vessels than by steamships. To handle this class of transportation the demand for the sailing vessel is rapidly increasing.

Then the writer, after referring in glowing terms to the business of the Gilbert Transportation Company, which is the owner of quite a number of coastwise sailing vessels, says:

The Gilbert Transportation Company devotes its attention almost exclusively to the southern lumber trade and the West India trade.

From the southern ports of the United States the company's vessels bring to the northern ports yellow-pine lumber and phosphate rock, taking to the South return cargoes of northern merchandise.

* * * * * * *

The company's vessels are specially constructed for the economical handling of lumber. Steamships can not handle this freight nearly as cheaply and can never profitably compete with the company's class of schooners in this traffic. The shallowness of the water in the southern ports and rivers and in some of the smaller northern ports demands vessels of light draft, such as the company's fleet; and on this account there is no possibility of competition from the larger class of sailing vessels.

And a little further on he furnishes a statement of the earnings of some of the vessels belonging to his fleet. Again listen to what he says:

The *Belle O'Neil* in twelve months made seven trips; net earnings, $2,908; cost of vessel, $14,000; annual percentage of earnings on cost, 21 per cent.

The *John Bergen* in twelve months made seven trips; net earnings, $4,200; cost of vessel, $15,000; annual percentage of earnings on cost, 28 per cent.

The *Glad Tidings* in four months made two trips; net earnings, $1,100; cost of vessel, $14,000; annual percentage of earnings on cost, 24 per cent.

The *Catherine M. Manahan* in seven months made four trips; net earnings, $4,000; cost of vessel, $45,000; annual percentage of earnings on cost, 15⅓ per cent.

The *Winifred A. Foran* in two months made one trip; net earnings, $700; cost of vessel, $17,000; annual percentage of earnings on cost, 25 per cent.

The *Marion E. Rockhill* in two months made one trip; net earnings, $300; cost of vessel, $4,500; annual percentage of earnings on cost, 38 per cent.

It will be observed that the average annual net earnings of these vessels was 25 per cent.

Members will also note that this enterprising firm finds the waters in the southern ports shallow, and that, too, notwithstanding the Government's aid in deepening the harbors and rivers in that section.

Mr. Pendleton also makes another effort to sustain his contetion that the pilot systems of the south are unjust by citing one or two cases, not typical, you may be sure, but extreme ones, selected as being most favorable to his contention.

At the hearing before the Committee on Merchant Marine and Fisheries on a similar bill in the Fifty-eighth Congress, a little more than a year ago, he referred to the experience of one of his vessels, the *John R. Bergen*, on a voyage from Norfolk to Charleston and return, a comparatively short run, which he said only paid him on the down trip $97.06, after deducting pilot charges in and out of each place, which altogether were $270.40. The vessel, according to his figures, carried about 800 tons of freight, and he sent her down because, being at Norfolk, he did not wish her to be idle—quite a commendable spirit. But he also had a return cargo, on which he received $1.85 per ton, or $1,480, and after the pilotage was all paid the net amount must have been at least $900 or $1,000 for the round trip. Assuming, then, that on this short run he could have made twelve trips a year—not an unreasonable assumption when we consider Mr. Pendleton's enterprising spirit—the annual net earnings would have been ten or twelve thousand dollars, a neat sum when we consider that Mr. Pendleton's vessels only cost on an average, so I am advised, not more than $20,000 or $25,000 each.

Another illustration selected from the experiences of his hundred and odd vessels was the schooner *Laura*, which sailed from New York to Charleston loaded with coal, her gross earnings for the one trip being $2,246.65, of which he paid in expenses, including pilotage, $1,934.10, leaving net earnings $312.55. Now he complains of and emphasizes the alleged pilotage charge of $143.22, but says nothing of the nature of the other items of expense, amounting to $1,760, which, however, no doubt included his 5 per cent brokerage, as it is understood that these agents always charge brokerage, even when the agent is the principal owner. But the $312.55 were the net earnings for the trip one way, and if he did as well in proportion on the return trip as he did with the *Bergen*, as it is reasonable to suppose he did, the upcoast voyage being usually, I am told, the more profitable, he would have received at least $1,200 for the round trip, which, giving her eight round trips for the year between New York and Charleston, would have netted him $9,600, in addition to brokerage, which came out of the gross earnings.

Now, Mr. Chairman, if these were his poorest voyages—and they must have been or he would not have selected them—what must he have made out of his more profitable trips? Why, I doubt if any coastwise steam vessels are doing as well, and yet the sailing-vessel interests claim they are unnecessarily discriminated against. Why, sir, the complaint is childish and should not for a moment receive countenance here or elsewhere.

Of course the sailing vessels pay, or they would not be operated. And why, pray, should coastwise vessels not pay, both sail and steam, for they enjoy the greatest monopoly in the world, recognized, protected, and fostered by law? No foreign ship can compete with them, and if under these conditions, conditions by which the American consumer is heavily taxed for the benefit of the coastwise shipowner, he can not make more than a fair return upon his investment, tell me under what circumstances he could prosper?

But advocates of this bill point to an alleged falling off in the construction of sailing vessels in contrast with a marked increase in steamboat building as proof that the southern pilot is crushing the life out of the sailing-vessel business.

Now, in the first place, Mr. Chairman, there has really been no backward movement in sail-vessel construction. The most that can be said is that for the decade ending with 1904 it has been practically at a standstill, with a slight increase for the past year or two. But certainly the small amount paid to the pilots in the southern ports could not in the least degree be responsible for this condition. Other forces have been and are at work, and upon them must rest the responsibility, if responsibility it is, as whatever disparity there may be along that line is a result of an evolution in the merchant marine which no pilot laws can affect or control. Besides, sir, fluctuation in sail-vessel construction has marked the history of that industry from the beginning of our Government till now, and during all these years compulsory pilotage has been in existence in the South, and for a greater part of that period in nearly all the North Atlantic States as well.

So I conclude that there is no undue discrimination against the coastwise sailing vessels resulting from the State or United States pilotage laws. Certainly none that would call for such a radical departure from the policy of the fathers, which we have followed for more than a century.

But, Mr. Chairman, there is a charge lodged against the pilots about which I had as well say a word before passing, as I shall in a moment, to another branch of the subject. We are told that they themselves occasionally discriminate against coastwise sailing vessels, and one or two alleged instances are cited. If these charges be true, which I do not admit, the cases are not typical, and do not justify the condemnation of the whole system. No complaint is made that the States discriminate in their laws or regulations; on the contrary, we may safely assume that these laws and regulations condemn every kind of discrimination. So that all that is necessary is a more rigid enforcement of the State laws, or if legislation is needed the legislatures of the States can certainly be trusted to apply the necessary corrective and will do so if appeals are made to them with one-tenth of the earnestness displayed here in efforts for the passage of this bill.

Mr. WACHTER. May I ask the gentleman a question?

Mr. SPARKMAN. Certainly.

Mr. WACHTER. Is it not a fact that Gulfport, Miss., under the pilotage system which applies, charged an English schooner for pilotage in putting out only $40 and an American schooner $130, and is it not a fact the American schooner was libeled and the case is in the courts now?

Mr. SPARKMAN. I will say, Mr. Chairman, I understand there was some such case as that there. This was not an English vessel, however, in the ordinary sense, as the vessel, so I am informed, was owned entirely by Americans, but sailing under the English flag, and since that time the whole thing has

been corrected. and the discrimination, if discrimination it was, is not now being made. I understand the attention of the Mississippi legislature was directed to the matter, investigation made, and a law passed to prevent such acts in the future.

Mr. WACHTER. Will the gentleman state to the House something in regard to the revenue collected by the Norfolk association?

Mr. SPARKMAN. I am willing to do it, but I have not the time. I will say in a general way the pilots of these South Atlantic and Gulf States do not on an average obtain more than $1,100 a year. I mean their net earnings are not more than that.

Mr. WACHTER. Has the gentleman the figures for the Norfolk Pilotage Association?

Mr. SPARKMAN. I have not the exact figures with me; no, sir.

Mr. GOULDEN. Will the gentleman allow me a word? I want to say that the testimony given before the Committee on Merchant Marine and Fisheries showed there were two ports in which, perhaps, abuses had crept in; at least this was alleged. From Norfolk came a report that the pilots were making small fortunes from the charges made for services rendered. From no other port was there any complaint.

Mr. SPARKMAN. All systems of laws are open to abuse, and perhaps in their enforcement injustice is sometimes done. But that furnishes no reason for their repeal. Laws we have for the protection of human life, but they do not always protect; statutes there are to prevent larceny, and still theft abounds. Yet no one would have the boldness to suggest a repeal of the laws for the protection of life and property because these laws are sometimes violated or not enforced.

Again, the advocates of the measure point to the river and harbor improvements made by the Government as proof that the necessity for the bar and harbor pilots has ceased or been greatly reduced. By reason of these improvements it is claimed that now any ordinary sea captain or mate may with ease safely pilot sailing vessels into any of these harbors.

Never was a greater mistake made. While the harbor channels in many places have been deepened, yet pari passu with every increase of channel depth the draft and width of vessels navigating these waters have been increased, so that it is as difficult for many of them to enter these southern harbors now as it was forty years ago, and before any serious attempt was made to improve the rivers and harbors there.

Furthermore, with all the improvements made or to be made—and work at none of these harbors has been completed—the ship, whether sail or steam, domestic or foreign, will always be menaced with the dangers that come from shifting bars and treacherous sands, against which no engineering skill can effectually guard the entering or departing vessel.

Take, for instance, the harbor of Tampa, where I live, and on which the Government has expended quite a large sum of money, deepening the channel some 8 or 9 feet within the past few years. Scarcely a vessel comes there from north of Cape Henry—and there are many of them—but has to be lightered before she can approach the city's docks. And this is true with nearly all the ports in the country, and will continue to be true until the evolution of shipbuilding in the direction of vessels of deeper draft shall have reached a maximum limit.

But, again, it is said local pilots are unnecessary, as the towboats can do the work, and, crude though this measure is, provision is herein made for this class of boats, not by requiring them to have a skilled bar pilot on board, for that would not suit the purposes of this bill, but one of these inspector-created pilots is to do the work. It is a well-known fact, however, that these tugboats can not, even with a skilled pilot, take the place of the pilot at all times, if he can do so at any time. They are not constructed for rough weather, and when the storm comes and the waves run high they will be compelled to seek shelter, while the unfortunate ship with her crew and cargo will be obliged to remain outside and ride out the storm, with the danger of being driven and wrecked upon the shore.

Furthermore, there should always be a skilled bar pilot on the vessel being towed, for a knowledge of the bottom and the currents is essential. Being usually towed in the rear of a towboat, by a long hawser, she is constantly in danger in shoal waters, where the currents are swift of sheering to one side or the other and grounding upon the banks or a recently formed bar. This often happens, and is just what happened to the battle ships *Kearsarge* and *Kentucky* in New York Harbor last January. There was a pilot upon the flagship *Maine*, the leader of the fleet, but none on the *Kearsarge* and *Kentucky*, which were following with a distance of only about 400 yards between each ship. The flagship went out easily, while the other ships mentioned suddenly sheered to one side and grounded, partly because the sailing master, as was found, so it is said by the board of inquiry, thought the current was setting in one direction when it was actually running in another—a mistake a bar pilot familiar with the harbor, shoals, and currents would not have made.

The *Rhode Island* in May last, also without a bar pilot, grounded on York Spit at the entrance to York River, Va., the sailing master evidently not knowing what a pilot would have known, viz., that the bar was there. A pilot had tendered his services while the ship was outside but the same were refused, the commander thinking, no doubt, he could go in without one.

These vessels were all subsequently floated. But think what might have been the consequences if they had not been gotten off, costing as they did many millions of dollars in their construction, to say nothing of their removal as wrecks and the inevitable injury to the channel.

Mr. Chairman, some criticism of the naval officials has been indulged in on account of these and other similar accidents, the claim being that they showed incompetency on the part of those in charge of the vessels. But the trouble is not there, as the naval officers are as highly skilled in the duties rightfully expected of them as any other similar class of experts in the world. The trouble is that they are often expected to perform the duties of a pilot, for which they have no training other than that possessed generally by American sailing masters, which does not enable them to take vessels into our Southern harbors, with their treacherous currents and shifting sands.

Sir, the rules of the Navy Department regarding the taking of pilots by the commanders of naval vessels when entering and leaving a port should be changed. The rule now is to take one when the commander deems it necessary. The idea, of course, is to save pilotage fees, and the rule compels the master to take unnecessary risks in order to save them. I unhesitatingly say that these naval vessels should be required always to take a pilot, except when some special reasons may exist for not doing so.

The present Secretary of the Navy evidently thinks more stringent rules necessary, for in a letter to a Member of this House, written just after the grounding of the *Kearsarge* and *Kentucky* in New York Harbor, in response to a suggestion that legislation should be enacted compelling naval vessels to take pilots when entering and leaving a port, he said that the Department then had under consideration the question of revising the present regulations in this respect.

I have heard of no change, Mr. Chairman, but no doubt the incident referred to, as well as those which have followed, will bring about the desired improvement.

But to return to the towboat, where much of "the milk in the cocoanut" may be found. It is no doubt intended by the interests pushing this bill to use the towboat as one of the instrumentalities for driving the pilot out of business; then to form a towboat trust, which the large cost of these boats, placing them beyond the reach of the pilot or small shipowner, will easily permit. I dare say that even now many of those favoring this legislation are interested in these towboats, and are looking forward to the passage of this bill and the driving out of the pilots to increase their business and the earnings of the towboats.

Now, we are told that the captains of these sailing vessels will take a bar pilot whenever he thinks it necessary. But one trouble, Mr. Chairman, is that he will rarely see the necessity until it is too late. He is not apt to "lock the door until the horse is stolen." The captains and mates licensed at the behest of the owners to act as pilots will do so until their ship is wrecked and the pilot's services are no longer needed. Why, sir, they take all kinds of risks now, if we are to believe the statements made by the friends of this bill.

The distinguished gentleman from Maine [Mr. LITTLEFIELD], who reports this bill himself, says that even now the masters of sailing vessels will often stay outside when a storm is blowing and at great risk and danger to the vessel in order to save pilotage fees, rather than make a harbor where these fees might be collected. If then they assume these great risks, when required as they now are to take a pilot while entering and departing from a port, what will be the result if this requirement is repealed? The same incentive existing now to take unnecessary risks, intensified by the known wishes of the owner that the master shall do his own piloting, will urge him to dispense with the services of the local pilot no matter what the exigencies or the necessities for one may be.

But, sir, the argument that evil should be done that good may come therefrom—that a wholesome law should be repealed so as to remove the tendency to violate it—is novel, to say the least. As well might one favor the destruction of all property in order to remove the temptation to take that which rightfully belongs to another.

Then, again, with the destruction of the pilot systems which this bill will bring about there will be no pilots at many of the ports to engage.

This experiment, Mr. Chairman, of doing away with compulsory pilotage has been tried before. It was tried in New York fifty or more years ago, and while the experiment was being made one of the most disastrous wrecks ever recorded in the history of navigation occurred within the pilot grounds off the Jersey coast. A vessel bound for New York Harbor, loaded with immigrants, approached Sandy Hook. A pilot on the outside tendered his services, which were refused by its captain, and the wreck of his vessel, together with the loss of hundred of lives, was the result of his rashness and cupidity.

This disaster so shocked the public conscience that the legislature of New York at once restored compulsory pilotage, to remove the same on coastwise shipping some years afterwards, as did all the coastwise States north of the Potomac, and as North Carolina has done within the last year and a half at the port of Wilmington. The reasons for this I will note presently. But the action of these various States has been criticised, as it is claimed that the absence of a pilot has been a powerful factor in many marine disasters occurring in their waters. Hundreds of once stanch and costly vessels lie wrecked upon the shores of this part of our coast, and many of them, too, within pilotage grounds, mute but eloquent witnesses of the folly of attempting to enter a port without a skilled pilot.

True, a great many of these disasters may be accounted for by the fact that there is more shipping done north of the Potomac. Many may also be attributed to the "act of God," but certainly the great number on that part of the coast where compulsory pilotage is not required, as compared with the disasters in that section where it is enforced, speaks volumes in favor of the present system and but little for the skill of the masters and mates whom this bill proposes to make pilots. For if they can not keep off the unchanging rocks and shoals, plainly marked on the charts of the North Atlantic, how can they be expected to avoid the ever-shifting bars of the southern ports?

Disasters, too, have recently occurred at the one port south of the Potomac, that at Wilmington, N. C., where compulsory pilotage has been lately abolished by State action. I am told that at that port the grounding of ships is now quite frequent, one of the more recent being a ship belonging to the same Mr. Pendleton who is so strongly advocating the passage of this bill. I am further informed that his ship was libeled for services rendered in extricating her from her perilous position. Certainly these and hundreds of other like instances do not argue much in favor of this legislation.

I have said, Mr. Chairman, that this measure is unjust to the pilots, and so it is. But it is more—it is cruel—for besides the peril to the shipping interest, to life and property, which its passage would entail, it would throw out of employment and upon the cold charities of the world two-thirds of these pilots, together with their wives and children, with no vocation or means of support, many too old and all unfitted to enter other pursuits, and this, too, that a few shipowners, already earning large dividends out of a heavily protected monopoly, may be able to save a few thousand dollars, which they do not need, and which in any event they get back out of the consumer, for it is the consumer, after all, who pays the port charges, as well as the freight upon the articles which he consumes.

But the majority report, evidently recognizing the truth of this, seeks to minimize its force by saying that there are only about 130 pilots after all to be affected. Of course it would be difficult to draw a distinction between a piece of injustice to that number and a larger or smaller number. The wrong is just as great, the injustice quite as censurable, when 130 worthy men, together with their wives and children, are affected as when a greater number is considered.

But, sir, the number given in the report is not correct. There are at least 300 of these pilots altogether who only tax commerce to the extent of about $1,100 each on an average, or $330,000 per annum. And it is to save this sum that the advocates of the bill under consideration would perpetrate this great wrong upon the shipping interest of the country, upon the States, and upon the pilots. Three hundred and thirty thousand dollars per annum out of a billion dollars of commerce now carried on at these southern ports! Not one-third of a mill, Mr. Chairman, upon the vast commerce which they serve. Why, sir, is any other business taxed so lightly? There is not a municipality or county or State in the Union where property does not bear a much heavier tax for the protection it receives.

Mr. Chairman, the pilots are not overpaid. No skilled labor charged with such responsibilities but receives more for its work. True the pilots at a few of the ports earn more, but at many they get much less, so that the average is about $1,100 per annum. Is that too much for a man who devotes his life to such a pursuit? Consider for a moment the burdensome character of his duties. No statute laws govern the hours of his labors. He has no fixed time for home and its pleasures, no assurance that he may lay aside the cares of his arduous life when the night comes or that the roof of his friendly cottage will shelter his head when the day is gone. But at any hour, whether in the night or day, in calm or storm, he must be prepared to face the raging billows and to risk his life in the performance of those duties which the laws both of the State and of the nation cast upon him, and upon the proper performance of which rests the safety of thousands of human lives and the security of millions of property.

Yet, sir, there are those who would rob these public servants, for public servants they are, of this small pittance, even though suffering and want shall come to them and their families.

Now, Mr. Chairman, this matter should be left as the fathers of the Republic left it, with the States, and they, sir, can be trusted to deal with the subject fairly and for the best interest of all concerned. No State but wants to build up its commerce, and wherever it can safely dispense with any service or remit any charge burdensome to its commerce it can be trusted, and more safely too, than Congress to remove the burden.

Our own maritime history demonstrates this, for while originally all the Atlantic States, with perhaps one or two exceptions, had compulsory pilotage, one after another, as foreign commerce has become sufficient to support the pilot systems within its borders, has abolished the same on coastwise vessels, until to-day none of the States north of the Potomac has compulsory pilotage except on foreign vessels, the last to abolish the practice being Maryland. Then, too, North Carolina, as before stated, has taken similar action with reference to the port of Wilmington.

And as those have done so will all the others on the South Atlantic and Gulf do if commerce continues to grow there in the future as we hope it may. But until the time arrives when foreign shipping shall have become sufficient to support and keep up these pilot systems to that degree of efficiency demanded by commerce there should be no change. Otherwise the people there will be driven to the necessity of either seeing their commerce leave their shores, or, as I have said, be compelled to resort to other methods to raise money with which to support their pilots—methods to which the people in the other maritime States, left by Congress to manage their own affairs, did not resort and did not have to resort.

The people in these States kept compulsory pilotage until the time arrived when, in their judgment, they could safely remove the burden. Why, then, should the people south of the Potomac be treated differently? I think this body will decide that there is no reason for such a radical departure from the policy which has controlled from the beginning of the Government until now, and under which the coastwise sail-vessel owners have prospered as no other vessel owners have done.

Mr. Chairman, I do not deny but that Congress has the right to pass this law. I only claim that it should not do so. It would be much better for it to take charge of the whole matter, as it would have the power under the Constitution to do, than thus to take from the States the means of supporting the pilots while still throwing upon them the burden so to do. And if I were given the option to do the one thing or the other, I would unhesitatingly cast my vote in favor of complete rather than partial control by the Federal Government.

Now, Mr. Chairman, it is claimed in the majority report that practically all the shippers in the Southern States had indorsed this bill, but this claim, sir, is not in accord with the facts. I believe this report shows that there are twelve telegrams or letters from Florida, mostly lumbermen, none signed, however, by more than one person or firm, and as many more telegrams and letters, perhaps, from each of the other South Atlantic States, including one or two of those on the Gulf, while in opposition to the bill, from all over the country, petitions, letters, and telegrams have come from commercial bodies, merchants, lumbermen, shippers, importers, exporters, masters of vessels, engineers, bankers, and underwriters protesting against this measure.

Prominent among these protests is a resolution adopted by the executive council of the American Federation of Labor at its recent meeting in this city, which I read:

RESOLUTION ADOPTED.

As H. R. 5281, a bill to abolish compulsory pilotage in certain ports and with reference to certain vessels—coastwise sailing vessels—would destroy the pilotage system of those ports owing to the insuf-

ficient foreign trade at those ports to sustain the same, and as such destruction and the saving to commerce would be at the expense of and the danger of human life, it was resolved by the executive council of the American Federation of Labor that we protest against the passage of said bill. Its passage would be unwarranted. It would encourage the worst spirit of parsimony at the risk of the lives, not only of the crew, but also the traveling public.

The Cummer Lumber Company, too, one of the largest sawmill and lumber firms in the State of Florida or in the South, also protests in the following language contained in a letter addressed to myself and bearing date "Jacksonville, Fla., March 31," this year:

We wired you last night relative to the bill entitled "Discrimination against sailing vessels in coasting trade," and in this connection we would state that Capt. Montcalm Broward, of our city, showed us a report (No. 1482) in which, on page 63, we are quoted as being in favor of the Littlefield bill.

It is true that in January, 1905, acting on the spur of the moment and under a false impression, we urged the passage of this bill, but after having discussed the matter carefully with the pilots here we can see that we were wrong, and are therefore anxious to set ourselves right.

We regret exceedingly that we were quoted in the matter at this late day, as we can see wherein the passage of the Littlefield bill would work a hardship on the shipping interests, and we have done all in our power to rectify the error made in 1905.

Trusting you will appreciate our position in this matter, we are,

Very respectfully,

CUMMER LUMBER COMPANY,
By A. G. CUMMER.

So, Mr. Chairman, we have arrayed against this bill these great industrial forces, speaking not only in the interest of the pilot, but in favor of life and property, and the continued growth and upbuilding of our maritime commerce now developing more rapidly than ever before in the history of the country.

Then, sir, why strike this blow at American commerce when the States themselves can be trusted to act? Why make so much haste in the direction of the centralization of all powers in the hands of the Federal Government, when at least this one can be better left with the States?

The pilots themselves merit a better fate, for there is no class of people more deserving. No skilled vocation or profession performs so much and obtains so little from the great interests they serve. Facing danger, often beyond the hope of relief, risking life for the cause they serve, they are ever at the post of duty, and they should not be wantonly destroyed in order that avarice may increase its gains or monopoly its power. [Loud applause.]

The CHAIRMAN. The gentleman from Washington [Mr. CUSHMAN] is recognized for one hour and twenty-seven minutes. [Applause.]

Mr. CUSHMAN. Mr. Chairman, in the more than seven years that I have been a Member of this body it has been upon very rare occasions that I have inflicted myself upon this presence for the purpose of making any remarks. And, sir, the thought that is uppermost in my mind to-night is the cordial welcome that I have always received upon this floor from my associates upon both sides of this Chamber. The welcome I have always received here, sir, I take it, has been occasioned more by the rarity of my appearance than any excellence of my performance.

But, sir, be that as it may, the recollection of that welcome will constitute one of the delightful and treasured memories of my existence as long as life shall last, and which nothing in the hereafter can dim nor destroy. And I trust that I will never speak often enough on this floor to wear out my welcome.

A few days ago upon this floor I delivered a few omnivorous and semidigested remarks upon the subject of the tariff and other kindred issues. I was unable to complete those remarks by reason of lack of time. However, sir, that fact did not in any way interfere with the symmetry of that production, because any speech that I ever make is just like a ring of bologna sausage—I can cut it off anywhere. [Laughter.]

However, it occurred to me, sir, that this might be an auspicious occasion for me to take up the thread of that discourse once more.

I desire to be understood at the outset that there are a few of us yet remaining upon the Republican side of this Chamber—of which number your humble servant is an obscure member—who yet believe in the honesty, the legality, and the efficacy of an American protective tariff.

And when I say an American protective tariff, I mean such a tariff as is enshrined in the faith of our fathers; the old-fashioned political faith of our ancestors—a tariff tried by time and tested by events.

I do not indorse the free-trade heresies, and neither do I subscribe to any of those political idiosyncrasies that occasionally crop out on this side of the Chamber, when men who are always asserting their Republicanism are at the same time eternally assaulting the bulwarks of their party—not from outside the breastworks, but from inside the defenses.

Speaking for myself, I have never believed in floating the flag of my country nor the banner of my party at half-mast.

Therefore, I trust upon this occasion I will be able to make it plain just where I stand.

TOWNE VS. ROOSEVELT.

Mr. Chairman, one of the favorite and approved methods of some people in this world of diverting attention from their own faults and follies is to make an hysterical onslaught on some one else who has been more wise or more fortunate. When I heard the distinguished gentleman from New York [Mr. TOWNE] on this floor a few days ago making an onslaught upon the President of the United States, it occurred to me that he was a past master at that system. It seemed to me, sir, that the gentleman was endeavoring to divert the attention of 90,000,000 of American people from the unnumbered and egregious follies of himself and his brand-new ally, the Democratic party, by making an onslaught upon the President of the United States.

Sir, I am not here to contend to-night that President Roosevelt is either *immaculate* or *immortal*. I doubt not, sir, that he has a few personal weaknesses, like all other members of the human race. I doubt not that he has made one or two small mistakes—and any man is likely to make mistakes who is *alive* in the domain of American statesmanship. But a political mummy like the Democratic party, as dead as Rameses, has had few opportunities of late to make any mistakes that should have any lasting or tangible results. [Applause on the Republican side.] Democratic opportunities of late have been decidedly abridged, but their energy toward error and their enthusiasm in the direction of folly seems to be as strong as ever.

Theodore Roosevelt needs no defense from me nor any other man. His record is written amidst the political stars, and is a part of the common and glorious history of our Republic.

And I undertake to say that his name will shine star bright in the memory of 90,000,000 of his race when the names of TOWNE and Bryan are recalled only as the champions of error and the adherents of folly. [Applause on the Republican side.]

My distinguished friend [Mr. TOWNE], when he was upon his feet the other day, did me the distinguished honor to class me as a *humorist*, or, at least, as an alleged humorist, which soft impeachment it is not necessary for me at this time either to affirm or deny, except to remark in passing that I do not claim to be a humorist of the same sublime class as my friend from New York.

It is true, Mr. Chairman, that once or twice in my life, when I made a great effort, I have been able to say something amusing enough to cause a temporary laugh among a few people. But, sir, my distinguished friend from New York [Mr. TOWNE] said some things in the campaign of 1896 that the entire American nation have been laughing at ever since. [Laughter and applause.] As a humorist, sir, my friend stands upon a lofty and a lonesome pinnacle. [Renewed laughter and applause.]

MONEY—THE LIFEBLOOD OF THE BODY POLITIC.

When my friend from New York [Mr. TOWNE] was upon his feet, he essayed to discuss briefly the money question. Among other things he said—and if I do not quote him exactly, I certainly will not do violence to the substance of what he said—turning to the Republican side of this House, he said:

You [the Republicans] * * * committed yourselves unreservedly to the contention that there is no discoverable relation between the quantity of money in circulation and the range of prices.

When the gentleman said that, he said, in substance, what I do believe. Sir, it is necessary that a nation should have a *sufficient* volume of money, but it is not necessary that a nation should have a *vast* volume of money. And the volume of the circulating medium is not to be compared in the same breath, as regards importance, with the unquestioned value of the currency and the rapidity with which it is circulated through the channels of trade by business prosperity.

When the gentleman [Mr. TOWNE] made his famous free-silver speech in this House years and years ago—the echoes of which are yet ringing around this historic Chamber—he compared the circulating medium of a nation with the blood in the human body. That comparison, sir, was most apt. But the remarkable part of the performance was that the gentleman who was using the illustration failed utterly to grasp the one main point that made the comparison appropriate.

Sir, a mere deposit of blood in the human body, or the fact that there is blood in the human body, never in and of itself maintained life, sustained health, or averted disease. A few

days ago I stood by the side of a bier [laughter]—no, Mr. Chairman, it was not the kind of a beer that some gentlemen seem to have in their minds. A few days ago I stood by the side of a bier and looked down upon the cold and pulseless outline of a corpse. There yet remained in that body every ounce of blood that had circulated through it in the days when he stood upright and walked abroad among his peers; but he was as dead as Julius Cæsar. Yes; he was dead as the Democratic party. [Great laughter on the Republican side.] Sir, what that cadaver needed was not a larger body nor more blood, but an unimpaired physical organism to pump through that body the blood that was already there. And what this nation needed in 1896 was not more money, but an unimpaired industrial organism to pump through the body politic the money that we already had. [Loud applause.]

THE MONEY QUESTION.

Now, I want to say just a word upon the money question. And I expect I ought to apologize for this, Mr. Chairman, because in the year of 1896 the American people had a peculiar and pronounced symptom. They had a great rush of brains to the *head* [laughter], and while they were in that condition they settled the money question by declaring for sound money, and, in effect, the gold standard; and in the political graveyard, away over in the corner of the potter's field, was erected another small white monument that marks the last resting place of the dead and discredited remains of another bygone Democratic issue—16 to 1. [Laughter and applause.]

Now then, sir, just a word on this subject personal to myself. All my life long I have been an adherent of the single gold standard, with no qualifying adjectives. [Applause.] In the years of 1889 and 1890, away out amidst the sand hills of Nebraska—and that was seven long years before the famous campaign of 1896—I was writing gold-standard editorials for what was, perhaps, the most humble apology for an American country newspaper published anywhere on the Western Hemisphere. [Laughter.] I do not know very much now, and I knew a great deal less then; but even then I knew enough to know that I believed in the single gold standard, and I said so unhesitatingly on all occasions. And the man does not live who can produce a single recorded utterance of mine in favor either of free silver, or its twin heresy, bimetallism. So much for my own record on the money question.

Now, as to the record of the Republican party on the money question, just a word or two.

Now, I am not one of those who contend that all the declarations of my political party have been divinely inspired. The truth about it is, the Republican party in its platform made one mistake upon the money question at a time when it was not a great and overpowering issue before the American people; but when it did become the leading issue before the people and all men began to study it the Republican party proceeded to get on the right side of that issue, and has remained there consistently ever since. [Applause on the Republican side.] That was ten long years ago. The Democratic party not only have not got on the right side of that question, but, judging from the declarations of their last national platform, they have not got on any side of it yet. [Laughter on the Republican side.]

A POLITICAL CHARIOT RACE.

Now, sir, I am somewhat tempted in my discussion of the money question to-night to display a small chart; but oh, Mr. Chairman, when I recall at this time what has heretofore happened to some distinguished men in this body who have had the "chart habit," I am almost deterred therefrom. [Laughter.] During his earlier years my distinguished friend from New York [Mr. TOWNE] was given to drawing charts. I remember, years and years ago, when that gentleman with his magic chart in this Chamber harnessed together a bushel of wheat and an ounce of silver and attached that splendid team to his political chariot, and amidst the applause of the multitude started round the political race course. Ah, sir, what happened to Phæton, of mythological fame, on the day that he drove the chariot of the sun for his venerable daddy was not a circumstance to the wreck and ruin that overtook my distinguished friend in his chariot race. [Laughter.] Mr. TOWNE was driving a magnificent span—a bushel of wheat and an ounce of silver yoked together and squarely abreast, and they made a splendid *start*. The oratorical bleachers and the political grand stand fairly went wild with applause at that splendid get away. But as they neared the first quarter post a few of the old veterans of the track seemed to notice that something had gone wrong with the harness. The nigh hoss seemed to be shooting right out through the collar, while the off critter was falling right back through the breeching. [Laughter.] It was an awful situation. Nobody but a hero could hope to cope with it. Nobody but a political Ben-Hur would have dared to tackle it. But, sir, my friend was equal to the situation. He determined if he could not win that race driving them *abreast* he would win it by driving them *tandem*. [Laughter.] And, sir, without an instant's pause to unbuckle a hame strap or grease an axle, in full view of the grand stand, without a single change of scenery, and without extra charge for the additional act, he swung the nigh hoss into the lead, and they came down toward the last quarter post at a gait that would have made Messala's best pace look like 30 cents. [Laughter.] I regret to say, sir, that it was on the home stretch that occurred the crowning catastrophe. The nigh hoss, old "Bluestem," an American thoroughbred, tore clear loose from the harness and went under the wire so fast that it took two men to see her go by; but the off critter, an old flea-bitten silver gray that never was reliable in emergencies, tore right out backward through the harness and started backward down the track in exactly the opposite direction. [Laughter.] Sir, I undertake to say that that was the greatest smash up that ever occurred on the political track in all recorded history. Some men were unkind enough to say that Mark Hanna, who was then in charge of that track, had willfully thrown that race. But, sir, what became of the youthful charioteer, Mr. TOWNE? When that smash up occurred he went straight up into the air so high that he has not lit yet. [Great laughter.]

Now, I want to say one or two words upon the money question merely in passing. The statement has been continuously made upon this floor that the prosperity that has come to the American nation recently has not come by reason of a protective-tariff law, but by reason of the unprecedented and unusual production of gold. Let me for a moment only review the facts: In 1892, when the Republican party was in power, we had a high protective-tariff law upon the statute book, and it is known of all men that we then had prosperity. And, sir, in the political campaign of that year we, the Republicans, asserted on every stump that if that policy of protection were reversed and supplanted by a free-trade policy, business and commercial disaster would come to this nation. That statement was denied by every Democratic orator on every stump between the two great oceans. Sir, in that campaign Mr. Cleveland was successful. He and his party came into power, and the panic very promptly arrived. [Laughter.] Inasmuch as that had happened which the Democratic party asserted could not happen, that party was placed in the peculiar position and under the necessity of finding some excuse to give the American people why that panic had occurred. So, with considerable unanimity and enthusiasm, they immediately began to proclaim up and down the length and breadth of the land that it was a shortage in our money metal and a fundamental error in our monetary system that had produced the panic. You will remember that we then had substantially the same money system under which, for thirty years prior to that time, we had enjoyed great and continuous prosperity. It struck me at that time as a very remarkable incident that this so-called "evil" in our financial system should have lain dormant for thirty years and then broke out in most violent form at just the moment when we got a free-trade law upon our statute book. [Laughter.]

But, sir, four years finally rolled around, and President McKinley and the Republican party came into power. And what did they do? They made no great or fundamental change in the money law; they simply wiped off the statute book the free-trade law and wrote in its place a protective-tariff law, and a great and grateful wave of prosperity once more swept over this nation.

That placed the Democratic party under the peculiar necessity of finding another excuse why that thing had happened which they had continually asserted could not happen; and they were under the further embarrassment of having to find an excuse whose character should not utterly discredit everything else they had theretofore said upon that subject. Therefore they at once began to assert that prosperity had not returned to this nation by reason of the enactment of a protective-tariff law; oh, no; but that that prosperity had been caused by an unusual, a remarkable, and an unprecedented increase in the supply of gold at that time.

Now, if I should be able to show to-night that there was a greater relative proportionate increase in the production of gold in the United States during the period of that panic than there was a like period of time that followed it and when we had prosperity, why, if I should be able to show that, that

would leave that particular contention of the Democratic party in a very sad plight, wouldn't it?

Now, I hope to prove one or two things in relation to that claim of increased gold production.

First, I will prove that the production of gold in America was increasing enormously during all the time that that disastrous free-trade administration was in power.

Now, then, if gold was increasing then, and they could not produce prosperity under that condition, what right have they to say that it is the increase of gold which alone is producing prosperity now?

If gold increased then and we had panic, and gold is increasing now and we have prosperity, any wise man will know that it must have been some other cause which produced the panic, and likewise produced the prosperity. Because, if a large production of gold produces prosperity at one time, it ought to have exactly the same effect at another time.

Second, I will not only prove to you that the production of gold was increasing enormously during the period of that panic, but I will prove to you that it was increasing in greater proportion and in larger ratio during that very panic than for several years immediately following.

Now, I want to call your attention for a moment to a very modest little chart. And I give you my word that I bring this little chart here with great fear and trepidation, in view of what has occurred to my distinguished friend from New York [Mr. TOWNE]. Yes, Mr. Chairman, I bring forward this chart with a hesitancy bordering almost upon timidity. But here it is:

PRODUCTION OF GOLD IN THE UNITED STATES.

(Including Alaska.)

	Year.	Gold produced.
PANIC	1892	$33,015,000
	1893	35,955,000
	1894	39,500,000
	1895	46,610,000
	1896	53,088,000
	1897	57,363,000
		Increase in 6 years of—$24,348,000=73% increase.
PROSPERITY	1898	$64,463,000
	1899	71,053,400
	1900	79,171,000
	1901	78,666,700
	1902	80,000,000
	1903	73,591,700
		Increase in 6 years of—$15,537,000=24% increase.

(Note.—Figures in this table are taken from the Report of the Director of the U. S. Mint, under the Treasury Department of the United States.)

Now, Mr. Chairman, I want to make a very brief explanation in regard to this chart and in regard to what I think this chart shows. I would like to make that explanation without interruption, and after I conclude my explanation if any man present desires to ask me any question regarding this chart, I will be happy to answer him if I can.

The figures upon this chart are taken from the report of the Director of the United States Mint. Those figures are as reliable as any figures on earth. Whatever fault anyone may be able to find with my argument predicated upon these figures, the figures themselves can not be successfully assailed.

In the first place, this chart shows the production of gold in the United States for twelve consecutive years, from 1892 until 1903, inclusive. It shows the production of gold in the United States during each and every one of those twelve years.

Sir, it is known of all men that during practically all of those first six years—perhaps not quite all, but practically all—we had a condition of adversity and panic. It is also known of all men that during these last six years, from 1898 to 1903, there was a condition of great and abounding prosperity in the United States. Therefore I have divided this chart into two parts. The upper half, covering the first six years, is marked "panic," and the lower half, covering the last six years, marked "prosperity;" and the object of this chart is to contrast the production of gold in the United States during that first six-year period with the gold production of the United States during the last-named six years.

Now, inasmuch as the statement is continually made that the panic during those first six years was caused by a shortage of money and an underproduction of gold, and the further statement that the prosperity during the last six years was caused by a mighty increase in our production of gold, therefore it becomes a very pertinent and proper subject of inquiry to make a comparison between the amount of gold produced in the United States during the first period and the amount produced during the last period.

Now, if the fact should appear that gold production was increasing in the United States in greater proportion and in a larger ratio during the six years of panic than during the six years of prosperity immediately following the panic, then no wise man will assert that it was the production of gold that produced those two widely different conditions, because if a large production of gold produced prosperity during the last-named six years, then why did not a greater proportionate increase in the production of gold produce prosperity in the first six years?

Now look at the chart, if you please. You will observe that in the six years between 1892 and 1897, inclusive, there was an increase in the production of gold in the United States from $33,015,000 produced in the first year to $57,363,000 produced in the last year, and the increase was reasonably regular from year to year during that period.

By contrasting those figures you will notice that during those six years there was an increase in the annual production of American gold of $24,348,000—over twenty-four and a third millions of dollars. And yet, in spite of that enormous increase, we were having panic and hard times during that very period.

Now look at the second half of the chart, the lower part, representing the six years that followed. You will observe that in the six years following the increase in the production of gold in the United States was a good deal less than it had been in the six years before. In 1898 we produced $64,463,000, and by 1902 that production had risen to $80,000,000. How much increase was that? That was an increase of $15,537,000—that is, an increase of about fifteen and a half millions in the last six years.

Therefore this chart, in substance, shows that during these last-mentioned six years we increased our production of gold about fifteen and one-half millions, while in the six years before we increased our production of gold about twenty-four and one-third millions; and the remarkable part of this matter is that during that first period, when we were increasing our production of gold more rapidly, the free-trade policy was giving us hard times, and during the last period, when we were not increasing our production of gold as rapidly, a protective-tariff Administration was giving us good times.

Now, I want to ask one question: If an increase of fifteen and one-half million dollars in our gold was sufficient to give us prosperity during this six years, why did not an increase of twenty-four and one-third millions give us prosperity during this first six years? If an increase in our gold production of 24 per cent has produced prosperity when the Republican party was in power, will you please explain to me why an increase in our gold production of 73 per cent failed to produce prosperity in that other period, when the Democratic party was—for the greater part of the time—in power? [Applause.]

Mr. STANLEY. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. Does the gentleman yield?

Mr. CUSHMAN. Certainly.

Mr. STANLEY. Does that chart that the gentleman has prepared there show the production of gold in the Klondike as a part of the United States?

Mr. CUSHMAN. The chart includes the production of gold in Alaska.

Mr. STANLEY. As a part of the United States?

Mr. CUSHMAN. As a part of the United States; but not in what the gentleman calls the "Klondike," that being a part of the British possessions.

Mr. STANLEY. But in Alaska.

Mr. CUSHMAN. Yes.

Mr. STANLEY. Is that included in the chart?

Mr. CUSHMAN. Oh, no; and the reason I did not include the product of *other nations* in this chart was out of especial consideration for the Democratic party; because that party is now talking about the product of *other nations;* but a few years ago they were proclaiming to everybody in the United States that we were absolutely independent of *other nations,* and that they were going to give us an American system of finance "without the aid or consent of any other nation on earth." [Applause and laughter on the Republican side.] The gentleman got hold of the hot end of that, didn't he? Mr. Chairman, at this time there runs through my mind the lines of that beautiful old poem—

Fools walk in where angels fear to tread,
And suckers bite when whales have gone to bed.

[Prolonged laughter and applause on the Republican side.]

Mr. STANLEY. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Washington yield?

Mr. CUSHMAN. Oh, yes.

Mr. STANLEY. Mr. Chairman, I have never plead guilty to the charge of being a fool. I do not plead guilty to that charge now; but if I shall continue during the rest of my natural life to look as little like a fool as the gentleman does like an angel, I shall be a Solomon.

Mr. CUSHMAN. Mr. Chairman, if there was anything offensive in my remark, I shall be glad to withdraw it. I did not mean in any way to hurt the feelings of my friend, who has always been very kind and courteous to me, and I shall be glad to withdraw the remark.

Mr. Chairman, what I desire to say is this, that the men who have been running up and down the face of the earth proclaiming to unthinking American citizens that it is the vast, the unusual, the unprecedented increase in the supply of gold in the United States that produced this prosperity, have simply been trying to cover up the tracks they made in another campaign. I am glad to belong to a political party that has a history and is not ashamed to rehearse it; I am glad I do not belong to a political party that starts into each new campaign trying to obliterate and cover up the crooked tracks it left in the last.

Now, sir, if anyone in the hereafter should ever do me the honor to refer to this little chart of mine in connection with the discussion of this general subject, I trust that such person will neither misunderstand or misquote me in this connection.

I fully understand and realize, sir, that the record of the production of one single product for the brief period of twelve years constitutes a foundation altogether too narrow and limited upon which to successfully rear a great economic theory.

And I did not produce this little chart for that purpose. Now, sir, I do not claim that this chart in and of itself *proves* anything. But I do claim that it *disproves* one thing: It disproves utterly and totally those loose harangues that in the last ten years have been by the reckless or the untruthful and dedicated to the ears of the unthinking, to the effect that the recent prosperity of this nation has been occasioned by the tremendous and unprecedented increase in the production of gold in the United States.

The man don't live who can look that chart in the face and honestly deny the logic of what I say. During all those hard times the production of gold was increasing enormously. Look at that chart and you will see that the production of gold in 1893 was about three millions over what it was the year before. And in the year of 1894 there was an increase of about three and one-half millions over the year of 1893. And the next year, the year of 1895—when we were right in the midst of the panic—there was the biggest increase in the production of gold that there had been in any year for thirty years. That year (1895) there was the enormous increase over the year before of $7,110,000. And in spite of that enormous increase in the production of gold we were having the hardest kind of times. You could not get hold of 15 cents without putting a mortgage on your life!

But the Democratic party, which could not produce prosperity in those days when all that gold was being produced, now lean back with great complacency and say, "Oh, it's the great production of gold that produced prosperity since the Republican party went into power." Why didn't it produce prosperity then?

WHEN THE AMERICAN PEOPLE DISCOVERED GOLD.

I confess that the discovery of gold is a happy incident in the life of any nation. But, sir, it is not always, nor most frequently, the gold that is discovered in the *mines* that helps humanity in all its walks of life; it is the gold that the human race has discovered in the various and multiplied avenues of trade and traffic that has chiefly helped mankind. I confess to the gentleman that the American people did "discover gold" while the Republican party was in power. The American farmer discovered gold when under increased business activity the price of all his farm lands rose to a higher figure than ever attained before. The American farmer "discovered gold" again when the price of all his farm products rose by reason of the increased demand of American laborers for the food products of the American farm. The American manufacturer "discovered gold" during a Republican Administration when our expanding American commerce exceeded all prior bounds and our products went to other lands and other people where they had never gone before. The American laborer "discovered gold" during a Republican Administration when the rusty hinges of the American factory swung open to the legions of American laborers and once again there poured into the pockets of the erstwhile idle a stream of golden wealth and wages. Ah, sir, the greatest "discovery of gold" that the American people ever made in all their history was the gold they discovered in their pockets at the same time they discovered a Republican Administration in full control of all branches of the American Government. [Applause on the Republican side.]

Mr. Chairman, I shall insert with my remarks two other tables, or charts, that I prepared on this question of the production of gold.

Gold produced in the United States, including Alaska.

1893	(panic)	$35,955,000
1894	(panic)	39,500,000
1895	(panic)	46,610,000
1896	(panic)	53,088,000
1897	(panic)	57,363,000
	Increase in five years	21,408,000
1898	(prosperity)	64,463,000
1899	(prosperity)	71,053,400
1900	(prosperity)	79,171,000
1901	(prosperity)	78,666,700
1902	(prosperity)	80,000,000
	Increase in five years	15,537,000

Gold produced in the United States.

1892	(panic)	$33,015,000
1893	(panic)	35,955,000
1894	(panic)	39,500,000
1895	(panic)	46,610,000
1896	(panic)	53,088,000
	Increase in five years	20,073,000
1897	(prosperity)	57,363,000
1898	(prosperity)	64,463,000
1899	(prosperity)	71,053,400
1900	(prosperity)	79,171,000
1901	(prosperity)	78,666,700
	Increase in five years	21,303,700

Sir, for the sake of convenient reference and in the interest of accuracy, I shall include with my remarks a certain statistical table covering those years which mark the existence of the United States as a nation, to wit, from the year 1792 down to and including the year 1904.

Opposite these years, sir, will be found seven parallel columns, which contain the information suggested by the following seven titles:

(1) Per capita monetary circulation in the United States.
(2) Gold produced in the United States.
(3) Silver produced in the United States.
(4) Gold *and* silver produced in the United States.
(5) Gold produced in the world.
(6) Silver produced in the world.
(7) Gold *and* silver produced in the world.

I defy any man to sit down with that table in front of him and select any one year, or series of years, and thereby construct a plausible and defensible theory to the effect that the production of money metal or the per capita circulation of this nation has been the moving cause of prosperity or panic during any or all of these years.

For, sir, he will find out that when the figures in part of these columns appear to support his theory that the figures in the other columns will destroy it.

Per capita circulation and production of precious metals.

Year.	Per capita monetary circulation in United States.	Gold produced in United States.	Silver produced in United States (commercial value).	Gold and silver produced in United States.	Gold produced in the world.	Silver produced in the world (commercial value).	Gold and silver produced in the world.
1792–1834	[a] $7.40	$14,000,000	(b)	$14,000,000	$437,210,000	$1,197,711,400	$1,634,921,400
1834–1844	[c] 10.96	7,500,000	$253,400	7,753,400	226,476,000	282,039,000	508,515,000
1845	8.95	1,008,000	50,200	1,058,200	36,393,000	32,567,300	68,960,300
1846	9.43	1,140,000	50,300	1,190,300	36,393,000	32,617,400	69,010,400
1847	10.59	889,000	50,600	939,600	36,393,000	32,617,200	69,211,200
1848	10.66	10,000,000	50,500	10,050,500	36,393,000	32,717,800	69,110,800
1849	10.34	40,000,000	50,700	40,050,700	36,393,000	32,843,300	69,236,300
1850	12.02	50,000,000	50,900	50,050,900	36,393,000	33,018,100	69,411,900
1851	13.76	55,000,000	51,700	55,051,700	132,513,000	38,089,300	170,602,300
1852	14.63	60,000,000	51,300	60,051,300	132,513,000	37,775,900	170,288,900
1853	15.80	65,000,000	52,200	65,052,200	132,513,000	38,402,600	170,915,600
1854	16.10	60,000,000	52,200	60,052,200	132,513,000	38,402,600	170,915,600
1855	15.34	55,000,000	52,000	55,052,000	132,513,000	38,288,700	170,801,700
1856	15.16	55,000,000	52,000	55,052,000	134,083,000	39,104,300	173,187,300
1857	15.81	55,000,000	52,400	55,052,400	134,083,000	39,366,100	173,449,100
1858	13.78	50,000,000	52,000	50,052,000	134,083,000	39,104,300	173,187,300
1859	14.35	50,000,000	52,600	50,052,600	134,083,000	39,569,800	173,652,800
1860	13.85	46,000,000	156,800	46,156,800	134,083,000	39,337,000	173,420,000
1861	13.98	43,000,000	2,062,000	45,062,000	122,989,000	46,191,000	169,180,000
1862	10.23	39,200,000	4,684,800	43,884,800	122,989,000	47,651,000	170,640,000
1863	17.84	40,000,000	8,842,300	48,842,300	122,989,000	47,616,000	170,605,000
1864	19.67	46,100,000	11,443,000	57,543,000	122,929,000	47,616,000	170,605,000
1865	20.57	53,225,000	11,642,200	64,867,200	122,989,000	47,368,000	170,357,000
1866	18.99	53,500,000	10,356,400	63,856,400	129,614,000	57,646,000	187,260,000
1867	18.28	51,725,000	13,866,200	65,591,200	129,614,000	57,173,000	186,787,000
1868	18.39	48,000,000	12,306,900	60,306,900	129,614,000	57,086,000	186,700,000
1869	17.60	49,500,000	12,297,600	61,797,600	129,614,000	57,043,000	186,657,000
1870	17.51	50,000,000	16,434,000	66,434,000	129,614,000	57,173,000	186,787,000
1871	18.10	43,500,000	23,588,300	67,088,300	115,577,000	83,958,000	199,535,000
1872	18.19	36,000,000	29,396,400	65,396,400	115,577,000	83,705,000	199,282,000
1873	18.04	36,000,000	35,881,600	71,881,600	96,200,000	82,120,800	178,320,800
1874	18.13	33,490,900	36,917,500	70,408,400	90,750,000	70,674,400	161,424,400
1875	17.16	33,467,900	30,485,900	63,953,800	97,500,000	77,578,100	175,078,100
1876	16.12	39,929,200	34,919,800	74,849,000	103,700,000	78,322,600	182,022,600
1877	15.58	46,897,400	36,991,500	83,888,900	113,947,200	75,278,600	189,225,800
1878	15.32	51,206,400	40,401,000	91,607,400	119,092,800	84,540,000	203,632,800
1879	16.75	38,900,000	35,477,100	74,377,100	108,778,800	83,532,700	192,311,500
1880	19.41	36,000,000	34,717,000	70,717,000	106,436,800	85,640,600	192,077,400
1881	21.71	34,700,000	37,657,500	72,357,500	103,023,100	89,925,700	192,948,803
1882	22.37	32,500,000	41,105,900	73,605,900	101,996,600	98,232,300	200,228,900
1883	22.91	30,000,000	39,618,400	69,618,400	95,392,000	98,984,300	194,376,300
1884	22.65	30,800,000	41,921,300	72,721,300	101,729,600	90,785,000	192,514,600
1885	23.02	31,801,000	42,503,500	74,304,500	108,435,600	97,518,800	205,954,400
1886	21.82	34,869,000	39,482,400	74,351,400	106,163,900	92,793,500	198,957,400
1887	22.45	33,136,000	40,887,200	74,023,200	105,774,900	94,031,000	199,805,900
1888	22.88	33,167,500	43,045,100	76,212,600	110,196,900	102,185,900	212,382,800
1889	22.52	32,967,000	46,838,400	79,805,400	123,489,200	112,414,100	235,903,300
1890	22.82	32,845,000	57,242,100	90,087,100	118,848,700	131,937,000	250,785,700
1891	23.42	33,175,000	57,630,000	90,805,000	130,650,000	135,500,200	266,150,200
1892	24.56	33,015,000	55,662,500	88,677,500	146,651,500	133,404,400	280,055,900
1893	24.03	35,155,000	46,800,000	82,755,000	157,494,800	129,119,900	286,614,700
1894	24.52	39,500,000	31,422,100	70,922,100	181,175,600	104,493,000	285,668,600
1895	23.20	46,610,000	36,445,500	83,055,500	198,763,600	109,545,600	308,309,200
1896	21.41	53,088,000	39,651,600	92,742,600	202,251,600	105,859,300	308,110,900
1897	22.87	57,363,000	32,316,000	89,679,000	236,073,700	96,252,700	332,326,400
1898	25.15	64,463,000	32,118,400	96,581,400	286,879,700	99,742,600	386,622,300
1899	25.58	71,053,400	32,858,700	103,912,100	306,724,100	101,002,600	407,726,700
1900	26.94	79,171,000	35,741,100	114,912,100	254,576,300	107,626,400	362,202,700
1901	27.98	78,666,700	33,128,400	111,795,100	260,992,900	103,805,700	364,798,600
1902	28.43	80,000,000	29,415,000	109,415,000	296,737,600	86,264,700	383,002,300
1903	29.42	73,591,700	29,322,000	102,913,700	325,961,500	90,686,500	416,648,000
1904	30.77	80,464,700	33,456,000	113,920,700	346,892,200	97,666,300	444,558,500
Total		2,698,080,800	1,400,165,400	4,089,246,200	8,952,474,200	5,901,465,200	14,853,939,400
1905	31.08						

[a] Yearly average 1800 to 1834. [b] Insignificant. [c] Yearly average 1834 to 1844.

I have taken a small section out of the foregoing table, and I invite attention to the following figures:

Year.	Per capita circulation in United States.	Gold produced in United States.
1878	$15.32	$51,203,400
1879	16.75	38,900,000
1880	19.41	36,000,000
1881	21.71	34,700,000
1882	22.37	32,500,000
1883	22.91	30,000,000

Now, here was a period of six years in the history of the United States, while we were upon the gold standard, because this period was after the "crime of 1873."

Now, during each and every year of this six years the production of gold in the United States was decreasing, and decreasing quite rapidly; but at the same time during each and every year the per capita circulation in the United States was increasing. Our production of gold was going in one direction and our per capita circulation was going in exactly the opposite direction.

Now, for the purposes of comparison, I want to take another small section out of the foregoing table. I invite attention to the following figures:

Year.	Per capita circulation in United States.	Gold produced in United States.
1892	$24.56	$33,015,000
1893	24.03	35,155,000
1894	24.52	39,500,000
1895	23.20	46,610,000
1896	21.41	53,088,000

The foregoing shows a record of five years in the United States when the production of gold in the United States was increasing very largely each and every year; but at the same time our per capita circulation of money in the United States, instead of increasing, was going down hill.

And you will not fail to remember that it was during these very years, while this production of gold in the United States was increasing enormously, that we were having the worst kind of a panic.

The truth about the whole matter is that this "quantitive theory of money" is a kind of economic scarecrow. Just about the time you get one of its artificial legs properly adjusted on

some fine-spun theory, something always happens to destroy that particular theory, and down falls the poor puppet.

Therefore, sir, those who worship at the shrine of the "quantitive theory of money" are obliged to put in their entire time and energy trying to keep the poor thing in respectable commission, because the economic progress of the world is continually kicking holes in its poor, threadbare form.

MR. COCKRAN.

I note, Mr. Chairman, that my distinguished friend from New York—I mean the other gentleman from New York [Mr. COCKRAN]—honors me with his presence and indulges me with his smile. I naturally feel embarrassed in endeavoring to discuss briefly the question of the tariff in the presence of any man who possesses the political agility to get on three sides of one question, as did my distinguished friend from New York [Mr. COCKRAN] in regard to the Wilson free-trade bill.

Mr. Chairman, did I say three sides? I beg the gentleman's pardon. I should have said four sides. [Laughter and applause on the Republican side.] I almost inadvertently underestimated the political agility of my distinguished friend from New York. Now, do I speak the truth in regard to that matter? Let us see. When the Wilson bill was first framed by the Democratic majority of the Ways and Means Committee, my friend from New York was in favor of that bill and spoke enthusiastically in its favor upon this floor. There the gentleman got on one side of the Wilson bill. Then when the Wilson bill went over to the Senate and came back to the House months and months afterwards in its changed and strange form, the gentleman leaped into the arena and proceeded to make an unusual and wonderful onslaught on that bill, and in a very frenzy of fury said: "Mr. Chairman, I will not vote for this bill unless some reason is given me for voting for it." There the gentleman got on another side of the Wilson bill.

Then in this House, after the motion to refuse to concur in the Senate amendments had been voted down, the gentleman from New York was recorded with the other Democrats in voting for that bill upon its final passage through the House. There the gentleman got on another side of the Wilson bill. Then we lose track of the gentleman for a few years——

Mr. COCKRAN. I do not like to interrupt the gentleman——

Mr. CUSHMAN. Just in a moment I will yield. I just wanted to say that I would yield to the gentleman; but, first, I wanted to ask him one question myself. I wanted to ask the gentleman this: What political party do you rise to speak for—*to-day?* [Laughter on the Republican side.]

Mr. COCKRAN. Mr. Chairman, when I rise to speak it will be for the same principles I have always supported. I have never changed my principles. The gentleman's position might have need of explanation whose party never yet has hesitated in its steady pursuit of success to change principles. The gentleman should never raise that question. Now, in regard to the precise question of accuracy which I wish to raise, I will state what the facts actually are. When the gentleman says I voted for the Wilson bill on its final passage here he states something which in the mouth of another would be—well, I will say wholly imaginary.

Mr. CUSHMAN. The gentleman did not vote for the Wilson bill upon its final passage?

Mr. COCKRAN. No, sir.

Mr. CUSHMAN. In this House?

Mr. COCKRAN. In this House. When it came back from the Senate emasculated, the worst protection measure that ever was passed, I voted against it here. And when you mention that bill you pay the highest tribute to the demoralizing influence of that system of robbery which—— [Applause on the Democratic side.]

Mr. CUSHMAN. Mr. Chairman, I examined, I thought with great care, the roll call upon that measure upon its final passage. I thought the gentleman [Mr. COCKRAN] was recorded in favor of the passage of the bill upon the final roll call. And if I am really in error as to how the gentleman voted, I am glad to be corrected. I might remark——

Mr. COCKRAN. Does the gentleman mean to say the official records of the roll call on the final passage of the Wilson bill by this House after its return from the Senate record me in the affirmative?

Mr. CUSHMAN. I thought so. I had the volume on my desk a day or two ago. I really had no intention of making any deliberate misstatement as to how the gentleman voted.

Mr. COCKRAN. The gentleman must have imagined it in the exuberance of his imagination. I call the attention of gentlemen around us to the inaccuracy of this statement.

Mr. CUSHMAN. I may be wrong in this one statement, and if so, I regret that I was innocently led into an error. But when it comes to exuberance of imagination I can not claim to be in the class of my friend——

Mr. COCKRAN. You do yourself but very faint justice, as the committee has just had an opportunity to perceive.

Mr. CUSHMAN. Indeed, sir, I wish to say that I have always had, and now have, a profound admiration for my friend from New York. Indeed, sir, I have often wished that I could only speak as well as he can. Sir, if I could only speak as well as he can, I doubt not that I would be just like he is—that is, *I wouldn't care what I said.* [Great laughter and applause on the Republican side.]

Mr. COCKRAN. I wish to felicitate the gentleman on having beaten all records in this respect with his very last performance.

Mr. CUSHMAN. Now, the gentleman can not put me in the attitude of disliking him. I refuse to do that. [Laughter.] Indeed, sir, I want to pay the gentleman a tribute. My admiration of him was so great that a few days ago I went to a near and dear friend of his to make some inquiries regarding the gentleman. And I said to that friend of his: "Is it possible, sir, that in all of those equally masterful and misleading addresses which the gentleman 'pulls off' upon this floor that he speaks entirely without preparation—absolutely extempore? Has the gentleman no thought of what he is going to say when he rises to speak?"

And his friend said to me, "Mr. CUSHMAN, I not only assure you that he has no idea what he is going to say when he rises to his feet, but what is more wonderful than that, he speaks with such unusual fluency and enthusiasm that he does not even know what he has said when he sits down." [Great laughter.]

Mr. COCKRAN. I felicitate the gentleman on having made that the precise condition of his audience when he sits down.

Mr. CUSHMAN. Mr. Chairman, before passing on to another theme I recall a few lines from one of the most famous literary women that America ever produced. Among the numberless literary gems she scattered along her pathway was one little poem that has thrilled many a heart to read. In my judgment, she ought to have dedicated that poem to the Democratic party, or at least to my friend from New York [Mr. COCKRAN], who is its orator and prophet. For his benefit and that of his party I will try and recall one or two of the lines:

Keep out of the past, for its highways
Are damp with malarial gloom;
Its gardens are sere, and its forests are drear,
And everywhere molders a tomb.

Keep out of the past. It is lonely
And barren and bleak to the view;
Its fires have grown cold, its stories are old.
Turn—turn to the present, the new.

To-day leads you up to the hilltops
That are kissed by the radiant sun,
To-day shows no tomb, life's hopes are in bloom,
And to-day holds a prize to be won.

[Applause.]

THE SENSE OF PROPORTION.

Sir, occasionally it occurs to me that in the minds of some men there is no just sense of proportion. If they saw a tiny white speck of cloud floating placidly across the sky, that cloud would be all they could see. All the rest of that fathomless and unmeasured dome of eternal blue they would never see.

Sir, when I look at the industrial universe, I try to look at it as *a whole.* And what I see going on in the industrial universe I try to measure in a proper and proportionate way.

And when I look abroad to-day what do I see?

First, I see that the great industrial commerce of the United States—our commerce here at home, between the States, and among each other—amounts this year (1906) to the stupendous sum of $26,000,000,000.

Second, I see, sir, that that sum of $26,000,000,000 per year, our domestic trade, is just about twice as large in amount as the total value of all the products which this year make up the international commerce of the world.

Therefore, sir, no wise man would destroy or jeopardize our tremendous commerce at home trying to reach for that abroad, because, if we had it *all,* it would not begin to amount to that which we had destroyed at home.

Last year, sir, our total exports were over a billion and a half of dollars, not one-sixteenth part of our commerce here at home.

The statement has been made that American manufactured goods are sometimes sold abroad cheaper than similar articles are sold at home. There is no doubt in my mind that that practice is indulged in to a limited extent, not only by American merchants, but by all merchants and nations the wide world round.

It has been estimated, sir, that the amount of American goods

thus sold abroad annually cheaper than similar goods sold at home amounts to about one-thirtieth part of 1 per cent of the total of American goods annually manufactured.

Now, we have here to-day a few eminent American Democratic statesmen who—in my judgment, at least—are willing to risk the destruction of a prosperity at home that reaches the stupendous sum of $26,000,000,000 while they are chasing that fragment of 1 per cent.

Statement for the year 1900.

Value of goods manufactured in United States	$15,000,000,000
Value of goods sold abroad	400,000,000
Value of exports sold abroad at lower prices	4,000,000

The foregoing are the only figures in the nature of statistics which are obtainable on this subject. These are the figures put forward by United States Senator GALLINGER, of New Hampshire. Senator GALLINGER based these figures upon the report of a nonpartisan industrial commission appointed by Congress to investigate this subject. The remarks of Senator GALLINGER upon this general subject (including the foregoing figures) will be found in the CONGRESSIONAL RECORD of April 23, 1904.

It is manifestly difficult to obtain any figures upon this subject that are absolutely correct. If the foregoing figures are not absolutely correct they are undoubtedly *substantially correct.*

The amount and value of American goods which are annually sold abroad at a cheaper price than similar goods are sold at home is unquestionably a small fraction of 1 per cent of the total annual production of this nation.

THE PARABLE OF THE REAPER.

When I was a boy upon the farm years and years ago I thought then, and I think now, that a field of ripening grain is one of the most beautiful sights in all the world.

I well remember one old field upon the farm that was fenced with a rail fence—a "worm" fence, if you please.

In the sowing season the prodigality of the sower's hand always accidentally cast a few stray grains of seed beyond the area where the sickle bar would reach—into the fence corners.

And in harvest time there was always a few stray heads of grain that we did not gather. A few stray heads here and there—the natural overflow of a great grain field.

We always harvested *the main field*, and paid but little attention to those few stray heads that grew in the fence corners.

Sir, the domain of politics bears some resemblance to a grain field. The wise statesman, the one who has the good of his country at heart and the real prosperity of all the people in his eye, tends strictly to the main industrial field whereon is raised and harvested 99.29 per cent of the prosperity of a mighty nation.

But your theoretical statesman is always and eternally looking at the industrial universe through a gimlet hole. And when he applies his eye to that gimlet hole his vision is so restricted that he can't see the mighty and prodigious prosperity of all parts of his entire nation. No, he can't see that. All he is able to discern through that gimlet hole is that somebody has sold a ton of old iron or a secondhand watch to some alien or heathen sucker for a dime or 11 cents less than somebody once paid for a similar article at home. [Laughter.]

He is willing that the entire industrial field may lie fallow, unproductive, and unused, or its harvest wasted, while he chases himself to death trying to save that twenty-ninth part of 1 per cent.

THE HANGING LAMP.

I once knew a man who was a great reader. He had read so much that he had almost destroyed his eyesight; but unfortunately, from lack of good perceptive faculties, he had not greatly improved his mind.

This bookworm had a lamp hanging from the ceiling of his study, which lamp was hung very *low*, in order to give him the strongest possible light upon his books. But as he walked about his studio he was continually bumping his head into that brass hanging lamp. This was very annoying.

One day he called a carpenter into the house and gave him minute and particular instructions as to just how he wanted this lamp arranged. He told the carpenter *to fix the lamp so it would be nearer to the ceiling*, so he would not bump his head, *but not to hang it so it would be any farther from the floor* [laughter], because he needed all the light upon his books!

Here was a man who wanted his lamp nearer to the ceiling without raising it any farther from the floor.

That man was a perfect prototype and representative of that other political species existing in this country to-day who say they expect to perfect an arrangement whereby manufactured goods can be bought at lower prices—without reducing the wages of the people whose labor makes those goods.

THE MASSACHUSETTS IDEA.

And at this point I want to pay a passing tribute to the Commonwealth of Massachusetts. [Laughter.]

Years and years ago the State of Kansas used to furnish the political curios that filled all the monstrosity booths of the American political museum. [Laughter and applause.] But in recent years the State of Kansas has in that particular fallen to the rear. That peculiar function is now entirely usurped by the State of Massachusetts.

In my humble judgment—and I do not mean to speak disdainfully—the proposition of some of the people of Massachusetts, reduced to its final analysis and stripped of all needless verbiage, is simply this: They offer to release some items of protection that they no longer need and, in return for this, to demand that other localities give up items of protection that mean their very industrial salvation, which is in entire harmony with some other freak ideas that have recently emanated from that once eminent Commonwealth.

Permit me to say, sir, that this offer of the Massachusetts Republicans don't represent *generosity* as much as it represents *gall.*

Let me say to the people of Massachusetts, and also to her distinguished Representatives upon this floor, that in all the length and breadth of this Union there is no State whose development has been aided more by a protective tariff than has the State of Massachusetts.

But there are some people in that State to-day who are looking at the industrial universe through a gimlet hole. That aperture is so small that when they look through it they can't see the mighty and matchless blessings their State has received through the aid of protection—no; the only thing they can see when they look through the gimlet hole is a 15 per cent tariff on hides. And they are so anxious to wipe out that small item that they are willing to endanger the entire structure of protection upon which their welfare and their prosperity rests.

I have also noted that some of the emissaries from the State of Massachusetts are demanding that lumber and coal be placed on the free list. Now, lumber and coal are two of the great products of my State of Washington. You of Massachusetts want to take the tariff off lumber and coal and hides, thereby inflicting an incalculable injury upon the people of my State, but you want to retain protection upon boots and shoes and woolen goods and cotton fabrics and manufactured clothing and all the other manufactured goods which you make under protection and sell to our people out West.

Sir, I have always felt that the East, as a whole, was more largely and directly benefited by a protective tariff than the West. But, inasmuch as that tariff helps to promote in varying degrees the prosperity of the whole nation, the people of the West have stood for that tariff loyally and generously.

And they stand for it to-day.

Having said this much, I now want to say something to Massachusetts. And if you don't listen to one still small voice now, I promise that you will hear the echo in the hereafter of what I am about to say. I desire to say this: The people of the West will stand for a fair and equitable tariff system that protects all the industries of all the different sections of this nation. But they won't stand by and see you retain what helps you and at the same time take away what helps us. No, sir. On the day when you place lumber and coal and hides on the free list then on that very same day I promise you I will vote to take the tariff off every single manufactured article produced under the shadow of the Stars and Stripes, and we will all go to industrial perdition together.

And then, sir, in the wreck and ruin of that time, if the people of Massachusetts should have a lucid interval, we will again build up with infinite toil and care another tariff wall that will equally and fairly protect all the industries of all the sections of this Republic.

QUIT KICKING THE COW.

I said, sir, a moment ago, that I was raised upon the farm, and that is true. Many of the best precepts and happiest memories of my life have drifted down to me from those old days.

I now recall one little incident of my life upon the farm, and it seems to me that I might with propriety at least refer this incident to my Massachusetts friends.

Massachusetts, sir, has some illustrious men upon this floor. I do not seek to belittle them nor their ability. I recall, sir, how they and their State—in common with our entire country—has prospered under the application of the doctrine of protection to American industries. And then, sir, *mirabile dictu*, I am amazed that in the very hour when they are enjoying the benefits of this system for themselves and their people, they

seem to wish to destroy that portion of the tariff system which benefits other people outside of their own State.

And this situation, sir, reminds me of an incident that I witnessed years ago upon the farm.

Near to our farm lived a neighbor farmer who was afflicted with an ungovernable temper. And, sad to relate, sometimes when he was in a rage he was unusually cruel to his stock. I remember one evening my grandfather and I went over to his farm to borrow a pair of "doubletrees," and it was milking time, and it was also fly time as well. The old fellow was squatted down in the barnyard milking with all those scientific motions [indicating] that many of us used to be adepts at in the years gone by. [Laughter.] An old bluebottle fly would light on the old cow and bite a piece of tenderloin out of her, and she would suddenly step up a couple of steps, and then the old man would jump up and kick her and yell: "Soo, Boss, soo!" Then he would move up and start milking again. And then the fly would light on her and take another bite, and she would step back a couple of steps; and then the old man would kick her a couple of times more and again yell: "Soo, Boss, soo!"

After this performance had been repeated some five or six times my grandfather, who was something of a philosopher, said to him: "Bill, it occurs to me that you had better let loose of the teat or quit kicking the cow." [Prolonged laughter.]

Now, Mr. Chairman, without intending anything offensive, it seems to me that the people of Massachusetts had better let loose of the protective teat or they had better quit kicking the Republican cow. [Laughter and applause.]

BLASPHEMY.

When I was on my feet a few days ago, because of something I then said one or two of my friends on the Democratic side have charged me with blasphemy.

Sir, with all the solemnity which I possess, I wish to say that I do not think any man in this Chamber seriously intended to impute that I would be guilty of blasphemy here or elsewhere. No man who has known me in forty years of life would soberly and seriously charge that. Sir, I belong to a party and a race that has always given full faith and credit to nature and to nature's God as the omnipotent power that rules the universe.

I believe there is an omnipotent power that in a larger circle and in a greater scope marks the paths of men and circumscribes the careers of nations. [Applause.]

But, sir, I also believe that God helps them who help themselves. I do not believe that any man can willfully kick the industrial props out from under himself or his nation and then lay the blame exclusively upon deity.

I have heard the statement made in this Chamber a great many times that the prosperity which we are enjoying to-day is not by reason in any degree of the wisdom of Republican legislation, but exists wholly by reason of that omnipotent power. And, sir, with no intention of being blasphemous or irreligious, I want to say that I have often wondered, in the dark days that intervened in this nation between 1893 and 1897, where was that omnipotent power then? That, sir, has never been explained by our political opponents.

I have heard men proclaim, in no less a forum than this House of Representatives, that the prosperity we are to-day enjoying as a nation is alone due to bountiful crops, to productive soil, to the moistening rains, and the warmth of the sun. In other words, they say it is due to Providence, and not to the Republican party.

When they say that, sir, they are largely right, but partly wrong. No human laws and no human agencies can produce prosperity any time or anywhere unless the smiling face of Nature is above it all. But, sir, there are human laws and human agencies that seem potent and powerful enough almost to destroy a prosperity that comes from on high. I never realized how powerful—how almost more than mortal—were the agencies of the Democratic party until the years of 1893, 1894, 1895. In those years I saw my country filled with an industrious people, blessed with a fruitful soil, bathed in sunshine, and moistened with rain produce such crops as the history of agriculture never surpassed before.

But, sir, in the midst of that land of natural plenty we were plunged in a panic, the like of which is not within the memory of mortal man.

NO LAW CAN MAKE EVERYBODY PROSPEROUS.

Sir, in this discussion I desire to be both honest and candid. And I will begin by saying that no government, no political party, and no law can absolutely make every man prosperous. No law, of its own force, can make the idle industrious, the foolish wise, or the spendthrift economical.

The most that any political party can do is to enact laws that will help create conditions under which men of industry and economy may prosper.

When I say that the Republican party has produced prosperity in this nation and among its people, I only mean that that party placed a wise and beneficent protection law upon the statute book, under the operation of which all legitimate industry could prosper. And after that, the thrift, energy, and economy of the American people did the rest.

I said a moment ago that no party and no law could absolutely make a man prosperous. And that was true.

But, sir, in contradistinction to this, I say that a political party may make and place on the statute book a law that will make the majority of the people poor through no fault of their own. It is possible to frame laws under which even the prudent, the wise, and the economical can not prosper. And that, sir, is exactly what the Democratic party did to this nation when, in 1894, they passed the Wilson free-trade law. Under the blighting and baneful operation of that law went down alike the strong and the weak, the wise and the foolish, the industrious and the idle. It engulfed the nation in panic; it plunged the people in poverty; and it covered the mighty and matchless industries of this nation with a political winding sheet. [Applause.]

Sir, the man who is ruined by circumstances beyond his control is indeed an object of pity. But the man who with his eyes wide open and the history of his nation staring him in the face, deliberately votes to again knock the props out from under himself, he ought to have a political guardian appointed to look after him.

PROSPERITY BY ACCIDENT.

If I don't accomplish anything else in the course of these few desultory remarks, I would like to lodge one thought firmly in the minds of all who hear me, and that thought is, that *things in this world don't happen by accident*. Events in the economic and industrial world do not occur by chance or by accident.

If you were traveling through a great wilderness and suddenly came upon a beautiful field of wheat nodding its golden heads in the wind—though there was not a human habitation in sight—instinctively you would know that the hand of human industry had been there and that that rich harvest was never sown by chance or flourished by accident.

You may see the swift chariots of commerce rushing in both directions over a mighty railway system, passing and repassing each other in bewildering confusion. And if you didn't happen to see the man who was issuing the orders—and were a complete fool besides—you might think those trains were running by accident and not by system. But away off out of sight somewhere, in a little room by the side of a ticking instrument, sits a man whose brain works out the system and the time schedule upon which every one of those trains run. And the fact that you don't happen to *see* that man does not in any degree lessen his importance or his utility.

You may sit in the palatial cabin of a mighty ocean steamer that in the darkness of the night is plowing her way through the pathless waves and the trackless gloom. Now, if the cabin is lighted with electricity it is a dead-sure thing that there is a dynamo or a storage battery on board somewhere. You may not see the machine, but the indisputable evidence of its presence is there. You may lean over the stern and see the great screw churning the blue waves to creamy foam; you may be entirely out of sight and sound of the engine, but if God gave you any sense at all you know that there is an engine on board somewhere and that that screw is not revolving by accident. [Applause.]

You may not see the pilot, but somewhere out of sight and sound is a careful man who notes every light-house on the distant coast, every star that studs the sky, and every cloud upon the horizon.

And it is by means of all these agencies that you travel in comfort and come safely into port. And the man is an ass who would deny the existence of these agencies simply because he didn't happen to see them.

Sir, the running of a government is like running a great machine. Somebody is in charge all the time. This Government of ours is not run by accident—at least it never has been during the time the Republican party has been in control of it. There have been some other unfortunate periods in its history that amply justified the suspicion that it might then have been running by accident. [Laughter.]

When you look out over this nation to-day and see the smoke rising from the hives of happy human industry; when you hear every wheel and every spindle singing the song of industrial delight; when you see the great white shafts of light shining out from the fiery throats of the myriad forges and furnaces across the blackness of the night; when you see the unnumbered

regiments of men that form the vast and peaceful army of labor move out each morning to occupy the mighty and productive field of American industry and countermarch each evening to homes—to American homes, if you please, filled with all those luxuries and necessities that make the American home an ideal amongst the habitations of all men—sir, when you see all that, you will know that this result was produced by wisdom and that it did not occur by accident.

You may not see each and every hour all the governmental machinery that produces this result. You may never have seen a custom-house; you may never have pored over the tariff schedules; you may never have seen the tariff wall that lifts its protecting barrier between your prosperity and the poverty-stricken conditions abroad. But though you may be out of sight and sound of all the governmental machinery which has produced this magnificent result, yet you know enough to know that this result was produced by brains and by energy, by patriotism and by foresight. And the man who says it all occurred by accident is a fool or a prevaricator—and perhaps both. [Applause.]

TWO THEORIES OF PROSPERITY.

Sir, there are two ways of stimulating trade in this world. One of them is to make everything so cheap that there is absolutely no profit in producing it. And then the bankrupt author of its being is sure to be hawking his product frantically through every market place in the world in an effort to keep his soul and body together. And that, sir, is the economic distortion that in the minds of some men spells "prosperity."

The other way of stimulating trade is to give to every honest heart and hardened hand that bend to the tune of toil beneath the Stars and Stripes a compensating wage and an adequate income, so that he can buy at a decent price all those things which have raised the standard of the American home high above the abiding place of every other nationality beneath the stars.

And that, sir, is the stimulation of trade that, under the providence of God, I wish to see continued to the multiplying millions of my race. [Applause.]

RECIPROCITY.

I regret to say that there exists in this nation to-day a certain "reciprocity syndicate," apparently stimulated with a frenzied desire to mangle the Dingley tariff, lower the wages of all American labor, cheapen the price of all American commodities, and turn the American market place over to a herd of foregn loafers who have never been able to prosper at home—except when a free-trade Administration was in control in America.

On the sixteenth day of August, in the year of our Lord 1905, it came to pass that there gathered in the city of Chicago one certain national reciprocity convention.

Probably the history of the world does not disclose any nation at any time that ever stood upon as lofty a level of national wealth and individual prosperity as the American nation occupied on that very 16th of August when this herd of malcontents marched forth from the cave of Adulum to the self-appointed task of rescuing their nation. Nothing outside the jokes in the back of the family almanac ever happened that was half as funny.

According to their own declarations, they met to "force the removal of the barriers that limit the expansion of American commerce." In that very year and upon that very same day a Government bulletin of the United States announced that "the foreign commerce of the United States in the fiscal year just ended *exceeds that of any preceding year*," and that "both imports and exports made *new high records;*" the imports, $1,117,512,629, exceeded by $91,793,392 the highest preceding record, and the exports, $1,518,561,720, exceeded by nearly $31,000,000 the best previous record.

When a man reads those unimpeachable figures, representing as they do the pride and prosperity of our country, he begins to have a faint conception of the everlasting gall and bald-headed impudence of that array of political fragments, freaks, and misfits who met at Chicago, not to belittle other nations, but their own.

"RECIPROCITY."

That report and the unprecedented growth of our foreign export trade in the past ten years, as well as the unparalleled prosperity of all classes of our people here at home, constitute a complete and overwhelming answer to all that new brood of free traders who are to-day parading through this nation under the thin disguise of "reciprocity advocates."

Yes; they are to-day abroad in the land proclaiming evil and shouting disaster, even while they are parading up and down the aisles and avenues of a nation blessed with a greater degree of actual prosperity than ever blessed any portion of the earth or any of the children of men since the day that Noah left the ark!

THE RECIPROCITY PROGRAMME.

It is continually asserted that the industries of the United States have expanded so rapidly that larger markets are needed to absorb the surplus products that can not be consumed at home. And the argument is presented that in order to increase our exports we must increase our imports of foreign products.

That sounds well in the abstract, but upon closer examination it does not look well in the concrete. It simply means that a few special American concerns of large proportions are willing to sacrifice other small American interests with which they are not identified in order that a larger foreign market may be secured for their own special products.

Therefore, what looks philanthropic in the abstract appears to be a selfish and contemptible proposition when examined in the concrete.

And that is the fault and the weakness of this whole miserable reciprocity programme as it is outlined to-day by some of its latter-day sponsors. The reciprocity of Blaine and McKinley was a reciprocity that sought to open up foreign markets for our surplus, and as a return concession opened up the American market to the foreigner *for those articles which we do not produce at home.* In other words, it was a concession that injured no American producer.

But, sir, the patriotic and protective programme of Blaine and McKinley and the absurd propaganda of these latter-day political saints are no more like each other than a doughnut is like a dunghill.

NO REDUCTION THAT WOULD INJURE.

This set of American reciprocity sharks are continually declaring that they would make no reduction in the tariff that would injure any American interest.

But it is perfectly apparent to any man with an ounce of brains that no man can eat his cake and have it too.

If we do not, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreign producer, then we have not conferred any advantage upon him, and we are not entitled to receive any advantage in return.

On the other hand, if we do, under this proposed reciprocity arrangement, reduce our tariff enough to benefit the foreigner, we take just that much away from American producers and confer it upon an alien race.

And any man who avows that he is in favor of helping the foreigner at the expense of the American people isn't fit to live in America, much less to legislate for the welfare of the American people.

CANADIAN RECIPROCITY.

There has been a vast deal of loose and flippant talk about the benefits that would accrue to America from reciprocity with Canada.

In the first place, I undertake to say there is not a single article of any nature or description whatsoever produced in the length and breadth of Canada that is not being produced to-day in the United States.

The Canadians wish to export to and sell in the United States, to American consumers, products exactly similar to those which we are to-day producing at home. And every Canadian product so sold in the American market place will rob some American laborer or producer of the result of his toil or the price of his product. Now, I do not blame the Canadian for desiring such an opportunity and advantage. But, sir, I do blame the American citizen who is willing either to cripple or destroy an American industry for the sake of boosting a similar one across the border. That may spell "*reciprocity*," but in my limited vocabulary it don't spell either "*patriotism*" or "*horse sense.*"

Think of it for a moment:

Would free wheat imported from Canada increase the price that the American farmer in Minnesota or Kansas would get for his wheat?

Would free cattle from Canada tend to raise the price of beef on the hoof on our western and southern ranches?

Would free wool from Canada tend to boom the American wool industry in our eastern States, or help the sheep grower on the mighty plains of western America?

Would free lumber from Canada boom the American lumberman or would it bust him?

And would free coal from Canada help to raise the wages of the countless thousands of American coal miners?

Mr. Speaker, it is true that at present I live in the State of Washington, but in the remote past my ancestors came from Missouri. You will have to "*show me.*"

EDMUND N. FOSS.

One of the prime movers—I might say, one of the major prophets—of the late national reciprocity convention was one

Edmund N. Foss, a free-trade theorist from Boston, and a tariff agitator by profession. It has never been my pleasure to meet that man Foss, but I have a growing and an almost unconquerable desire to see him. He must be wonderfully and fearfully made.

One of the wits of the world, speaking of another individual, once said: "He is never so serious as when he tries to be funny, and never so funny as when he tries to be serious." It is a matter of profound regret to me that the author of that statement never met Foss.

As an evidence that Foss comes within the description just given, I wish to quote his words at the Chicago reciprocity convention. On this occasion he glibly essayed the rôle of spokesman for President Roosevelt. Foss said:

President Roosevelt is in line with this reciprocity movement. He has been on this platform for a long time. In 1902 he went so far as to say—

Now, listen to this *reckless* (?) language which Foss attributes to President Roosevelt—

he went so far as to say that he was in favor of reciprocity, *where the minimum of damage may be offset by the maximum of good.*

[Laughter.]

Of course you understand that perfectly. It is entirely clear to you, isn't it? [Laughter.]

Now, if the President really said that, he certainly worked off on Foss one of the most delicious bits of humor that can be found in the political annals—or among the political "animals"—of America. [Laughter.] The statement was so clear and definite that Foss undoubtedly understood the President perfectly, but it is to be regretted that the remaining ninety millions of us don't recognize the exact *locality* the President had in his mind when he spoke of "*where* the minimum of damage may be offset by the maximum of good."

Foss really should file a bill of particulars, or a kind of illuminated chart, with specifications and front and rear elevations, so that we may all of us be able to understand just "*where* the minimum of damage may be offset by the maximum of good."

And when Foss files this explanation I have no doubt but all of us will agree that the plan as outlined is exactly similar to that project which Abraham Lincoln once indorsed, when he said: "*It is just the kind of a thing that people like—who like that kind of a thing!*" [Laughter.]

For fear my attitude may be misunderstood in this matter, I wish to speak now for a small slice of the "maximum of the good" and at the same time generously waive any claims I may have to the "minimum of the bad." [Laughter.]

GOVERNOR CUMMINS, OF IOWA.

And who were the men that attended this so-called "Reciprocity convention?" Nearly all of them were free traders. Some few of them had donned a protection coat in order to gain admittance underneath that disguise; but underneath the coat—down next to his hide—was a free-trade shirt. [Laughter.] In that gathering the free traders tasted a congenial atmosphere and felt that their feet were planted on familiar ground.

Chief among them was Governor Albert B. Cummins, of Iowa, the most prominent political orphan that America has produced in the last generation. [Laughter.]

Dear old Iowa—the Commonwealth that gave me birth, and around whose groves and orchards and gentle landscapes are clustered the richest and happiest memories of my life. In this the hour of my maturity I proudly bare my head to the land of my nativity. Dear old Iowa—the patriotic records of my country are richer because your star shines in our national constellation. [Applause.]

And what great names has Iowa given to the world and to fame? Their names are legion:

There is Senator WILLIAM B. ALLISON [applause], who for more than forty years has helped to guide and guard the destinies of the American Republic.

There is WILLIAM PETERS HEPBURN [applause], the clearest-minded statesman and the greatest debater upon this the floor of the greatest parliamentary body on earth.

There is JONATHAN P. DOLLIVER [applause], a patriot and an orator whose fame has reached two continents.

There is Maj. JOHN F. LACEY [applause], a soldier, a patriot, and a statesman—and not a demagogue.

There is Leslie M. Shaw [applause], one of the greatest Secretaries that ever presided over our Treasury Department, and a Presidential possibility of no mean magnitude.

And legions more of heroic names come trooping to my mind to-day like doves to the window—names that Iowa has given to the world and to fame.

And then—and then, there is Cummins! [Laughter.] Ye gods! I never expected to live to see the day when the great State that bore me would elect a Republican governor the back door of whose executive chamber opened directly into a Democratic free-trade convention! [Laughter and applause.]

CUBAN RECIPROCITY.

Mr. Chairman, in this Chamber a few short years ago, and in response to the hysterical clamor of a few misguided enthusiasts who were shouting for Cuba and booming the sugar trust at the same time, I had the honor to raise my voice against that ill-considered piece of legislation called "Cuban reciprocity." If I had any dim doubts about the wisdom of my course then, I feel amply justified now.

Since that Cuban reciprocity treaty went into effect what has been the result in relation to the trade of Cuba? Sir, the trade of Cuba with the outside world—the outside world to which she owed neither gratitude nor gold—has grown eight times as much as her trade with the United States—the United States to which she owes an unbonded debt of both blood and treasure.

Under that reciprocity arrangement during the last year the trade balance between the United States and Cuba was $48,000,000 in favor of Cuba and against the United States. That means that America last year sent to Cuba $48,000,000 of American gold with which to increase Cuba's patronage of European mills and factories.

The United States also loses $18,000,000 per year of lost revenue.

And in addition to these losses in the realm of trade and in the Government's exchequer is another private loss to all American citizens. During the summer of 1905 the price of refined sugar was more than a cent a pound higher than it was a year before that time. It was nearly one-half higher than before we had this reciprocal agreement with Cuba. Now, an increase of a cent a pound on sugar means an increase of $20 per ton. The consumption of sugar in the United States is about 2,500,000 tons per year. That means an added cost to the consumers of the United States of $50,000,000 per year.

Now, then, these being the facts about this Cuban experiment, I want to ask just one question: If it costs us $48,000,000 per year adverse trade balance, plus $18,000,000 per year lost revenue, plus $50,000,000 per year donated to the Havemeyer sugar trust, just for the sentiment of having reciprocity with "little Cuba," how much will it cost us as a nation and a people to extend this beneficent and feeble-minded system over the hungry world at large?

"STANDING PAT."

I note that the gentleman from Mississippi [Mr. WILLIAMS], the leader of the Democratic minority on this floor, honors me with his presence and indulges me with his smile. Many a time and oft, sir, I have seen the gentleman arise in his place on the Democratic side of this Chamber and launch his shafts of rhetoric and ridicule at my party, because forsooth he said we were standing pat. Sir, when you frame that indictment against my party I must confess that you have a distinct advantage over me, because, sir, whatever else may be said of the Democratic party in all its malodorous career of poverty and panic, no truthful man who knows the history of your party would ever charge that you stood pat on anything or had anything to stand pat on. [Applause on the Republican side.] I congratulate the gentleman to-day that he is the proud and chosen leader of a party of political wobblers and trimmers, who in the last fourteen years have wobbled once around the great political circle. In 1892 they were for free trade, and made a failure of that; then they were for free silver, and made a failure of that; then they were for anti-imperialism, and made a failure of that; then they were for antitrust, and made a failure of that; then they were for Alton B. Parker, a gold standard telegram and a political mystery, and they made a failure of that. And now, sir, after fourteen years of wandering in the political wilderness they have at last got back to the original starting point—to the old, despised issue of free trade—that under a practical trial and in the disasters of those other times was relegated to the limbo of everlasting and humiliating failure. [Applause.]

DANIEL WEBSTER.

Daniel Webster was one of the greatest of all Americans. In the earlier days of this Republic, when discussing the perpetuity of the Union, Webster said:

I have not accustomed myself to hang over the precipice of disunion to see whether within my short sight I can fathom the abyss below.

Sir, paraphrasing that patriotic sentiment of that great man, I would say: I have not yet accustomed myself to lean out over the edge of a prosperity that is both general and genuine

to see whether within the range of my vision I can locate a panic.

When the sunshine of prosperity is shining athwart my nation then I am not engaged in chasing bats and owls into dark corners and dubious ways. *I am content.*

No wise man ever tore down the roof that sheltered his wife and his babies—humble though it might be—until he had the assurance of something better to take its place. And no wise legislator ever destroyed an actual prosperity chasing a chimera.

There are some things in this world that I will not do. I will not experiment and tinker with the happiness and the welfare of 90,000,000 of my countrymen—no; not even for the sublime satisfaction of again proving to the waiting world at large that the Democratic free-trade theory as applied to the industries of America is an economic failure and an assinine dream.

WHEN THE WHEELS STOOD STILL.

I do not intend in a personal way nor in an offensive sense to arraign Grover Cleveland and the Democratic party, whose instrument he was. Doubtless he and they were then honest in their political belief.

But the recollection of that fearful period of business and commercial disaster is burned into the memory and into the lives of our 90,000,000 of people. The mightiest monument that that Administration left behind it was a continental ruin of commercial industry.

In four short years and amidst the industrial splendors of this nation the Democratic party created commercial wrecks more vast and awe inspiring than any stately ruin that the gnawing tooth of time or the shifting sands of the desert ever left along the shore of the Ægean, on the banks of old Tiber, or by the delta of the Nile. [Applause.]

Under the Administration of Grover Cleveland the hand of industry was palsied and every wheel of industrial activity stood still. The only time that the wheels of industry ever turned in connection with the career of Grover Cleveland was when he met political death at the polls under an avalanche of American ballots.

But, sir, the future political historian will not fail to record that there was only one brief period connected with the memory of William McKinley when the wheels of industry paused in their resistless hum and whirl.

And that was at the moment—at the moment when the sanctified dust and the martyred form of William McKinley were lowered into the tomb, when every wheel and every spindle that had sang the song of industrial delight beneath the Stars and Stripes, for an instant stood still.

Mute but mighty tribute of perfect propriety to him whose genius had unchained their idleness and given them all to the boundless realm of unceasing and matchless activity.

CLOSING.

As I draw toward a close, permit me to say that in the expression of these views to-day I realize that I am open to the charge of being an ultraprotectionist.

I do not deny it. Time and time again in my life and through the aid of my country's history I have seen the industries of my nation flourish under protection, and I have seen them fade under free trade. When I say that I am an ultraprotectionist, I claim no unusual degree of wisdom. Some things there are in this world so manifest that "the wayfaring man, though a fool, need not err therein."

I know prosperity when I see it, and I know panic when I feel it. And in the not recent past both have left their indelible marks and scars upon my corporal body and my political recollection that no amount of Democratic "hot air" will erase.

Our nation has grown marvelously in the past under this protective system, and I believe that the symbol of "*Protection to American Industries*" shines forth in the political firmament of this nation to-day like the cross that stood in the heavens before the army of Constantine.

If I could summon into this presence here to-day the immortal shades and deathless spirits of those Americans who in times gone by have stood for a protective tariff, I would people this Hall with an immortal assembly.

Their shadowy hands should stretch across the gulf of time and space toward the legions of their countrymen who to-day inherit the harvest of their wisdom and the fruit of their toil.

Their ashen lips should speak again the words of wisdom which many a time and oft in days gone by have driven despair from the American heart and famine from the American home.

Here they should stand in one grand and immortal procession, and at the very forefront of this heroic column would be *Blaine* and *Reed* and *Dingley* and *McKinley*.

Over against the polished words of the gentlemen from New York [Mr. COCKRAN], who has left a luminous and crooked trail between party lines, but who will be remembered by no single economic monument, I would place James G. Blaine, whose chief monument is the American home set upon a loftier level than ever human habitation occupied in all the changing history of the race.

The other gentleman from New York [Mr. TOWNE] has such an amazing degree of brilliant talent that no one political party has ever yet been found ambitious enough to construct a platform wide enough to accommodate his extensive and changing political repertoire.

Over against his meteoric record and changing career I would place—in about the ratio of 16 to 1, if you please—the record of Nelson Dingley, that undemonstrative statesman to whose sainted memory half a million American smokestacks are burning incense to-day.

And there is my friend from Mississippi [Mr. WILLIAMS], who is the leader—yes, who is the leader of *that portion of the Democratic party which follows him.* Over against his career, brilliant with lurid oratory, but utterly barren of any fruitage of economic results, I would place the giant and shadowy form of Thomas B. Reed, whose monument to-day is a continent of resurrected and reconstructed industry.

And over against all the remaining remnants of this heterogeneous mass of theoretical and discredited statesmen I would place the sainted form of William McKinley, who from the shadow of a little vine-clad porch at Canton sent forth one message to his distressed and stricken nation that guided the weary feet of the uncounted millions of his countrymen back to the old familiar paths of a blessed and enduring prosperity. [Loud and continued applause.]

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. GROSVENOR having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed, with amendment, bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant.

The message also announced that the Senate had agreed to the amendments of the House of Representatives to bills and joint resolution of the following titles:

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

S. 1291. An act for the relief of James W. Watson; and

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 5545. An act granting an increase of pension to Margaret Brannon.

The message also announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

H. R. 15442. An act to establish a bureau of immigration and naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States.

COLLECTION OF THE REVENUES.

The committee resumed its session.

The CHAIRMAN. The gentleman from New York [Mr. COCKRAN] is recognized for one hour. [Applause.]

Mr. COCKRAN. Mr. Chairman, for several weeks we have been assisting at a peculiar symposium of protective oratory. The vaudeville feature presented to-night, for which the gentleman from Washington [Mr. CUSHMAN] is entitled to credit, is of course beyond serious discussion. Aside from this humorous performance—humorous in every sense—several gentlemen have contributed a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, a good deal to the exterior decoration of the protective structure; but it can hardly be said that they have shed much light on its fundamental principles. There has been contributed, however, from the majority in the course of this discussion one

speech which, in the philosophy underlying its conception, the order of its arrangement, the felicity of its diction, and the high note of eloquence with which it concludes, will stand for many years an inspiring note of parliamentary eloquence. If I can succeed in answering the address of the Hon. JOHN DALZELL, of Pennsylvania, delivered on May 24, 1906, I will have met the entire Republican position; for it is no exaggeration to say that there the protective theory is stated with the fullest amplitude, and the merits claimed for it are described in most attractive terms. That speech may be subdivided into several heads: First, it is stated that we are prosperous, and a system which promotes, even if it does not cause, prosperity should be maintained. Second, that the sale of goods by American trusts in foreign markets at lower rates than are exacted from American consumers is in itself an excellent thing. Third, that the volume of such sales is small, amounting, he says, to about $4,000,000 annually, and therefore this feature of the system is so very little as to be hardly worth notice. Fourth, that if we on this side come into power we will be no better than our opponents, because the revenue bill enacted by a Democratic Congress in 1894 was a highly protective measure. And the address closes with a stately peroration, eminently worthy of the stirring lines quoted at its conclusion, in which the orator asks both sides of the House to join hands for the interests of our common country in maintaining the wages of the American laborer.

Now, Mr. Chairman, I am perfectly willing to meet that appeal. I am perfectly ready to clasp hands with the gentleman from Pennsylvania or anybody else in an effort to increase the wages of the American laborer. I repeat now what I have said more than once—that to me there is no test of prosperity which is absolutely infallible except the rate of wages paid to labor; where wages are high production must be extensive, where production is extensive commodities must be abundant, and abundance is prosperity. I am perfectly ready to meet the gentleman from Pennsylvania [Mr. DALZELL], the gentleman who has just concluded [Mr. CUSHMAN], and all the other gentlemen who have preceded them and who may follow them on that side of the House in insisting that the merit of any policy should be judged by its effect on the rate of wages; that a policy which makes for high wages, by that fact should be accepted as sound, while any policy that operates to reduce wages should be ipso facto condemned. If, therefore, this Republican tariff system operate to increase the rate of wages paid to American laborers, I am willing to concede that it is a policy of beneficence which every sensible, every patriotic, every honest man should uphold. If, on the other hand, it is a policy by which the rate of wages is diminished, decreased, or restricted, then it is one which every honest man should condemn, oppose, and labor strenuously and unceasingly to overthrow and uproot.

Now, when the gentleman from Pennsylvania and I, who have but one object, yet find ourselves pursuing paths so radically different, it becomes necessary to anything like profitable debate that we should retrace our steps until we find some principle so general in its application that we can both accept it. He is logician enough to realize that there must be some postulate of discussion before any sensible discussion is possible. I do not ask the gentleman from Pennsylvania, nor any gentleman on that side, to concede anything about which there can be any possibility of dispute. I do not ask him to concede even that there is a Constitution or a republican form of government in this country, or that there is an American Congress consisting of two Chambers, and that he and I are members of it. The verity I ask him to concede is more general than all these. I simply ask him to admit, as the postulate of any intelligent discussion, that everything of value in this world, everything worth holding, worth having, or worth taking, must be produced by labor, the labor of human hands exercised on the bosom of the earth or on some product of the earth.

Now, I suppose I may start with this proposition unchallenged by the gentleman from Pennsylvania or any gentleman on that side of the House. I pause for dissent if there be any to express. There being none, I proceed.

Postulating then that all wealth, all property, must be the product of human labor, I submit to the intelligence of the committee, to the gentleman from Pennsylvania, and to all his associates, it must necessarily follow that everything of value which anyone can possess must be the product of his own labor or the labor of somebody else. From this it follows that whatever a man has he must produce himself or he must take it from somebody who has produced it. As I put it once before on this floor, whenever a man undertakes to secure anything of value there are but two ways by which he can succeed in obtaining it. He must make it or he must take it. He must make it himself or he must take it from somebody who has made it. There is no other way. Nobody will claim that government can produce anything of itself. Nobody will pretend that government can wield an ax or drive a plow or handle a pickax. If, therefore, government by any policy makes any person or class prosperous, as you gentlemen claim the protective policy of the Republican party has made the laborers of this country, it must take the thing which it bestows on the favorites whom it enriches from some victim whom it plunders.

This proposition, which I have laid down more than once in this House and outside of it, nobody has ever disputed directly, though every speech on the other side impugns it covertly. The dominant note in the speech of the gentleman from Pennsylvania is that our Government has made prosperity general among wageworkers. The gentleman who has just taken his seat, if we can distinguish any sensible statement through the vagaries of his humor, appears to asseverate that the Government has made laborers in this country prosperous beyond any degree of prosperity they could have attained for themselves. If Government has indeed made laborers prosperous, it must have been by giving these favorites of its system something beyond what they themselves have produced. The right of the laborer to all that he produces by his own labor is the Democratic doctrine. The Republican doctrine is that in some mysterious way the Government gives the laborer more than the value of his product. If it enrich the laborer by anything outside of that which he has produced by his own toil, it must have taken the things it has given from somebody else. Besides the laborer there is only one other factor in the whole industrial field, and that is the employer. The things that have been given to the laborer beyond what he has himself produced must, therefore, have been taken from the employer. There is no one else from whom they could have been taken. If, therefore, there be any sense in the position of the gentleman from Pennsylvania, he would have us believe that the trusts, the employers, the great corporations, are plundered by the Government, when it is administered by the Republican party, to enrich their laborers.

Mr. Chairman, when we remember the source from which Republican campaign funds are derived, this is equivalent to contending that all the trusts and great corporations are in the habit of giving their treasure lavishly to aid the success of a political organization, which, when successful, employs all the powers of government in plundering them. Sir, we might well leave the whole proposition upon this bare statement of probabilities; but, sir, I am not content to leave this issue to be settled by the balance of probabilities. I will go a step further, and, while admitting that the operation of a protective system is to enrich one of the two elements engaged in production at the expense of the other, I undertake to demonstrate that it is not the employer who is plundered for the benefit of the laborer, but the laborer whose wages are diminished to enrich unfairly, but enormously, the profits of the employer.

This, Mr. Chairman, I repeat, is not a conclusion to be inferred from probabilities. It is capable of absolute demonstration. To that task of complete demonstration I hold myself bound. In considering causes that operate to affect wages, we need never be in doubt about the effect of any policy which government can establish, if we first inform ourselves what is meant by wages. Now, what do we mean by wages, Mr. Chairman? Wages, I am sure the gentleman from Pennsylvania will agree, may be defined as that part of the laborer's product which he obtains for himself in compensation for his toil. No one will pretend that the wages of a laborer can proceed from any other source than his own labor. Wherever the products of the laborer are abundant his wages must be higher. Where the product is narrow his wages must be low. Whatever operates to swell the volume of production must therefore operate to increase the rate of wages. Conversely, whatever operates to restrict production must operate to diminish the rate of wages.

Now, the essential policy of protection is to make production expensive, and whatever increases the cost of production necessarily diminishes its volume. If I be engaged in the manufacture of any article, the manufacture of chairs, for example, and I produce five chairs a day worth $5 each, my total product is $25. If my wages be $5 a day, I get in fact one-fifth of my product—one chair out of the five I have produced. Of course I don't take a chair every day, which would be of little use to me; therefore I take its equivalent—that is to say, $5—in the form of money.

It must be apparent that if by improvement in my skill or increased closeness in application I can produce ten chairs each day instead of five, and the rate of my compensation remains the same, one fifth of my product, I will get two chairs, $10, the equivalent in money, instead of one chair or its equivalent, $5. But this increase of my wages, far from reducing my em-

ployer's profits, increases them. Instead of four chairs, eight chairs are the surplus of my product over and above my compensation, and the proceeds of these he distributes among all the other elements that contribute to their production less that proportion reserved for his own profit.

This explains the economic verity which seems incomprehensible to many, that labor which commands the highest wages is in fact the cheapest. That is to say, there is more profit in employing highly paid than poorly paid laborers. No laborer on this earth produces a large volume of commodities without receiving high wages, and no man can receive high wages whose labor does not result in a large product. This rule is of universal application. It has no exception. Manifestly it can have none. As it pays my employer better to give me $10 a day for a production of ten chairs than to pay me $5 for a production of five chairs, so every other employer of labor finds the largest profit in employing, not the cheap workman, whose product is narrow, but the workman who commands the highest wages, because his product is the most extensive. Prosperity which depends on production can not be other than general. If it exist, it must be shared by every member of the community. As my product of chairs increases the demand for all the elements that enter into that chair must increase. More trees must be cut down in the forest, more logs must be transported to the sawmills, more hands must be engaged in making the lumber which will be manufactured into chairs. This increase in the demand for commodities necessarily increases the demand for laboring men to produce them, and every additional demand for labor stimulates the rate of wages. Thus the same conditions and causes that increase my wages operate to raise wages in many other fields of industry. This is not the measure of the benefit which I work to the whole community by improving my own wages through greater efficiency in production. Every increase in the volume of products means a decrease of the prices to consumers. As I increase the number of chairs I cheapen the cost of them to everyone who needs such articles of domestic comfort. And thus it is that throughout the world wherever prices of commodities are highest, there wages are lowest, and wherever wages are lowest, there the cost of commodities is highest. Here we come in direct conflict with the essential theory of protection. That system is built on the fundamental fallacy that cheap labor means cheap commodities. Exactly the reverse is true. All over the world where labor is most poorly paid commodities are dearest. Where wages are highest commodities are cheapest.

In Mexico, where the rate of wages is but a pitiful fraction of the rate prevailing here, the cost of beef and flour and other necessaries is vastly higher. If the prosperity of which the Republicans boast had been genuine the price of commodities would have been falling here, while the rate of wages would have been rising. But, as a matter of fact, while prices of commodities have increased enormously, the rate of wages has increased but moderately, if it has increased at all. Certainly there has been a greater proportionate increase in the cost of commodities than in the rate of wages, and therefore the net result is a decrease in wages, for wages are decreased just as effectively by a reduction in the purchasing power of the money in which they are paid as by a direct reduction. The prosperity of which you Republicans boast is not, therefore, genuine, for it means that while a few employers are vastly richer, the mass of laborers are living to-day on a smaller net wage. Now, the difference between the Republican and Democratic position is this: We believe that cheapening the cost of production means increasing its volume, and is the one source of prosperity. If the policy of protection has any definite object, it is avowedly to make the cost of production dearer, and therefore the volume of it less extensive. It must be clear that if the cost of producing a chair be increased, the number of chairs produced every year must be reduced. In brief, the Democratic notion is to reach prosperity by leaving no road to profit open except through increasing production. The Republican idea is to establish prosperity by narrowing production and allowing the producer to increase his profits by taxation. In the last analysis we stand for abundance and you for scarcity. [Applause on the Democratic side.] But, Mr. Chairman, let us go a step further. Let us apply these two economic principles practically and directly to industry in any of its fields, and let us see how each must affect wages. Let us take the case of a person engaged in the manufacture of chairs, shoes, watches, or any other commodity, under absolutely free conditions of trade, with the Government holding absolutely aloof, giving him no favor or protection except that degree of protection which prevents any other person from seizing his goods, and compare the conditions of prosperity governing him with those which govern under a protective system. Suppose I am a manufacturer of watches and with a capital of $1,000, under perfectly free conditions of trade, I can produce, say, a hundred watches, worth $10 apiece, every month. If I wish to increase my earnings there is but one way open to me, and that is by increasing the volume of my product. I must, by increased skill, by harder industry, by better organization, produce 150 or 200, instead of 100 watches. No other way is open to me. I can not increase the number of watches produced in my factory without increasing the number of hands engaged in producing them. As I increase my own prosperity I must increase the prosperity of my workmen by creating an additional demand for labor, thus stimulating the rate of wages.

But if, under your system of protection, the degree of favor were extended to the watch industry, which the gentleman from Illinois [Mr. BOUTELL] declared the other night is its pressing necessity, so that the cost of producing each watch was doubled, and at the same time, by a system of tariff favor or protection, I was enabled to charge $20 for each watch, it is quite plain that two results must follow—my product will be cut in two, reduced from 100 to 50 watches. I will, however, make the same profit as on the larger number. But, Mr. Chairman, I would not need more than half the hands to produce 50 watches that I must employ to produce 100, and I would at once discharge the hands that had become superfluous. While my profits would remain undiminished, those discharged workmen would be driven out into the field of industry where other laborers were competing for employment, there to make the competition between them more keen. Competition for employment between laborers can take but one form—that of offering to work for lower and cheaper rates. [Applause.] Can any man pretend that by the inevitable operation of fundamental laws any other result than this can follow from a system which enables an employer or capitalist to make from a diminished output the same profits as from a larger output. Yet this is protection in its essence and its fruit, as you yourselves describe it. In the very nature of things it must have reduced production. It has diminished it. But the manufacturers, employers, trusts, have not suffered. They have prospered enormously through the privilege to levy taxes which they have enjoyed, while the laborers, whose field of employment has been removed, have not been benefited, but injured, by the system. But gentlemen tell us that we are prosperous. Oh, yes; we are prosperous; but so is the Mutual Life Insurance Company prosperous. [Applause on the Democratic side.] So is the New York Life Insurance Company prosperous.

Why, your argument of prosperity is the argument of McCurdy and McCall. [Applause on the Democratic side.] When they were questioned about the administration of their trusts their infamies were not admitted in fear and trembling and shame, but they were avowed with pride and self-approval. Not as criminals making damaging admissions, but as men feeling they had earned approval, McCall and McCurdy boastfully asked the examiners, "Are not these companies prosperous? Are they not all solvent? Have they not grown with enormous strides?" Just as I hear gentlemen on that side say, "Who dare question the amount of tribute levied by this protective system upon the American people for the benefit of our favorites? Who dare deny our right to extort from American consumers of watches or any other commodity prices vastly in excess of those which we charge for the same products abroad? Are we not prosperous? Is not Greene County, in Illinois, represented by the gentleman who exposed upon this floor the exaction of the watch trust, a most prosperous county, a land flowing with milk and honey?" Why, of course we are prosperous. We are prosperous just as the Mutual Life was prosperous, in spite of the robberies that had been perpetrated on its resources. We are prosperous because God Almighty has given us a soil so fruitful that your nefarious system has not yet been able to divert all its products from the toilers who have created them. [Applause on the Democratic side.] We are prosperous because the American people still retain their native efficiency in labor, and your exactions, perpetrated though they have been, on a large scale, have not confiscated all the fruits of their industry, and they are not yet reduced to bankruptcy and want. [Applause on the Democratic side.]

But, Mr. Chairman, as the policy holders in these insurance companies were sustained by the common sense and the conscience of the whole community when they insisted that the measure of their rights was not whether they had been allowed to enjoy some prosperity, but whether they had all the prosperity which an efficient and upright administration of their affairs would have produced, so we on this side say that the question before the American people is not whether any prosperity has

survived your system of plunder, but whether they shall enjoy the full tide of prosperity that God Almighty has intended for them. [Applause on the Democratic side.]

The gentleman from Pennsylvania, in that speech to which I have referred, has done me the credit to say that I wear no mask, that I always insist protection is robbery. I repeat it now—it is robbery; it can not be anything else. That it is robbery, and can not be anything but robbery, every advocate of the system shows conclusively by the results that he attributes to it. Does not the gentleman from Pennsylvania and every other supporter of it claim that by its operation the Republican party has enriched the American workingman? In God's name, where did the Government get anything to give him? Where did it obtain the wealth, the commodities, the things that constitute prosperity which, according to you, it has been disseminating among its favorites? Whatever it has given, it must first have taken from some one else. That Government under this system has been steadily taking from one element of production part of the product to which it was entitled and giving it to the other is undeniable. You yourselves boast of it. We accuse you of it. But which element are you favoring and which plundering? There is where we differ, and my object is to make that point of difference clear. There are but two parties to production—the laborer and his employer. If one has been benefited by Government interference, the other must have suffered. The employer pays you. You do not deny it. Your campaign funds are furnished by him; and it is hardly probable that he would fill your treasury that you might plunder himself. [Applause on the Democratic side.]

These corruption funds, through which you have won power and through which you keep it, are furnished to support a policy which takes from the laborer part of the wages which are rightfully his and gives them to the employer by enabling him to take undue share of the common product. This is accomplished, as I have shown, when the employer by a system of artificially inflated prices is allowed to make from a restricted product requiring less labor profits larger than under a wholesome system he could make on a larger product requiring the employment of many additional laborers. The Republican policy now is to maintain that system of plunder by which laborers are robbed to enrich employers. The Democratic policy is to allow the employer no source of profit except an increase of production, which must necessitate the employment of additional labor, and thus compel the distribution in wages of vast sums that now go into the yachts and palaces and private cars and art collections, and even into philanthropic contributions, which are themselves the proceeds of spoliation and robbery. [Applause on the Democratic side.]

Every dollar that can be produced by honest industry—that is to say, every dollar that can be made by any man without intervention by the Government—must be made by serving the community. Under a perfectly impartial government no man can make a dollar for himself without distributing hundreds in the form of wages and benefits among his fellows. I have no objection to any fortune, however great, that can be accumulated through serving the public. I am opposed bitterly to any policy that allows even one dollar to be acquired by favor of the Government. For favoritism in legislation means plunder of some for the benefit of others, and can mean nothing else. [Applause.] There can be no object in seeking favor at the hand of Government except to perpetrate robbery of some one.

I do not mean for a moment, Mr. Chairman, that gentlemen on the opposite side of the Chamber are deliberate agents of robbery. I know that the statements of the gentleman from Pennsylvania, whose eloquent contribution to Congressional eloquence I am endeavoring to answer, while in my judgment wholly erroneous, are honestly made. I believe that he is as honest and sincerely conscientious in his desire to serve the American laborer as I am. But I submit to thoughtful men on both sides that whatever may be the intentions of its supporters, whatever may be the disposition of its advocates, this system of protection can result in nothing except the perpetration of robbery. Since government has nothing of its own which it can bestow on anyone, there is but one path of efficiency open to it, and that is the path of absolute impartiality. When it attempts to become beneficent, it can succeed only in becoming predatory. This I have said more than once on the floor and elsewhere, but the persistency of able men in championing error forces me to frequent restatements of these obvious verities.

But the gentleman from Pennsylvania says that if the Democratic party comes into power it will take to its bosom this policy which, out of power, it condemns, denounces, and professes to loathe. We are told that the Wilson tariff bill is a monument to Democratic duplicity. The gentleman from Washington [Mr. CUSHMAN] did me the honor and the service, quite unwittingly it seems, of calling attention to the fact that although I was one of the authors of that measure, supporting it on this floor—indeed, I closed general debate upon it—yet when it returned from the Senate emasculated, perverted from a wholesome measure of tariff reform to the most vicious measure of protection ever enacted, I denounced it and voted against it on its final passage. To me the fate of the Wilson bill is indeed a monument to the difficulty of uprooting a vicious system. Every feature in a policy of plunder is vicious, but the worst of all is its capacity to corrupt and demoralize the opposition. This was never more strikingly shown than in the measure which the gentleman from Pennsylvania has brought to the attention of the House. When the Wilson bill left this House it was, in my judgment, a monument to efficient, wholesome tariff revision, if an iniquity such as the tariff can ever be a subject of reform. It was drawn on the assumption that certain basic materials—not exactly raw materials, because no materials are absolutely raw; but materials that might be called "primary productions of the earth"—are at the basis of all industry, and for that reason they were placed upon the free list. They were wood, coal, iron, and wool. The duties on all manufactures of these articles were reduced in proportion to the benefit which each would receive from free admission of the basic materials of his industry.

A symmetrical measure based upon these principles passed the House and went over to the Senate. When it came back all these basic materials were removed from the free and placed on the dutiable list, with a single exception, and that was wool. The effect was necessarily to place wool under tribute to the other industries. The other industries had agents in these lobbies. They beset and assailed every one of us while the bill was under consideration. Failing here, they transferred their labors to the Senate. Wool growers were not organized into a trust or a corporation. They had no agents thronging these lobbies. When the bill came back to the House the producers of wool were made the victims, and the producers of wood, coal, and iron the beneficiaries of a long series of bargains, which resulted in a betrayal of the Democratic principle. The industries which had captured the Senate wrote their own schedules into the body of the bill; the industry which was without an organization and a lobby was abandoned to their rapacity.

The gentleman from Pennsylvania tells us that the result of placing coal on the dutiable list by the Senate was to subsidize enormously the railroads, and he tells us that that was a Democratic measure. As a matter of fact, each of these enormities was forced into the Wilson bill by the votes of all the Republican Senators without a single exception, joined by a few Democrats—five, I think—who yielded to the demands of local interest instead of defending the cardinal policy of their party.

Mr. Chairman, I charge no one with personal corruption, but the fate of the Wilson bill is a monument to the corrupting and demoralizing influences of this nefarious system. I am not without some sympathy for these gentlemen in the Senate who yielded to private interests. It is hard for anyone to follow a pathway of duty when tariff beneficiaries from his own neighborhood are asking to be saved from what they believe to be impending ruin, or assuming the garb of injured innocence, clamoring to be allowed a share of this plunder in the name of justice.

When the ship-subsidy bill was pending two years ago I was myself approached by an old friend in New York engaged in the shipping business, who insisted that, as a free trader, I should support the measure. "You are a free trader," said he, "so am I; but I am denied free trade in procuring ships, and yet I am denied any protection in operating them. If we could have a complete free-trade system no one would welcome it more warmly than I. But that is impossible, and under existing conditions the burden of protection falls heavily on New York, while she gets no benefit whatever from it. How often," he continued, "have you told us in the city of New York that our imperial Commonwealth, great though she is in population and importance, has never yet entered into the enjoyment of one-half the splendor and wealth that Providence intended to be hers, owing to the laws which restrict her commerce and impede her growth? How often have you pictured her standing at the gateway of western commerce, the noble river bearing on its bosom argosies deeply laden with the products of the fertile fields that line its banks, mingling its waters at her feet with those of the sea, ready to bear those precious burdens to the four quarters of the globe, but instead of being free to stretch one arm over the ocean and the other across the continent, with both to gather the fruits of industry from every clime into her lap, there to be exchanged for the benefit of all their producers, and to her own continuous growth in population, importance,

possessions, and beauty, the arm which should be stretched across the Atlantic is bound and shackled by laws which restrict the volume of commodities that can reach here from abroad? And have you not insisted again and again that there being less foreign commodities on her wharves to be offered in exchange for the products of her own fields, naturally fewer native products seek her markets, her trade is therefore restricted by land as well as by sea, through this vicious system of plunder from which she is the chief sufferer? Now," said he, "if this measure passes, by far the largest part of the subsidy will be paid to shipowners in New York. It would stimulate the business of ocean transportation, for which we can not compete under existing conditions, and New York will after all be getting back but a little of that plunder which for many years has been levied upon her to benefit other parts of the country." The argument was plausible. It shook my resolution for a moment; but after a while I was prepared to answer, "My friend, I see at once the point of your argument. There may be something said in extenuation of allowing A, who has been plundered by B, to recoup himself by robbing C. At least I can understand how A might reconcile his own conscience to such a project for his reimbursement, but my fundamental moralities will not allow me to engage in a scheme of plundering the rest of the country even to recoup New York for the plunder levied on her by certain favorites of the Government. [Applause on the Democratic side.] I am as eager for justice as you. I believe that he who submits to injustice is almost as bad as he who perpetrates it, but I can not do injustice even to balance the results of injustice. I can only fight my way to justice and fair dealing by appeals to the conscience of the American people. I can not consent to the plunder of innocent persons, to share in it, or profit from it, even to recoup myself for plunder perpetrated on me by others."

And, Mr. Chairman, is not the whole protection argument an effort to balance wrongs and injuries—to give one man something at the expense of his neighbor to compensate him for some exaction he had previously suffered? It is no exaggeration to say, sir, that this system which has been so long lauded upon this floor as a tremendous achievement of statesmanship is itself the fountain of all the corruption that affects our body politic and threatens to submerge our civic, our social, and political life. [Applause.]

Now, that is a strong statement, and one which I would have no right to make unless it can be established by the most convincing reasons. Mr. Chairman, this is a singularly moral nation. Its stern, robust, sensitive morality is shown conclusively when we remember that the mere exposure of wrong is always sufficient to raise a tempest of popular indignation against it. Never has an opportunity been offered to the American people for a display of the virtues which all moralists consider the most valuable—fortitude in adversity, temperance in prosperity, charity toward those who are suffering from calamities inflicted by Providence—that it has not been embraced and improved in a marvelous degree. And yet we all know the morals of our political life have long been the object of suspicion. Recently our business life in its highest, or at least in its most extensive, fields has been the subject of examination, and as its methods have been unfolded every stage has been found reeking with foulness and corruption. It is an amazing and distressing fact that there has not been a single investigation of an enterprise large and extensive in its operations which has not resulted in a sickening and saddening exposure of graft and robbery, corruption and favoritism. [Applause.]

To what must we attribute this apparent inconsistency between the low morals of high finance and the high morality which governs the average life of this people? Why, Mr. Chairman, it seems to me the reason is not far to seek. When in the body of the law itself there is incorporated a system of robbery by which government is made an agent to perpetuate the very wrongs which government is organized to prevent—where the masses who toil are despoiled by the force which is morally bound to protect them, for the benefit of a few favorites—a fountain of corruption is embedded in the very heart of our system, and the foul tide which it has liberated must continue to swell until it engulfs our entire civil and business life unless the whole pernicious system is abolished absolutely and forever. The corruption of our business life, it is now plain, flows from the same source that has long corrupted our political life.

I say now, Mr. Chairman, and I submit it to the gentleman from Pennsylvania, that under the operation of this system it is not possible for any man at the head of a great industry, enjoying the benefit of a high protective tax, to be anything else than a source of corruption in the civic life of our country. Let us see if this be an exaggeration. Let me assume for the moment that the gentleman from Pennsylvania is himself at the head of the great steel trust. He is quite as well fitted, I think, for the position as the gentleman who now presides over it. He is quite as good a lawyer, and neither one need yield to the other in complete innocence of the industry itself. [Laughter.] That steel trust is organized to-day with a capital of $1,600,000,000. The property of the constituent companies is valued at $550,000,000. Immediately upon being combined into one concern, without having acquired a new building, a new engine, or a new wheelbarrow, this property, worth $550,000,000, was capitalized at one billion six hundred millions, and sells in the open market at about one billion three hundred and fifty millions. The only thing acquired by the new concern that the constituent companies did not possess was the power to exact high prices for the product by the elimination of domestic competition, foreign competition being excluded by the tariff. In the capitalization of this company the power to levy artificially high prices is therefore valued at nearly $1,000,000,000, and the rate at which its stock sells in open market shows the valuation is not excessive. Every share of this capital stock plainly represents one-third property and two-thirds a power to plunder. Let us assume now that while the gentleman from Pennsylvania [Mr. DALZELL] is presiding over this corporation, charged with the care of its property and the maintenance of its solvency, the question of placing steel on the free list came before the American people for decision—as I believe it will come at the next election—on the ground, confessed by the gentleman from Pennsylvania himself, in answer to a question of the gentleman from Alabama [Mr. UNDERWOOD] that steel can be produced in this country as cheaply, if not more cheaply, than anywhere in the world. With that issue before the American people, what must the gentleman from Pennsylvania, as the head of that corporation, do? What must be his course by the strictest rules of honor and probity? No one here would dream for a moment that any other consideration would affect him. Must he not defend that privilege, that power which is valued at two-thirds of all the assets represented by the stock of this corporation? How can he defend it? Not by argument.

To stand on a public platform and declare that, while protection was not necessary to the existence of the steel industry, it was highly desirable in order to pay dividends on an inflated capital, we all know would be the strongest way of arousing a public demand that the system be abolished. There is just one way by which the corporation could defend this privilege, and that is by subscribing money to the campaign fund of the party committed to maintaining it. There is but one purpose to which these funds could be put, and that is to corrupt and debauch the American electorate. [Applause on the Democratic side.] And this is the course which the head of that corporation must pursue. There is no escape from it. He must do that or stand idly by and suffer the corporation of whose interests he is the guardian to be deprived of a privilege valued at two-thirds of all its assets. Would not the man of most sensitive morals amongst us all be puzzled to decide what his duty must be under such conditions? Shall he, through loyalty to his country, allow that privilige to be abolished without resistance, and the property of the stockholders, who intrusted him with the care of their interests, reduced two-thirds in value? Must he not exhaust all the ingenuity he possesses and all the resources he can command to defend the integrity of that capital? On the other hand, is a man ever justified in forgetting or disregarding his obligations as a citizen? Must he not choose between disloyalty to the stockholders who trusted him and disloyalty to the Government that protects him? Is not his honor rooted in dishonor whichever way he may turn? What path can he pursue that under this nefarious system does not lead inevitably to wrong and crime and treason? Some one may say he might resign. I think that is what the gentleman from Pennsylvania would do. It would not be exactly the pathway of honor. That has been closed to him by these vicious laws. But it would be the one nearest to honor left open, and therefore I believe he would pursue it. But when he has resigned, what then? When he vacates the chair, is it not inevitable that it will be filled by some one who possesses the qualities for lack of which he could not longer fill it? Will he not then be replaced by another, not more efficient in the art of manufacturing steel, but much more efficient in the arts of corruption and less scrupulous about employing them? Will not the result be merely the substitution of a willing for an unwilling agent of corruption? Will not the very renunciation of the gentleman from Pennsylvania in withdrawing himself from the service of corruption merely insure the employment of another agent who will make corruption more effective and therefore more dangerous? Under a Democratic system the head of the steel trust or any other

productive enterprise would always be a man chosen for his knowledge of the industry, his skill in directing labor, and in swelling the volume of the product. Except as he excelled in these directions, he would have no qualifications for the position. Under this Republican system the man who will always be chosen—who in the nature of things must always be chosen—to preside over such a concern is one who will not employ his time studying methods of stimulating the volume and improving the quality of the product, but one who will employ his time more profitably in the lobbies of Congress, approaching Members, and through briberies or intimidations or other personal influences, inducing them to maintain this system of spoliation. Yes, Mr. Chairman, protection is robbery. Its root is avarice; its method is bribery; its fruits, corruption, spoliation, demoralization. [Applause on the Democratic side.]

Mr. Chairman, the question before the country to-day is not merely a question of protecting the community from robbery by protective monopolies. A graver question looms behind it, sinister, threatening, portentous. The spectacle of men growing rich through Government intervention and praising the system that permits it has produced its natural result. Everywhere throughout the country to-day the specter called "socialism" disturbs the repose of thoughtful men and the security of timid men. When I heard the gentleman from Washington [Mr. CUSHMAN] talking about the silver question I was reminded of the fact that every base measure affecting the coinage which found its way into the statute books was of Republican origin. But the Republican party has always had a marvelous faculty for leaving its baseborn offspring upon the doorstep of its opponent, and then alarming the community by calling attention to the doubtful character of the establishment harboring such doubtful elements.

Mr. Chairman, history may be about to repeat itself once more. The Republicans now claim to be very much alarmed lest the Democratic party may lend itself to socialism. Well, it would be entirely consistent with past history if, in the long run, you gentlemen on the Republican side were found fighting the very socialism which your own policy has produced, and very likely getting a new lease of power by overthrowing it. However this may be, the Republican policy of protection can have no other result than socialism. It is in itself essentially socialistic, and every claim of merit that is made for it strengthens the argument in the favor of socialism. What is socialism? The essential principle of socialism is a theory that the state is the best, and therefore the proper agent of production; that the state can employ labor more efficiently and can distribute its results more equitably than individuals if left to their own initiative. This is exactly the Republican doctrine of protection. You gentlemen by all your argument contend that government can step into the field of private industry and distribute its products better than the elements of production themselves. Instead of leaving the value of each commodity to be fixed by natural laws, you insist that government shall exercise its taxing power so as to stimulate prices artificially, and by making some man pay excessive prices for the necessaries of life place them under tribute to other men. The socialist argues that the whole volume of production should be taken and distributed by the state. You say that part of it should be taken from the producers and distributed to some of your beneficiaries. The socialist believes in doing completely and with high motives what you profess to believe should be done partially and through baser motives. The socialist is governed at least with a desire to serve all the people. You don't even avow any other desire than to enrich some of the people [applause on the Democratic side], although you try to conceal the identity of your favorites. [Applause.] I have more than once defined republicanism to be socialism plus larceny—a socialistic interference with individual industry and a larcenous diversion of the proceeds from the treasury of the people to the pockets of certain favorites.

The appropriateness of that definition has been strikingly demonstrated by the events of the last few years. If socialism is to be checked (and it is growing with startling rapidity) we can not arm the socialist with the plausible argument that the existing system is but a partial, perverted, less complete, less honest, less moral form of the system which he seeks to establish. Socialism linked with larceny can never appear less objectionable in the eyes of upright men than socialism pure and simple—which, however mistaken in principle, is at least conceived in good intention and supported in honest, loyal unselfishness.

You may ask me if the next campaign will turn on the issue between free trade and protection. No; I do not think it will. I do not think the American people will ever again suffer a campaign to be made upon an abstract economic principle. The campaign of 1892 was conducted on an abstraction, and when it was concluded, while a certain principle was approved and the representatives of the people came into this House with a general mandate to reform the tariff, they were without any specific direction by which they could be guided. The result was the disaster so often described upon this floor. Happily your protective system has now reached the point where it is no longer necessary to discuss or describe its abstract elements. It can now be judged by its fruits, and on some of these specific fruits the next campaign, in my judgment, will turn. The American people, and all people fit for free institutions, while they are impatient of abstract discussions, have a wonderful intelligence in applying correct principles to specific proposals and marvelous quickness in appreciating actual conditions.

By the confession of everyone, steel, meat, and coal need no protection. They are to-day competing successfully for the domination of foreign markets. In my own State I hope the Democratic party will wage the next campaign upon the simple proposal that these three articles be put on the free list. [Applause.] Each man may hold what opinion he please as to whether free trade or protection be the sounder abstract principle, but regardless of his view in that respect he will be asked to decide whether this power to tax the whole people shall be left to a few enormously rich concerns, when by the admission of everyone it is not needed for the protection of any industry, and therefore can be employed only to plunder the people. The pretense of any necessity for protection being excluded, an attempt to maintain these taxes merely to prevent any possibility that the extortionate prices now exacted from American consumers may be reduced by competition becomes at once a naked proposal of plunder. Whatever any honest man may think of protection or free trade in the abstract, no one can deny that justice demands the total abolition of taxation that can have no object but the levy of plunder. For my part, I believe when justice begins to assert herself she will not pause till the whole iniquitous system built on injustice is overthrown. When steel, coal, and meat go upon the free list, the whole system will fall with them. We on the Democratic side, at least, are serving the cause of morality and justice when we protest against the collection of this tribute from the consumers of steel, meat, and coal, no longer under any pretense of protection, but openly and avowedly for the benefit of a few swollen and plethoric trusts. [Loud applause on the Democratic side.]

The main argument of the gentleman from Pennsylvania, and of everyone on that side, stripped of all verbal disguise is a taunt that the profits of plunder are so enormous that the system can not be disturbed. When I hear some gentleman say, "You were defeated in 1894, you were defeated in 1896, you were defeated in 1898; for fourteen years you have had no victories to your credit; what chance is there of enforcing the ideas which you support in the face of these recurring disasters?" I am tempted to rejoin: When have political principles been so thoroughly vindicated as the Democratic principles in this very session of Congress? Has not every measure of any importance enacted into law been taken from our platform and supported by our votes? [Applause.]

Gentlemen on the other side seem to derive much comfort from differences which they profess to have discovered between declarations made by various Democratic leaders and Democratic conventions. I think it was the gentleman from Iowa [Mr. HEPBURN] or the gentleman from Ohio [Mr. GROSVENOR] who asked the gentleman from Missouri [Mr. CLARK] in the early part of this session, "What kind of a Democrat are you?" The gentleman from Pennsylvania [Mr. DALZELL] devoted much time to quoting what he considered the inconsistent features of different Democratic platforms. I assume his object was to make it appear that Democracy is a house divided against itself, and that it must therefore fall. Mr. Chairman, Democracy may divide on the application of its fundamental principle, but on the principle itself there can be no division. The Democratic principle is older than any political party; older than this Government or any other government under the sun. The principle of Democracy is not to be found in any platform of a party organization. It is not to be found in the Declaration of Independence, in the Constitution of the United States, in the Bill of Rights, or in any monument of human wisdom. It was embodied in the injunction laid upon the first man, when he was told that in the sweat of his brow he must eat his bread. Democracy is embraced and defined in that one principle: every man must eat his bread in the sweat of his own brow; no man shall be suffered to eat one crumb in the sweat of his neighbor's brow. Everything he himself creates by labor, all the wealth which is produced by his own industry and his own genius, Democracy will protect and respect as a monument to the advantage which good men can take of free and beneficent insti-

tutions. Nothing created by another shall he be suffered to touch. All the mischief, all the wrong, all the disturbances that have ever afflicted human society have been results of efforts by some men to eat their bread in the sweat of other men's brows. Attempts to violate this principle have led to the invasion of weak countries by stronger ones. That same motive it is which has led men from the beginning of the world to enrich themselves, not through their own labor and industry, but to possess themselves by fraud, by violence, or by device of the things produced through the industry of other men. From the beginning of the world that principle has been struggling for recognition. Until within a few generations all the governments of which we have knowledge were built on denial of that principle, and they have all perished. This Government is built upon recognition of that principle, and from the hour of its establishment on that solid foundation it has grown in power, population, wealth, and consequence. That principle, though it is the basic feature of our Constitution, is nevertheless violated in these tariff laws and in the system of plunder which they have engendered.

When gentlemen on the other side ask sneeringly if we hope to overthrow this legislation while such powerful influences are organized to defend it, I ask do you recall what forces the spirit of justice has already met and defeated and destroyed? When you recall that the principles which underlie this Constitution had no adherents nineteen hundred years ago except a few wretched outcasts, that all the forces of society were employed to stamp it out as a dangerous and disturbing doctrine—as it was in those days and under those conditions—and when you realize how completely the society which opposed it has dissolved, disappeared, perished from the face of the earth, while it remains the governing influence of progressive humanity, do you think that this irresistible force that no man, no government, nor the combination of all the governments in the world, could withstand can be thwarted and defeated until it shall have asserted and established its authority over the practical operation of this Government, which theoretically is founded and built upon it? That Democratic principle of equality before the law, for which we will contend in this campaign, is the goal toward which the footsteps of man have been moving steadily and irresistibly for nineteen hundred years and which nothing can arrest. It will be presented clearly and unmistakably to the American people in proposals to remit taxes which no one can pretend to justify, either for revenue or for protection; and when the people realize that these taxes are naked exactions for the benefit of a few plethoric trusts their abolition will be immediate and permanent. [Applause on the Democratic side.] When a breach is made in the wall of this system, when the outward ramparts of protection are broken down, the citadel of fraud, of oppression, of robbery, will soon fall, burying under its ruin all the civic corruption, all this business corruption which have invaded our political as well as our industrial life. In its place will rise a nobler industrial structure in which fraud will find no hiding place, where oppression will not be tolerated, where honor will be the atmosphere breathed by men who, realizing not merely the immorality, but the wastefulness of plunder, will not seek to rob or oppress each other, but employ all their energies in mutual cooperation; will, by efficiency in industry, produce a volume of commodities, a degree of wealth and of prosperity unparalleled in the experience of nations. [Prolonged applause on the Democratic side.]

Mr. McNARY. Mr. Chairman, the strange spectacle has been presented during the present session of the Fifty-ninth Congress of the refusal of the House of Representatives to give a hearing to the representatives of one of the great industries of the country on a question which they considered of vital importance, namely, the removal or the reduction of the duties on hides and leather. The boot and shoe industry is certainly one of the great industries of the United States. According to the Twelfth Census, the capital employed in this industry in 1900 was $101,795,233; the value of the products was $261,028,580, and the number of employees was 142,922, which, on the basis of each wage-earner supporting four people, would make the total number of persons depending on this industry for sustenance about 572,000. This surely is one of the great industries of the country, and in the State of Massachusetts it is the largest single industry.

A few months ago representatives of this industry visited the capital and the Chief Executive, requesting Executive aid in procuring a hearing for their demands. The Republican State convention in Massachusetts practically instructed the members of the dominant party in Congress from that State to demand from their party associates immediate consideration of the requests of the boot and shoe manufacturers in favor of tariff revision.

The demand of the Republican Representatives from Massachusetts has been ignored by the Republican stand-pat majority in Congress and by the stand-patters on the Ways and Means Committee, and the agitation has been characterized as merely a movement for the benefit of the Massachusetts industry, although on the delegation that visited the capital there were representatives of this industry not only from Massachusetts, but also from New York, from Illinois, from Wisconsin, from Minnesota, and from Missouri, showing that the movement is national in its character and not for the benefit of any particular section of the country. [Applause.]

Despite the denial of a hearing for the manufacturers before the Ways and Means Committee, where they might present their own case and state their position clearly and unequivocally, several members of the stand-pat majority have taken occasion to debate the question on the floor of the House, and while denouncing the boot and shoe manufacturers, have pretended to state their case for them. The statements of these stand-pat gentlemen, mainly from Ohio, have presented some curious points. In the past it has been the claim of those who favored protective duties that they were put on in the interest of developing home manufactures, so that the country might control its home markets by building up domestic industries, and it was also claimed that protective duties were necessary to protect American labor against lower-priced foreign labor.

It was the theory that when the industry was built up, if it no longer required protective duties, they should be abolished; but when the boot and shoe manufacturers came forward this year and asked that the duties on hides and sole leather be removed because they are injurious to their industry, they are, singularly enough, told that their views on their own industry are not to be considered; that their opinions are not to be taken; that they do not know what is good for them, and that their requests are not to be heeded, because somebody's profit on hide or leather would be interfered with. [Applause.]

Furthermore, they are told that no change in the tariff can be considered in any particular industry, because to do so would open up the question of tariff revision, and that the tariff is so sacred that it can not be touched, even though the representatives of one particular industry be practically unanimous in their request for relief. The boot and shoe manufacturers who have been met with this refusal of their demand for a change in the tariff, though they firmly believe that their future prosperity and the further development of their industry depend on it, have also been criticised on this floor for their presumption in asking for any changes, and this criticism has gone to the point of declaring them selfish in their request that their raw material should be made free while not being willing to have the duties on boots and shoes cut down or removed. This criticism of the manufacturers has always met with much applause by the stand-pat Members of the House. They have refused to allow the manufacturers to state their own case before the committee when they were perfectly willing to meet this question and place themselves on record, and they have ignored the public statements made by manufacturers, who are almost unanimous in their willingness to forego the duty on boots and shoes if they could get rid of the burdensome duties on hides and sole leather.

That this is so is seen from the statements of the manufacturers whenever they have been called upon to make them. Thus, in February, 1903, the Boston Commercial Bulletin, a Republican protectionist paper, owned and edited by Curtis Guild, jr., the present Republican Governor of the State of Massachusetts; a journal with which I am very familiar, having been connected with it for many years in the past as reporter and editor; made a canvass of the boot and shoe manufacturers of New England, and of the tanners of New England on these questions. Out of 375 New England boot and shoe manufacturers, 311 declared in favor of giving up the tariff on shoes if hides were made free. Of the New England tanners, 29 declared in favor of relinquishing the duty on leather if hides were made free, and only 11 opposed this action.

There is later evidence of this same character. The Shoe and Leather Reporter, of Boston, in January of this present year, 1906, sent out a circular letter to the leading shoe manufacturers of the United States, asking the following questions:

Are you in favor of the removal of the 15 per cent duty on hides and the 20 per cent duty on sole leather?

If you answer "Yes," are you willing to offer in exchange for these benefits to the shoe manufacturer the whole or any part of the 25 per cent duty on shoes?

To these questions 231 replies, covering all parts of the United States, were received.

The replies to the first question were practically unanimous in favor of free hides and free sole leather; and the replies to the second question showed that 140 were willing to have the whole duty on shoes removed; 38 were willing to have a part

of the duty, ranging from 10 to 15 per cent, removed; 33 were noncommittal, and 20 were opposed to the removal of the shoe duty.

These replies show that two-thirds of the manufacturers from all parts of the United States answer unequivocally in favor of the removal of the duty on shoes if the duties on hides and sole leather were removed; and the tenor of the replies from the rest would indicate that it is fair to assume that 90 per cent of the boot and shoe manufacturers would agree to the removal of the duty on boots and shoes if the duties on hides and sole leather could not be removed in any other way. It is also fair to state that there are some manufacturers who believe that the manufacturers of low-grade boots and shoes might need some protection from the competition of low-grade goods made abroad—say about 10 per cent in place of the present 25 per cent duty. The great consensus of opinion is, however, to the contrary.

These replies and statements made by the manufacturers openly in the trade journals of the industry disprove utterly the charge of selfishness made by the stand-pat defenders of the present tariff system. That this criticism is not a fair one is shown by the fact that they are not willing to give the boot and shoe manufacturers a chance to present their case, and are not concerned in increasing the future prosperity and further development of the boot and shoe industry, but their whole thought is to retain the duties on hides and sole leather for the benefit of certain interests which are now enjoying them. And in this, also, the stand-patters are not sincere. They declare that the duty on hides was put on in the interest of the farmer, that he has benefited by it, and that it should be maintained in his interest. It has not been shown on this floor that the great body of farmers and cattle raisers derive any material benefit from the duty on hides.

As is well known, there was no duty on hides from 1873 to 1897, and the farmers did not suffer, while the boot and shoe and the leather industries thrived. When an attempt was made to put a duty on hides in the McKinley bill, that great and far-seeing Republican statesman, James G. Blaine, denounced it as not in the interest of the farmer, but in the interest of the butcher—that is, the meat packer—and the attempt was abandoned. But the meat-packing interests were stronger when the Dingley bill was under consideration, in 1897, and succeeded in getting a duty placed on that class of hides which they controlled and would control. If it were a real movement in the interest of the farmer, the duty would have been placed on all classes of hides, but as a matter of fact no duty was placed on calfskins or sheepskins, goatskins, or horse hides, but only upon the hides of cattle—that is, of steers—the great bulk of which come into the hands of the beef packers through their purchase of steers from the cattle raisers. The beef packers were not in the market for calves, sheep, goats, or horses, and consequently no duty was imposed on these, though if protection to the farmer were intended they were just as much entitled to duty as the cattle hides. [Applause on the Democratic side.]

It has been claimed here, but not proven, that the farmer has been benefited by the duty because of the fact that hides have advanced in price since the duty was placed on. If the hides were sold separately from the animal by the cattle raiser, he would probably have been able to realize a profit in the advance of hides. But this is not the case. The great bulk of the cattle produced in this country and having hides of the class covered by the duty are bought by the beef packers from the cattle raisers, not on the basis of so much a pound for the beef and so much a pound for the hide, but on the basis of so much a pound for cattle on the hoof, and the prices which the packers paid for cattle on the hoof have not materially advanced in the past ten or twelve years. Thus, in 1893 and 1894, native steer cattle averaged 5½ and 6 cents per pound and native steer hides averaged 6½ and 7½ cents a pound. Since 1893 the average prices for native steer cattle have remained at about 6 cents and are about 6 cents to-day. Hides, meanwhile, have advanced more or less steadily up to 15 cents and even to 15¾ cents per pound.

It is thus clearly seen that the prices of the cattle and hides have had very little to do with each other. Now, as the beef packers have bought 80 or 90 per cent of the steer cattle at about the same prices or less than they bought it in 1893 and 1894, it is evident that they have not paid the cattle raiser more for his cattle because of the advance in the price of hides. If the farmer or cattle raiser did not sell his cattle on the hoof and sold his hides separately, he could have realized an additional profit on the advance in hides. But, as a matter of fact, only a small percentage of steer cattle are sold that way—with hides sold separately—and only to small hide dealers in the country districts, and the few farmers who have sold to them have made a little profit. But the beef packers have been lately buying up these small country hide concerns, and in a short time they will control them as thoroughly as they do other agencies of their business.

As a matter of fact, the farmer has been given a gold brick in the hide duty, and it is the endeavor of the stand-pat orators to make him still believe, against all the facts in the case, that it is a genuine article and is of value to him. The hide duty has been a value to nobody practically but the beef packers. It has given no benefit to the farmer and it has not caused the raising of cattle for their hides and has not increased the amount of beef production in the country. This is shown conclusively by the investigation of the cattle and beef industry conducted by the Department of Commerce and Labor on the resolution introduced by the gentleman from North Dakota in the Fifty-eighth Congress.

It has not stimulated the production of cattle so as to supply the demands of the shoe manufacturers in the hide market, as we are still being compelled to import from 25 to 33 per cent of the hides that we need in this industry. It has not yielded revenue of any great consequence to the Government. The average during the past few years has been $2,300,000, less about $680,000 average drawback, as 99 per cent of the duty is refunded when leather made from imported hides is exported. Thus the foreign manufacturer of shoes is able to buy American tanned leather nearly 15 per cent cheaper than our own manufacturers can in the domestic market, because the American hide market is controlled by the beef packers, who get the full benefit of the 15 per cent duty on hides.

The great advance in the price of hides has not been due entirely to the duty, but has been due to the scarcity of hides from various causes throughout the world and the increased demand for leather for various purposes for many branches of industry outside of boots and shoes. Thus foreign hides have advanced as well as American hides, but, owing to the duty, American hides have advanced more than foreign hides, and the beef packers have been enabled to realize a greater profit, owing to the duty, than they possibly could with the hide market free. Despite the duty, we have to import from a quarter to a third of the amount of hides needed to supply our wants, and the duty is an obstacle to the proper supply of our needs. It enables the foreign manufacturer of leather, both in Europe and Canada, to underbuy us and procure their raw material cheaper than it is possible for us to procure it.

Before the imposition of the hide duty our ports, notably Boston, were great hide markets, but since the duty was put on this business has shrunk and fallen away. For instance, outside of the hides which we buy direct, the South American producers send or consign their hides to the European markets, and in return naturally take the manufactured goods from those countries. We thus lose this commerce, and we lose the profit on tanning the hides and making them into leather and into shoes, because if we had free hides no country in the world could compete with us in the making of leather, as this country is supplied more abundantly than any other with the materials for tanning. We have the hemlock in the Northwest and the oak in the South. England has practically neither. Canada has the hemlock, but not the oak.

Thus if we had free hides and a choice of material, we could absolutely control the leather markets of the world. We have shown that the tariff on hides benefits the packers and not the farmer. The shoe manufacturer finds it a great burden on his industry because of the increased price which he has to pay for sole leather, which enters into the manufacture of nearly all grades of shoes and of which the poorer classes of shoes, used largely by the farmers, are almost entirely composed.

Estimates of the difference in cost of shoes resulting from the high tax vary considerably; it has been stated in some quarters as high as from 4 to 7 cents per pair, according to the class of goods. This may be so in some cases, but on the other hand, the gentleman from Ohio [Mr. BANNON] has figured out that the extra cost on a pair of shoes on account of the high tax does not amount to more than 1¼ cents per pair. This is distinctly an underestimate according to the statements of shoe manufacturers. The gentleman from New York [Mr. PERKINS], representing the shoe manufacturing district of Rochester, has stated that the duty makes a difference of at least 1½ cents on each pound of hides, and figures that it would make a difference on the average in a pair of shoes of 2 cents. This is an underestimate, in my judgment, based on the statements of shoe manufacturers in my own State, but if we accept it for the sake of argument, it will even then show what a great burden it is to the shoe manufacturers. Two cents a pair would seem to be of no consequence and not worth considering, and neither would it be in some of the great protected industries of the country

whose enormous profits are defended by the stand-pat protectionists and in whose interests these gentlemen demand that the tariff must not be revised. It is easy to be seen, however, that it makes a great difference to the boot and shoe manufacturers.

It should be borne in mind that this is the last great single manufacturing industry in this country which is not controlled in a greater or less degree by a combination or trust, and this fact should commend it to the favor of Congress and the law-making power. The boot and shoe manufacturers meet each other in full and fair competition, and the prices of their product are fixed in the free and open market. As a result of this it is generally conceded that the profits of this industry do not exceed 5 per cent. It may be fairly estimated that at the present time, with the high price of hides and leather, the average cost of a pair of shoes to the manufacturer, taking all classes into consideration, is, perhaps, about $2.

The profit to the manufacturer at 5 per cent would be, on the $2 cost basis, exactly 10 cents per pair. Thus if the increased cost because of the hide duty is reckoned as low as 2 cents per pair, this cost would be equal, on the $2 basis, to one-fifth of the profit of the manufacturer, or 20 per cent of his profits. In view of the small margin of 5 per cent profit to the manufacturer, is it not worth while to save this cost?

Let us state the matter in another way and see what it amounts to in the aggregate, this small amount of 2 cents per pair. According to the census returns the total quantity of boots and shoes manufactured in 1900 was 219,235,419 pairs—let us say 219,000,000 pairs. At 2 cents per pair the extra cost because of hide duty would amount to $4,380,000, which represents the extra cost to the manufacturers because of the hide duty and which accordingly represents the extra profit wrung out of this industry by the beef packers of the country. This amount, it will be conceded by everybody, is well worth saving to this industry. If the manufacturers could save this amount and could get their raw material cheaper they would have that much additional free capital to invest and could increase their production and could give more and steadier work to their employees and also better wages.

But the gentlemen who defend the hide duty declare that this would accrue to the manufacturers and perhaps to their employees and would not extend to the consuming public. Even if this were so, it would be a benefit to the country that this additional profit should be divided among the manufacturers and their employees rather than go into the pockets of the beef packers. But, as a matter of fact, it would inevitably tend to be distributed to some extent to the consumer. Every improvement in the process of manufacture by which the cost is reduced in a business conducted on such a narrow margin of profit inevitably reaches the consumer in a short time by an improvement in the quality of the goods.

The boot and shoe manufacturing industry not only needs the abolition of the duty on hides, but it demands the abolition of the 20 per cent duty on sole leather as well. Sole leather is made from the heavy cattle or steer hides, the kind protected by the duty and the supply of which is controlled by the beef packers' combination. The sole-leather business has for years been in the control of the United States Leather Company, which was organized in 1893 to control the sole-leather industry, which to a very great extent it succeeded in doing. The beef packers' combination, which controls the supply of cattle or steer hides, has within a few years extended its operations, and by buying into the United States Leather Company secured control of the sole-leather trade as well as the hide trade. After securing control of the United States Leather Company, the beef packers' combination, about a year ago, organized the Central Leather Company, in order to perfect their control of the sole-leather trade. This Central Leather Company is practically the United States Leather Company reorganized. It manufactures sole leather entirely. It controls, or soon will control, from 80 to 90 per cent of the sole-leather output of the country.

It may be contended that this is not so and that there are a number of large independent sole-leather manufactories or tanneries in existence; but the Central Leather Company has lately bought out ten of the largest of these tanners, including the great concerns of N. K. Allen, of Kenosha, Wis.; Lucius Beebe & Sons, Olean, N. Y.; Cover, Dayton & Leonard, who had four big Texas oak tanneries in Virginia, Tennessee, and different parts of the South. This removed practically all opposition they had in Texas oak tanning. It has also bought the Independent Leather Company, of New York State, which controlled two or three tanneries. It has also bought the Watlin tannery, of Grand Rapids, Mich., and it was also understood to be negotiating for the Michigan Leather Company when the latter burned down a while ago. These purchases have been made in about a year, and the amount paid for them, with the exception of the Watlin tannery, was about $8,750,000.

The capitalization of the company is as follows:

Bonds	$45,000,000
Preferred stock	40,000,000
Common stock	40,000,000
Total	125,000,000

The sales of this company are estimated at $40,000,000 per year and they propose to pay on bonds 5 per cent, and on stock 7 per cent. This equals $5,000,000 on $40,000,000, which is therefore equivalent to 12½ per cent on the capital stock. This great dividend it is proposed to make on a product which is within about 5 per cent of being a raw material—that is to say, it only costs about 5 per cent in unskilled labor to make sole leather. But the Central Leather Company is now making 12½ per cent, and must make more if they are to pay on common stock, which is promised, and as a result the common has sold above 40.

In contradistinction to these great earnings on what is the next thing to a raw material, contrast the average of about 5 per cent profit by the shoe manufacturers on goods which take 25 per cent in labor cost to produce. The continuance of this great duty on sole leather is a burden to the manufacturer of boots and shoes and a benefit to nobody but the Central Leather Company, which is now in practical control of the sole leather market, and which is in turn controlled by the beef trust. The beef trust, it thus appears, is extracting a profit from the boot and shoe manufacturers both by reason of the tariff on hides and the tariff on sole leather. An additional proof that we need no duty on sole leather is shown by the fact that we have a big export trade in that class of goods and that this trade is yearly increasing. As a matter of fact no country in the world can compete with us in the manufacture of these goods, because we have greater supplies of hemlock and oak bark and can thus produce better and cheaper hemlock and oak sole leather.

Canada might compete with us on hemlock tanned leather, but it can not on the oak tanned as it has not the supply of oak bark. The fact that the Central Leather Company is able to export annually millions of dollars of sole leather is the best proof in the world that it needs no protection, and a continuance of the protection of sole leather is merely in the interest of this corporaion and its owner, the beef trust.

It is claimed by the stand-patters that as we are steadily increasing our exports both of boots and shoes and leather and the manufactures of leather, that therefore we need no change in the protective duty. It is true that we have steadily increased our exports of leather and its manufactures and of boots and shoes; thus the exports of leather and the manufactures of leather increased from $33,980,615 in 1904 to $37,936,745 in 1905, and the exports of boots and shoes increased from 4,642,531 pairs of a value of $7,238,940 in 1904 to 5,315,699 pairs, valued at $8,057,697, in 1905. This increase in exports, however, has not been due to the tariff, but has occurred in spite of it.

Upper leather, which represents a great portion of the exports, is made from that class of skins and hides which are not dutiable, and sole leather made from foreign hides receives a drawback of 99 per cent when exported, and thus on this class of goods, with our superior tanning facilities, we are not at any disadvantage with any foreign producer. But the exports of shoes, it is claimed by protectionists, are on a different basis. Here we are exporting a product on a large part of the material for which a protective duty is levied in the tariff on hides. This is correct and it is also true that our export shoe trade has gained greatly in recent years, but it has gained almost entirely along certain lines, and that is in the better grade of goods.

We have been able to export them, despite the tariff tax on hides, because of their superior design, cut, finish, quality, and more comfortable wearing characteristics. As regards these shoes, the increased labor cost in this country is more than offset by the qualities noted above. But the increased labor cost is in some respects a misnomer, as the American workman produces a far larger quantity as well as better goods than even the intelligent English workman, though the latter may be equipped with American machinery, and thus the American workman can earn $15 per week as against $7.50 paid to the Englishman, and at the same time the shoes produced by the American workman can be sold in competition with the English-made goods in the English market.

We do not, and under present conditions can not, export the cheap, strong, heavy shoes which are worn by the great mass of foreign peoples, and thus furnish the greatest opportunity for the extension of our foreign trade. Our foreign competitors make them from American-tanned sole and upper leather, which they

frequently are able to buy, because of our duties on hides and sole leather, at lower prices than the American manufacturer, and they are thus able to keep us out of the market which with our skill, enterprise, and superior cut, finish, design, and quality of our shoes would be naturally ours if we had the advantage of free raw material. If we can export great and increasing quantities of leather and boots and shoes under present conditions of handicap by the tariff tax on hides and sole leather, who can doubt that we would wonderfully increase those exports if we had equal opportunities in the purchase of raw material?

The reports of the Twelfth Census show that the maximum yearly capacity of the combined factories of the United States is slightly under 400,000,000 pairs, while we produce but 219,000,000 pairs, thus showing that all the factories running at full capacity would require not exceeding seven months to produce all the shoes consumed in the United States and those exported for the year ending June 30, 1900.

This shows the absolute necessity of enlarging our market for boots and shoes, and that market can only be enlarged in one way, and that is by increasing our foreign trade. With free raw materials this increase could undoubtedly be made sufficient to run our factories at full time, thus giving five months' more employment and consequently five months' more wages to our highly skilled workmen and also an additional profit because of increased business to our manufacturers. It would undoubtedly require a larger capital, but as there would be a greater and a steadier output, the cost of production, as compared with fixed charges, ought to be decreased, and this in turn ought to bring about lower prices for our shoes, not only in the foreign markets, but for home consumption as well.

Without the removal of the duties on hides and sole leather it is evident that the beef packers and subsidiary leather companies will soon absolutely control the price of sole leather in the market and that the manufacturers will in a short time be at the mercy of this combination. On the other hand, the boot and shoe manufacturers are largely at the present time dependent for their machinery on a trust called the United States Shoe Machinery Company, which controls by means of patents and otherwise nearly the whole of the machines necessary for the production of boots and shoes, and this machinery is not sold outright by this company to the shoe manufacturers, but is very largely leased to them.

The prices at which the machines are leased are controlled absolutely by the shoe-machinery company, and it has the power to increase these royalties or prices for its machines whenever it feels that a good opportunity to do so has arrived. With the steadily increasing control of the hide and leather market by the beef trust and the practical control of the machinery necessary for the manufacture of goods by the shoe-machinery company, it is conceivable that under present conditions the time is not far distant when the boot and shoe manufacturers of this country may be forced by a combination of interests between the beef trust and the Central Leather Company and the shoe-machinery company, out of their present semi-independent and competitive position into a combination for the control of prices and profits. It is entirely within the range of probability that if these two companies get together or consolidate, by purchase or otherwise, that they could dictate terms and assume practical control of the whole shoe manufacturing industry of this country.

If the independent and free competition is to be preserved among the shoe manufacturers the tariff duties must be either entirely abolished or greatly reduced. [Applause.]

This states the situation of the boot and shoe manufacturers of the country as a whole, but the situation in Massachusetts by itself presents some aspects which are additionally serious to the future of this State. This State, according to the last census, continued to rank No. 1 in every respect in this industry, but a change has taken place which merits serious consideration on the part of the people of the State. The output of the factories in Massachusetts for 1900 was $117,115,243, or 44.9 per cent of the total for the entire country, compared with 52.7 per cent in 1890; a decrease of 7.8 per cent. The census returns also show that the capital employed in Massachusetts was $37,577,630 in 1900, as against $44,567,702 in 1890. The number of wage-earners in Massachusetts engaged in this industry in 1900 was but 58,645, as against 67,374 in 1890, and the total wages paid was $27,745,820 in 1900, as against $32,379,899 in 1890. This shows a decrease in all these items—which can not be said to be compensated for by the total increase in the value of the product—of about $1,000,000.

Massachusetts has seen many of her industries in the past transferred to other States because of the burdensome tariff conditions, and while the day may seem far distant, it is a question, in view of the light of previous experience, whether or not our great boot and shoe industry may not also be largely transferred to the Western States, nearer the sources of supply of the leather and the tanning material, if present tariff conditions continue. We still tan considerable quantities of upper leather, but tanning of sole leather has practically ceased as an industry in this State. Yet within a few hundred miles to the north there are inexhaustible supplies of hemlock bark, and with free raw material our industries would be placed on an equality with those of the West, which are now nearer the tannery centers.

All these considerations should furnish a reason why Massachusetts, through her Representatives in Congress, should insist more strongly than ever that a change be made in the present tariff taxes, and while the subject is not at present a party question in Massachusetts, it does not require much foresight to predict that if the dominant party in Congress will not grant the relief which the State desires, the people of Massachusetts, when satisfied of this fact and of the threatened decline or loss of this great and important industry, will turn to the other party for relief. [Applause on the Democratic side.]

That there is a strong, well-defined, and steadfast feeling of this character existing in the State is shown by the victory won in the election of Governor Douglas on a tariff-revision and reciprocity platform in 1904, and a victory, to all intents and purposes, won by Henry M. Whitney on issues of the same character in 1905, when he cut down the normal Republican majority of seventy or eighty thousand to less than 2,000 for Eben Draper, his opponent for lieutenant-governor. [Applause.]

Mr. Chairman, if my time permitted, I should, in addition to the foregoing remarks which I have made on the subject of the tariff as it relates to the boot and shoe industry, enter into a discussion of a subject in which the people of Massachusetts are as deeply concerned and I think as much interested as they are in the question of the hide and leather duties, and that is reciprocity with our neighboring countries to the north, Canada and Newfoundland. This subject is so completely, exhaustively, and convincingly treated in the address of Hon. Henry M. Whitney, president of the Boston Chamber of Commerce, on the topic of commerce before the Boston Boot and Shoe Club on March 16, 1904, that I shall present, therefore, as a portion of my own remarks, his address on this occasion, which is as follows:

Address of Henry M. Whitney, president of the Boston Chamber of Commerce, upon the subject of commerce before the Boston Boot and Shoe Club, March 16, 1904.

MR. PRESIDENT AND GENTLEMEN OF THE BOOT AND SHOE CLUB: I desire to thank you for the warmth and cordiality of your reception. The subject on which I am asked to speak is that of "Greater Boston from the Standpoint of Commerce." I understand this to mean commerce in the general acceptance of the term—viz, foreign commerce. Foreign commerce means foreign trade, which is the exchange of the products of a foreign country for the products of a home country. The commercial prominence of Boston, such as it is to-day, is due to the fact that she has hitherto offered facilities for these exchanges. The question is whether this trade, together with our other industries, is likely to be retained and increased or whether it is to remain stationary or suffer a decline.

The essential requisites for a large foreign commerce are, first, a good harbor, easily accessible from the sea, with plenty of anchorage ground and good water frontage; secondly, it must be located near to the producers in the home country or be connected with them by cheap and easy methods of transportation. The limit of the trade of such a port will be measured by the limit of the area within which it will be for the interest of the producers to send there such of their products as they may wish to exchange for the products of other countries.

The trade limits of all the coastwise cities in America, and, indeed, all over the world, have been very greatly enlarged within the past sixty or seventy years by the introduction and development of the railway system. Before then, outside of the water courses, inland transportation by horse or ox teams was then, as it is now, too expensive to admit of the movement of heavy articles of freight for any considerable distance. To move 1 ton of freight for 15 miles over country roads would probably constitute a day's work for two horses and a driver, at an expense of, say, $4. On this basis, to carry a ton of freight as far as the city of Providence would require three days of time and cost about $12. To go as far as Springfield would occupy about seven days and cost $28. Anything going, therefore, from Boston to Providence or Springfield in the early days went by vessel around the cape and up Narragansett Bay or the Connecticut River to its destination. But it was easier to reach New York by water than Boston, and hence the trade along the rivers emptying into Long Island Sound, as well as the trade on the Sound, became tributary to the city of New York. Her location gave her command of the trade of extensive water courses in New Jersey, New York, Connecticut, Rhode Island, and, to some extent, in Massachusetts, and she early became a great commercial center. She had a fine harbor for foreign vessels to enter, and by means of cheap water transportation was near to the home producer. But the introduction and development of the railway system enlarged the trade area of New York as well as of Boston, and, indeed, that of all coastwise cities. To-day the cost of transporting a ton of freight two days' journey, or 30 miles, into the country by team would carry it half across the continent by rail. But cheap as transportation is by rail, and assuming the cost to be only one-half a cent per ton per mile, it is still very costly as compared with transportation by water. It would cost $1 to transport a ton of freight a distance of 200 miles even at one-half a cent per ton per mile, while by the modern steamship it would cost hardly one-tenth of that $1 to transport it that distance.

From my connection with the Dominion Coal Company, I am familiar with the cost of transporting coal, which corresponds in expense very largely with that of transporting grain. It was estimated that the

cost of transporting coal by steamers, chartered for the purpose, was equivalent to 5 cents per ton per day for the coal carried. The distance which a steamer would go in twenty-four hours is about 250 miles; the transportation cost was therefore 5 cents a ton for carrying it 250 miles, or one-fiftieth a cent per ton mile, which you will see is very much less than rail cost of one-half a cent a ton a mile.

This will serve to explain why Boston has so little advantage over New York and other ports by her shorter distances across the Atlantic to ports in the United Kingdom and elsewhere. And I think it will also make clear why the tendency of the trade in grain and cotton from the far distant fields of the West and South will, with the development of the railroad systems of the South and West, find their cheapest and best outlet at the cities of the southern seaboard. Less and less of such freights as we have heretofore carried from those sections will be sent here for foreign shipment. In confirmation of this statement, I would call your attention to the fact, doubtless already known to most of you, that in the last year Boston dropped from the position of the second port in the country in the value of its foreign trade to the third place, New Orleans taking precedence of her. For the first time in her history Boston has had to yield the second place to a rival port.

Now, are there any trade areas that are naturally tributary to the port of Boston and whose trade she could secure and under natural conditions forever hold? And are they sufficiently extensive to make her a great mart of commerce? There are such areas. They include all the territory to the north and east of us, comprising the States of Maine, New Hampshire, and Vermont, and, in addition, the Provinces of New Brunswick, Nova Scotia, Prince Edward Island, Quebec, and Newfoundland. Much of this territory is intersected by numerous bays and inlets, affording a cheaper than rail transportation, viz, transportation by water, and it is this trade we must have if we are to continue to grow in our commercial importance.

We want the people from all this area to send their surplus products here for exchange with the products of other sections. Let them come, bringing the products of their localities and find here a friendly welcome.

We will take their butter and cheese and eggs, a hide or two perhaps, their lumber and fish, and the other products of their localities, and we will give them in exchange the boots and shoes, furniture, dry goods, and the other things they may want, the products of our manifold industries, to the general benefit of the laborer in these varied industries, together with fruits, groceries, and the infinite variety of goods gathered from other climes.

The quantity of these agricultural products produced in the State of Massachusetts does not anywhere near supply the demand; indeed, supplies but a small fraction of it. Our present supply comes from far distant points, and there is still a surplus in the whole country which must be sold in foreign markets, so that the price of these articles in this market can in no wise be materially affected.

In the year 1902, which is the last year of which we have the full reports, the importation of butter, cheese, and eggs from the United States into Canada amounted in value to about $360,000, while they sent us of these products but $88,000. Of fish, they sent us about $4,000,000 worth. Now, in certain quarters, whenever the subject of reciprocal trade with Canada and Newfoundland has been under discussion, it has been waved aside as impracticable, largely because of the possibility of its cheapening somewhat the price of fish. While I doubt if this would really be the effect of free entry of fish into our markets, yet if it were so, it would do no great harm to the mass of people. The advantage to the trader of handling the larger quantity would, it seems to me, more than compensate for some falling off in the earnings of the vessels, if, indeed, there should be any.

The population of the north and east with whom our trade is hampered by restrictive legislation, the inhabitants of the maritime Provinces, Quebec, and Newfoundland, is about equal to the population of the States of Maine, New Hampshire, and Vermont, and nearly one-half of Massachusetts; in all, more than 2,700,000 in number. The import and export trade of those people, based on the average of the imports and exports of Canada per capita in 1900, amounted to $200,000,000. There is, moreover, a larger territory in the Canadian northwest, much of whose trade, especially during the winter season, finds its easiest and cheapest route to the sea through the port of Boston. It is estimated that within this territory there are 300,000,000 acres of arable land, of which but 3,000,000 are now under cultivation.

The vessels that sail from Gloucester in the cod and mackerel fisheries carry between four and five thousand men, one-half of whom are aliens. There are therefore about 2,500 American seamen who might be slightly affected by the competition with their Canadian neighbors. Shall the best interests of 3,000,000 people, the inhabitants of the State of Massachusetts, and 3,000,000 in Canada be sacrificed for the benefit of this comparatively small number?

Besides this, if the price of fish would be really cheapened by this proposed change, isn't it about time that the American people stopped paying tribute on this necessary article of food? They have been paying it for more than thirty years, which, it seems to me, is long enough.

What is the history of the industry? In 1803 the tonnage of the vessels enrolled in the cod and mackerel fisheries was 43,416 tons. In 1853 the tonnage had increased to 159,000 tons. It increased under nine years of reciprocal trade to 193,000 tons in 1862, and in 1902 it was back to the figure of one hundred years ago; to be exact, 44,074 tons in 1902, as against 43,416 tons in 1803, or an increase in one hundred years of 600 tons, or 1⅓ per cent.

The number of vessels in the whole State engaged in these fisheries in 1868 was 1,467; in 1902, 539. What is the meaning of all this? Why, either that there must be certain advantages in the fishing privileges of Canada or Newfoundland which our fishermen do not now enjoy, and which, under reciprocal relations, they would profit by, or else that the fishing business has ceased to be attractive to American seamen.

The Gloucester fisheries have been called the "nursery of the American Navy." They have long ceased to be that. The records show that a total of 12,558 men enlisted at recruiting offices during the year ending June 30, 1903, but 1,464 enlisted in Massachusetts. Of this number, 1,451 enlisted at Boston, 1 at Provincetown, 11 at Springfield, and 1 at Salem. There is no evidence to show that of the enlistments at Boston a larger proportion came from the fishing districts than elsewhere in the State. It is also to be said of the number enlisted at Boston that a part of them drift in here from other New England States. Massachusetts is not even the first State in the Union in the number of enlistments in the Navy. In 1903 New York was first, with 1,643 enlistments, Massachusetts was second, and Pennsylvania a close third, with 1,282 enlistments. It is interesting to note the enlistments from some of the other States, namely, California, 998; Missouri, 904; Illinois, 733; Ohio, 572; Texas, 548.

I do not know a single industry in the State of Massachusetts, save only the fishing industry—and I can not understand why that should really suffer if the men in charge of it are "up-to-date" business men—that would be materially injured if trade were made absolutely free between the two countries. If the merchants of Boston and New England were permitted to trade as freely with their neighbors on the north and east as with their neighbors to the south and west, there would soon be no question in the mind of anybody as to the position which the city of Boston would occupy in the commercial world.

I have called attention to the difference in the cost of rail and sea transportation, which is an important fact in connection with the future growth of our business on Canadian transcontinental lines. The distance from Montreal and Quebec to the city of Boston is less than to any other seaport that can be used by freight reaching the seaboard in the winter season.

From Montreal to Boston is 341 miles; from Montreal to New York, 384 miles; Montreal to St. John, by way of the Canadian Pacific Railway, 481 miles; Montreal to Halifax, by way of the Canadian Pacific Railway, 756 miles; Quebec to Boston, 417 miles; Quebec to St. John, 577 miles; Quebec to Halifax, 674 miles.

You will observe that the saving in mileage on freight bound for a seaport from Montreal and Quebec, is from 150 to 300 miles or more in favor of Boston. This means a saving of from 75 cents to $1.50 a ton on freight, which is sufficient in the long run to give the port of Boston the control of that freight, assuming that our relations are friendly and freight is permitted to come and go freely—that is, without trade restrictions between the two sections. There is no great difference between the port of Boston and Liverpool and the ports in the maritime provinces and Liverpool, but the rail route being so much shorter, passenger travel would naturally take this route, and the logic of events will compel freight to come the same way.

I think it is not too much to say that if the reciprocity treaty of 1854 had been continued, and cordial relations maintained with the people of Canada, the eastern terminus of the Canadian Pacific Railroad would have been established here in Boston and our commercial eminence made secure.

Why shall not the city of Boston and its people enter into and enjoy this trade? Why must we be compelled to treat our neighbors as our enemies, instead of as our friends? Why should the people that God hath joined he kept asunder? Why shall not reciprocal trade relations with the people I have referred to be established, for the common good? Is there anything really alarming in that they may wish to bring in a little butter and chese, some poultry, a few eggs, some lumber, and perhaps some fish, or indeed anything else they may wish to bring?

It is commonly known that at one time I was at the head of two important industries in Canada, namely, the Dominion Coal Company and the Dominion Iron and Steel Company. I retired from the management of these two companies more than two years ago, and have little or no interest in them at the present time; but my connection with these companies has enabled me to know from actual experience something of the advantages that would accrue to New England interests were the products of these two companies allowed to come in here without the excessive duty now prevailing.

The Boston and Maine Railroad has found, as before it the Canadian Pacific and Grand Trunk railways found, that the Cape Breton coals are excellent for steaming purposes. Indeed, the president of the Boston and Maine Railroad, Mr. Lucius Tuttle, informed me not long since that but for the fact that the Dominion Coal Company was able to supply them with coal they would have been compelled last winter, for want of fuel, to take off many of their trains, to the great disadvantage of the business community, so that it has been demonstrated that this coal is suitable for railroad purposes.

The steamships that ply on the St. Lawrence, which are in all respects similar to those entering Boston Harbor, have found it, and still find it, to their advantage to use these coals. The mills in New England that have given the coal a trial have found that it answers their purposes excellently well. Were the duty on coal permanently removed, the Dominion Coal Company would undoubtedly establish here a large depot for the supply of the railroads, the steamships, the mills, and, ultimately, many of the people, when, by experience, they have learned how it should be used. Similar conditions prevail in regard to the steel company.

Coming on from New York one afternoon less than a month ago, I chanced to have a seat in the Pullman car directly in front of the manager of the National Steel and Wire Company, one of the largest of whose works is located in New Haven. He told me that during the last year he had purchased 70,000 tons of steel billets from the Dominion Iron and Steel Company, at Sydney, and, opening his satchel, he took from it a photograph of a steamer lying alongside his wharf at New Haven which he said was loaded with 7,000 tons of billets for his company. Now, the duty on these billets is $6.72 a ton, which was the price that this New Haven company was obliged to pay the United States Government for the privilege of trading with the Canadian company.

In looking over the statistics for 1900 I find that the iron and steel products of the State of Massachusetts amounted to the sum of $56,000,000. Think what advahtage it would be to these and kindred industries if they were at liberty to buy their raw material in the cheapest market. Mr. LOVERING, the Representative from the Cape district, has vainly tried to have the provisions of the existing drawback law extended so that goods manufactured here solely for export could be secured on terms favorable to such export trade. Nothing could be more advantageous to Massachusetts interests; nothing could be more in harmony with the policy of encouraging the export trade, with increased employment for labor, than the extension of the drawback system as advocated by Mr. LOVERING. What, think you, would be the effect on the iron and steel industries to which I have referred if they could avail themselves of the markets of the world for their purchases. These industries would be stimulated, the number of men required would be vastly increased, and their products increased in like proportions.

The objections to the establishment of reciprocal trade with Canada and Newfoundland, as regards the interests of the State of Massachusetts, seem to me to be so trivial and the advantages of it so apparent and so enormous that I can not understand why any political representative of the State should not be outspoken in advocacy of such a measure. If it were once understood that the merchants of Boston and of Massachusetts were really in earnest about this matter, the problem would be solved, so

far as our Representatives are concerned. I know that a very strong latent feeling exists among the merchants generally in favor of an enlargement of our trade on the lines I have indicated, but they have been too content to pass a resolution here and there and expect their political representatives to do the rest. It is evident that something more must be done. We can lie supinely down and let the car of progress go along without us, and Boston will become what, under those circumstances, she deserves to become, a commercial city of the second or third importance. If the merchants of this city will arouse themselves and determine that this thing shall be done or they will know the reason why it can not be done—if this really be the sentiment of this community, its political representatives must stand for it whenever it may be under discussion. If the merchants of this city are but loyal to the interests of the State, their own business interests, the interests of their employees, to their own children and posterity, they will gird their loins and fight this battle to a finish.

This great undeveloped country to the north and east of us affords abundant opportunity for New England enterprise and capital. It affords abundant opportunities to the youth of New England, and especially to the graduates of its universities and technical schools.

The establishment of friendly trade relations will be followed by the establishment of friendly social and political relations, the value of which to the welfare of the two countries and the peace of the world can not be overestimated.

Mr. President and members of the Boot and Shoe Club, the natural advantages of the port of the city of Boston have destined it from the foundation of the world for a great commercial center. Whether she shall become so in your day or in mine rests almost wholly upon the question of how soon and to what extent the shackles that now bind and limit her trade development shall be loosened or removed.

Nature has done her part. Given the opportunity the merchants of Boston will do the rest. To secure this opportunity we must join forces with others animated by like purposes, must work early and late, in season and out of season, through evil report and good report, until in the fullness of time we may enter into the enjoyment of our rightful heritage of trade and the city of Boston become a great commercial center.

I am well aware that the sentiments of this club are in harmony with my own and with those of the Boston Chamber of Commerce, and I beg leave to say to you at this time that there is no association of men in the State better fitted than yours to lead in this matter; the character and standing of your people, the magnitude of your business operations, the remarkable courage, energy, and skill with which you have conducted your affairs all make it eminently proper that you should take the lead in the campaign that must be waged for the promotion of the cause; but if it is thought best that the older association that I have the honor to represent shall stand in the van, we will do so, understanding that you will stand shoulder to shoulder with us, giving us your hearty cooperation and financial support.

I append also as a portion of my remarks a letter received by me from F. W. Merrick, of the Union Welting Company, of Boston:

UNION WELTING COMPANY,
CONTINUOUS SOLID LEATHER SEAM WELTING,
Boston, Mass., January 25, 1906.

W. S. MCNARY,
House of Representatives, Washington, D. C.

MY DEAR MCNARY: Permit me to add a word of protest against the duty on hides. I believe if the people of the country knew the true inwardness of the duty on hides, as we do who suffer directly from it, there would be such an outburst of indignation that the duty would be removed at this session.

There are 200,000,000 pairs of shoes made in this country per year. Owing to the increase in leather prices there has been an increase of 30 cents per pair in prices. Who pays this $60,000,000? Who gets it? What is the purpose of the duty? To help the packers throttle the leather industry.

The beef trust now absolutely controls the situation, and the game is to so dominate the shoe trade that all the profit shall go to the leather trust. A combination of the leather trust and shoe-machinery trust absolutely controls the shoe-manufacturing business of this country to-day, strangles all independent effort, and will surely put us in the rear in the international race for business. Two men can dominate this immense business, and yet we hear cries of alarm about the concentration of power in the hands of the Government at this time.

It is true there is a scarcity of calfskins. Before the Russian war 8,000,000 calfskins came into this country annually. Now practically none are coming, and the people are forced to use as substitutes cow hides and sheepskins, and the duty on hides help the packers to add to the burden of a natural scarcity.

We use in our business a rough split leather. The leather that we used last year is now being sent out of the country, and we are forced to pay 50 per cent more for our leather than we did a year ago. We try to raise our prices on the finished product, and are met with the statement of one of the largest manufacturers that he is obliged to skin his shoe in every possible way, and will use a cloth substitute for our leather, because the wearer can't see it.

In order to keep whole the manufacturer is forced to offer a poorer shoe at an average increase in price of 30 cents. The hide duty both robs and cheats the wearer of shoes.

I asked a prominent maker of patent leather to-day if he would be willing to forego the duty on patent leather if the duty on hides was removed. He said, "Certainly; the duty is no protection to me. I can make better and cheaper patent leather than anyone in Europe if I can get my hides on an even basis."

The hide duty protects no one but the packers. Not content with the advantages which they derive from their monopoly of slaughter hides and unfair advantages in transportation, the packers seek and get from the Government a special privilege to strengthen the grip with which they are strangling the independent shoe manufacturers of this free country.

I am a Republican and so is my partner, but we shall both vote the Democratic ticket so long as the Republican party continues to help the strong and rich rob the helpless and the poor.

Yours, very truly,

F. W. MERRICK.

I also append, as a portion of my remarks, the address made by Charles E. Jones, president of the Commonwealth Shoe and Leather Company, of Boston, before a convention of the National Shoe Wholesalers' Association of the United States held in Boston, January 25, 1906. Mr. Jones's address is as follows:

Address of Charles H. Jones, of Commonwealth Shoe and Leather Company, Boston.

Before beginning my formal address I want to express to this association my high appreciation of their enterprise and public spirit in calling together a gathering of this character. The subject assigned for the discussion is a timely one and vital to every branch of the industry throughout this country; and the effort which evidently has been made, not only by the speakers who are members of the organization, but by the distinguished guests you have invited, is such as merits not only the thanks of the association, which I know will be tendered, but I feel like expressing my individual hearty appreciation of their kindness and thoughtfulness in placing before us the facts that will enable us, if we use them rightly, to guide our business successfully during the coming months.

I also wish to express my personal appreciation of the courtesy and good feeling shown by the distinguished guests of the association who have joined with us to-day in our effort to obtain a broad and accurate view of the situation.

GENERAL TRADE CONDITIONS.

Every one present is, of course, aware of the general trade conditions. A strong, steady, and almost unparalleled demand has absorbed all classes of merchandise as fast as the mills and factories could produce it. Imports have been tremendous, and exports of record proportions. Labor has been fully employed at good rates of wages. The farmers of the West and planters of the South have both been blessed with crops and prices to their satisfaction, and the country as a whole is enjoying unquestionably a greater and more general prosperity than ever before. There is, however, one circumstance somewhat out of harmony with this general condition, which is attracting to-day considerable attention and thoughtful consideration, and which has, I believe, a direct bearing on the question under discussion. I refer to the greatly increased cost of living. Statistics have been prepared, and frequently quoted of late, showing plainly that the cost of the necessaries of life has increased much more in this country during the past five years than has the earning capacity of the people. They also show that the cost of living has increased more in this country than in other countries.

When these statistics were made up they did not include the increased cost of shoes, so that increase had not then taken place, but when they are again prepared, if the present conditions continue, they will have to include, not only shoes, but harnesses, saddlery, belting, trunks, bags, and a host of other articles made out of leather which are in general use.

PUBLIC SENTIMENT.

The last political campaign in this State indicated plainly that there is a widespread and well-defined feeling among the people that existing conditions in regard to trade and the prices of commodities are not right. That feeling is beginning to make its presence felt in a greater or less degree in many other States, and, as the great wave of prosperity in which we are to-day serenely sailing begins to recede and the purchasing power of the people is materially reduced, we are going to see that feeling take shape in a determined effort to correct this particular evil.

When the great coal strike of two years ago was settled on lines suggested by the President, which resulted in a considerable advance in wages paid the operators, we all observed that the mine owners immediately transferred the whole burden, and perhaps a little more, to the public in the increased price of coal. The increased cost of fuel was made the excuse for raising thousands of rates for freight on the different railroads throughout the country, and the increased cost of fuel and freight was made the basis for raising the price on many kinds of merchandise, and the tendency toward higher prices received an impetus at that time which has resulted in years of unusual profit to many corporations and merchants, but which has deprived the people of a large share of the benefits they had a right to expect from the bountiful harvests and the condition of great and general prosperity which the country has enjoyed.

THE DEMAND FOR TARIFF REVISION.

The sense of injustice as felt in this unfair distribution of the results of our years of profit and plenty is undoubtedly the basis of the rapidly growing demand for tariff revision, and the well-understood fact that large corporations have, by combinations, reduced competition and sheltered behind a protective tariff have compelled the people to pay an excessive price for many of the necessities and comforts of life, is undoubtedly the basis of the present activity of our Government against the trusts and combinations. I refer to these well-known circumstances at this point simply to emphasize my belief that this is not a favorable time to inaugurate a period of high prices for shoes. The psychological moment for such action as that has passed. Don't understand me to mean that with materials from 25 to 50 per cent higher than last year manufacturers are to continue to make and sell shoes at old prices. Such a course would be simply suicide. This is what I mean, namely, that whatever advance we shall be compelled to make must be based wholly on economic causes, and the conditions must be such as can not be controlled or avoided. I believe that any advance established on any other basis can not be in any degree permanent, and we all agree that if the increased prices are not to maintain for a considerable length of time they are an unmixed evil for all concerned. Any effort looking to an agreement to advance prices, or any concerted action whatever, on the part of the trade that is going to cost the consumer money, would seem to me to be at this time a serious mistake. We should, on the contrary, accept such of the advance as is already established, and such part of that advance which still seems certain to come, as is based on actual trade conditions, and is therefore necessary and unavoidable, but if any factors in the present situation prove to be artificial, caused by manipulation of any removable cause, we should use our utmost endeavor to undo and remove them.

As this whole question is one of vital importance to every manufacturer, I have naturally given what time I could to an examination of available statistics bearing on this subject. I have talked with well-informed hide men, with tanners and shoe manufacturers, and have listened with great interest to what has been said here by the gentlemen whose experience and opportunities for observation certainly entitled their opinions to great weight, but it hardly seems fair for me to take your time to rehearse the circumstances which seem to have been responsible for present conditions, and I will only say that after the most thorough and careful consideration that I have been able to

give the subject, I remain to-day of the same mind in this respect that I have expressed frequently to many of you, namely, that except for the operation of the tariff, which has had a tendency to keep foreign hides out of this market at a time when they were sorely needed, and which has also increased the cost of all that have been used, both foreign and domestic, by 15 per cent, there is nothing artificial or avoidable in present prices and the general condition of the leather market to-day. As far as the tariff is responsible, you all know that for the past eight years I have done what I could and all that I could to remove that tax, and the rest of the increased price I accept as inevitable.

NO REASON TO EXPECT DECLINE.

In regard to the course of the market for shoes for the immediate future, there seems to be no reason to expect any decline—in fact, most manufacturers must get a very considerable further advance to bring their shoes up to the basis required by the present price of leather. I believe it must be admitted that stocks of manufactured shoes are not excessive, as is usually the case after a season of advancing prices. What small surplus of stock is found in the hands of the retailers on account of freer buying during the past season, and a winter of unusual mildness, will, I believe, be offset by the small stocks on hand in the great majority of the wholesale houses throughout the country. No manufacturer can have a large stock of uncut leather on hand, as leather in advance of needs for actual cutting has not been obtainable for several months. Some have orders in with tanners, and so have a feeling of being well supplied, but these orders are not yet filled, and will, of course, take up leather not yet finished, and will naturally operate to keep the market bare. People still have money to spend and the existing large consumption of shoes will doubtless continue, and if the demand for leather in consequence continues large, as would seem likely, it is difficult to see what conditions can arise to reduce prices at present.

For a more distant period—say two or three years hence—other factors have got to be considered. The shoe industry has occupied a position in this country that not many other lines of trade have established. Ignoring all protection and tariff schedules, it has developed and perfected the process of manufacture to an unequaled extent. It has enjoyed abundant and cheap raw material, and has furnished the people with better and cheaper shoes than have been enjoyed by any other people on the globe. We hear frequently of travelers on their return from trips through Europe bringing home and trying to pass through the custom-house great quantities and varieties of goods for their personal use, which they have secured in the more favorable markets abroad, but we never hear of any of them trying to bring in a pair of shoes. On the contrary, such of them as find themselves in want of footwear while abroad are frequently obliged to journey to a distant city to obtain a pair of American shoes, which are the only sort found suitable and adapted to their educated taste.

Right here let me interpolate a brief statement. During the remarks of our friend Mr. Keith, he stated what all of us who are in the export business at all know to be the fact, namely, that American shoes are sold abroad at higher prices than the same goods in this country; and when he made that statement one of the most sagacious and successful merchants in the shoe business touched me with his elbow and said: "If that is so, what do we want to worry about the tariff on hides for?" That struck me as a very pertinent question, and one that I have been surprised has not been asked before, when we have been before various committees and before the President and others, glorifying ourselves on how cheaply we produce shoes in this country and how much more cheaply than they can be produced anywhere else in the world. It seems singular that no one has thought to ask that question before. But I am going to answer it right now, so that if it is ever asked again we will all have the same answer, if it is the right one. My belief is that the statement made by Mr. Keith is exactly true; but it is true in a greater degree of the goods he manufactures than of the goods of any other manufacturer in any part of the country, and it is true at all only in the grades of goods which he does manufacture. Men's fine shoes, running from $3 to $5 per pair, are not manufactured anywhere in anything like our quality and at our prices. There is no competition on those particular grades. If you examine the shoes made abroad, I think anyone who is familiar with the subject will bear me out that when they drop from a strictly hand-sewed custom-made shoe, costing from $6 to $8, or $12 a pair, they come away down below our $3.50 shoe, down to a good workingman's shoe. They have nothing in between. When you come to the ordinary grades of shoes, such a thing as he describes could not take place. Their goods would not sell here, perhaps, because they are rough and coarse and heavy, and not adapted to American ideas; but they can give their wearer fully as much value in the cheaper grades—those below the intermediary grades—as we do. It is for that reason that we should be insistent in demanding the repeal of the duty on hides, so that our export lines might expand. Goods that we can't now export we would in that case be in a better position to forward abroad.

Is it or is it not desirable that this condition continue? I believe most emphatically that it is. Every argument, either economic or patriotic, leads to the same conclusion. All branches of the great hide, leather, and shoe industry in this country to-day undoubtedly recognize the wisdom of maintaining conditions which have made this department of production in the United States the greatest industry of its kind in the world. Many of us feel that the fact that the people have long been able to get good shoes at low prices in this country has been an important factor in the growth and development of our business, without any regard to its bearing on our export trade. No one can dispute the fact that any necessary article that is abundant and cheap will be consumed much more freely than the same article at a higher price; and a business established on the basis of the lowest price for its product that is to be found anywhere, is unquestionably on the most permanent and substantial foundation. We must, then, all endeavor to maintain this position of our trade at all hazards.

All are agreed that the duty on hides should be removed, and some of us are laboring, in season and out, to secure the repeal of this tax. Several members of the Massachusetts delegation in the National House of Representatives—and I do not refer to Mr. GILLETT—are watchful and alert to seize any opportunity that may offer to get favorable action on this subject. A free-hide bill has been introduced by a Republican Member from New York, and two bills by the leader of the Democratic side of the House, and when in Washington last week with several members of your association, we were all gratified to learn that much progress was being made and much sentiment favorable to this measure was being developed; but we learned at that time several other things of great importance to our campaign, and I only refer to them at this time as I believe they vitally affect the future course of the leather market. One of these facts was that it will certainly be impossible to pass at this session of Congress, or at the next session, a bill for the repeal of this hide tax without the aid of Democratic votes. The Democrats believe in free hides if the duty on shoes can be greatly reduced, but not otherwise.

DEMOCRATS WOULD VOTE FOR FREE HIDES.

I may say, by way of parenthesis, that the Republican party is more divided on that subject than the Democrats. There are districts in the West very strongly for the duty on hides, and it would be impossible to-day to secure more than forty or fifty Republican votes for the free-hide amendment.

We were informed on the very highest authority that almost the entire Democratic representation would vote for free hides if the same bill carried a satisfactory reduction in the duty on shoes. We were surprised to learn in various ways, both through letters from dealers and citizens in different parts of the country, and from statements made by Members of Congress, that there is a mistaken feeling in the country that the repeal of the hide tax is asked so that the profit of manufacturers may be increased, and that the people would get little or no benefit from it unless the tariff on shoes was also repealed or reduced. While, of course, this is clearly an error, it is a fixed belief which no amount of talk or argument will remove, and we must therefore be prepared for a very considerable modification of the tariff on shoes before we can expect to obtain the repeal of the duty on hides.

It is well understood that a very great majority of all the manufacturers in the country are perfectly willing to see the duty on shoes repealed entirely. A minority would prefer to see a small portion of it retained as a protection against possible changes and improvements in the methods of manufacture abroad, which might to some extent endanger this market, so that it is not expected that any serious objection will be made to such a reduction of the duty on shoes as should be necessary to bring about an agreement to repeal the hide tax.

There is, however, one condition which has been generally overlooked, which, when well understood, would peremptorily forbid any such concessions on the part of shoe manufacturers, and that is the existing tariff on leather. As this has heretofore been of no importance to the industry, and of no consequence either to the tanner or the manufacturer, it has been generally ignored; but I ask you to consider for a moment what the condition of the manufacturer would be if, having agreed to the removal or reduction of the duty on shoes, he finds a combination in this country in control of the leather, and prices in consequence forced to such a high point that he can not successfully compete with Europe or Canada. Such a condition as this, of course, must not be permitted. The useless duty on sole leather and many kinds of upper leather must certainly be repealed entirely before any manufacturer in this country would be justified in consenting to a change in the schedule on shoes.

INDORSEMENT WANTED FROM HIDE AND LEATHER INTERESTS.

We have been assured, and believe that the largest interests in control of the hide and leather market have no desire or intention, in their future operations, of enhancing the price of leather in consequence of their combinations. We have, on the contrary, the direct assurance of their officers that such combinations as they undertake will be for the ultimate cheapening of leather through economies in production and the purchase of supplies, and legitimate savings in the management of the business. It is unquestionably necessary at this time that our friends prove their sincerity in an unmistakable manner. I do not make this suggestion in any suspicious or critical spirit. We all know that if a large corporation or copartnership wishes to borrow a sum of money, its officers will make a statement concerning its standing and their belief in its financial soundness to the lender, and it is no reflection whatever on their honesty or good intentions to ask them to indorse the note. It merely crystallizes and puts in tangible form their knowledge and belief concerning its condition. This matter is of such importance to the whole trade that we have a right to ask our friends in the hide and leather business to indorse their statement that they have no thought or intention of taking any advantage of the tariff on leather to enhance the price of their products. The only way in which they can indorse this proposition is by joining hands with us in an agreement to work for the removal of the duty on leather at the same time that the duty on hides is removed and the duty on shoes removed or reduced.

TENDENCY TOWARD A HIGHER LEVEL.

If they are prepared to take this action, and will assist us in our present labors in good faith, I feel sure we can look forward to the readjustment of the tariff on these commodities within a very short time. When that element or factor in the price of leather is removed, there is nothing left for us to be anxious about. I believe it is generally admitted that the tendency in the prices of leather must be toward a higher level from this time on. Facts which have already been mentioned, and for which I can find no sufficient answer, seem to me to be conclusive on that point. Left to itself, we all know the course of the market in any commodity is never steadily in one direction. Prices advance and decline in waves, according to the ordinary laws of trade. If it shall appear that the hide and leather market is in the future to be restrained to some extent by a strong controlling power, so that the ordinary fluctuations shall be less severe; so that instead of being on the crest of a great wave of high prices one season and in the deep abyss of stagnation the next, we shall experience only moderate and reasonable fluctuations, who will say that the trade will be the loser by the change? Given for our protection free access to the markets of the world, I should welcome a conservative controlling influence in the hide and leather market of this country, but with the control established, and without that freedom from tariff restraints in the great raw materials of our industry, there is nothing but suspicion and strife in sight.

THE DUTY ON LEATHER.

Every advance that occurs will be assailed as the machinations of the packers, or a conspiracy of the hide and leather trust. Ordinary business judgment will not avail to successfully grasp all the conditions of such a market, mistakes will be made, and bitterness engendered that it would be much better and wiser to avoid. Until the attitude of the companies now controlling, or which will soon be in control of the hide and leather business of the country, in regard to the duty on leather is known, no intelligent opinion as to the course of the leather market for a period of three or four years is possible. If you were asked how long it would take a man to go from Boston to San Francisco, before answering you would have to know whether he proposed to walk or go on a limited express, and no man can tell what will happen in shoes and leather for the next few years until he knows

whether the business is to be made free to continue its development along the old lines, or whether the Government is to hold us, bound hand and foot, by a duty of 15 per cent on hides and 20 per cent on leather, while a strong combination, without competition, robs us of our money and deprives us at the same time of all chance of maintaining for our trade its present world-wide supremacy.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750 and had come to no resolution thereon.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.;

H. J. Res. 179. Joint resolution providing for the improvement of certain portion of the Mississippi River;

H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;

H. R. 675. An act granting an increase of pension to Daniel Morrissey;

H. R. 19100. An act granting an increase of pension to Asa G. Brooks;

H. R. 1148. An act granting an increase of pension to Marion F. Halbert;

H. R. 2014. An act granting an increase of pension to Enoch McCabe;

H. R. 18432. An act granting an increase of pension to David Dirck;

H. R. 19662. An act granting an increase of pension to Joseph Kircher;

H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvements at the expense of persons, companies, or corporations," approved May 16, 1906;

H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;

H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;

H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;

H. R. 18024. An act for the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes;

H. R. 18713. An act to validate certain certificates of naturalization;

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 7763. An act granting a pension to James S. King;

H. R. 1420. An act granting a pension to John Nay;

H. R. 8140. An act granting a pension to Lucy A. Thomas;

H. R. 12013. An act granting a pension to Emma Fox;

H. R. 10998. An act granting a pension to Helen G. Powell;

H. R. 6893. An act granting a pension Augusta C. Reichburg;

H. R. 6336. An act granting a pension to Elizabeth A. Ames;

H. R. 2212. An act granting a pension to John B. Johnson;

H. R. 1238. An act granting a pension to Susan R. Stalcup;

H. R. 13967. An act granting a pension to Sophie M. Staab;

H. R. 17102. An act granting a pension to Katherine Studdert;

H. R. 12531. An act granting a pension to Charles Collins;

H. R. 18587. An act granting a pension to Catherine Bausman;

H. R. 19120. An act granting a pension to Eliza E. Whitley;

H. R. 18732. An act granting a pension to James J. Christie;

H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;

H. R. 18324. An act granting a pension to Charles H. Lunger;

H. R. 18235. An act granting a pension to Ida M. Warner;

H. R. 17809. An act granting a pension to William Barrett;

H. R. 14798. An act granting a pension to Lucinda Brady;

H. R. 15856. An act granting a pension to Gordon A. Thurber;

H. R. 19670. An act granting a pension to Maria Rogers;

H. R. 15945. An act granting a pension to Cynthia A. Compton;

H. R. 8660. An act granting a pension to William Mabery;

H. R. 7635. An act granting a pension to Delia Gibbs;

H. R. 7546. An act granting a pension to Edna Buchanan;

H. R. 651. An act granting an increase of pension to Robert Brandau, alias Brandon;

H. R. 7254. An act granting an increase of pension to Isum Gwin;

H. R. 8215. An act granting an increase of pension to Ira Palmer;

H. R. 10808. An act granting an increase of pension to Michael Kearns;

H. R. 19253. An act granting an increase of pension to Charles H. Thompson;

H. R. 19262. An act granting an increase of pension to John Wickline;

H. R. 19272. An act granting an increase of pension to Alice Morrill;

H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;

H. R. 19279. An act granting an increase of pension to Peter Cramer;

H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;

H. R. 19305. An act granting an increase of pension to Almus Harrington;

H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;

H. R. 19351. An act granting an increase of pension to William C. Mankin;

H. R. 19352. An act granting an increase of pension to Philip Killey;

H. R. 19408. An act granting an increase of pension to Elisha Brown;

H. R. 19457. An act granting an increase of pension to Charles H. Prince;

H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;

H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;

H. R. 11780. An act granting an increase of pension to Charles Stair;

H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;

H. R. 19242. An act granting an increase of pension to Anthony W. Miller;

H. R. 18911. An act granting an increase of pension to Frances Becker;

H. R. 18974. An act granting an increase of pension to Minna Hildebrand;

H. R. 18997. An act granting an increase of pension to Josephine Hardester;

H. R. 18954. An act granting an increase of pension to John E. Minnick;

H. R. 18956. An act granting an increase of pension to Joseph Scattergood;

H. R. 19009. An act granting an increase of pension to Lafayette H. McClung;

H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;

H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;

H. R. 19025. An act granting an increase of pension to Milton McFarland;

H. R. 19026. An act granting an increase of pension to Mary Navy;

H. R. 19033. An act granting an increase of pension to Moses S. Rookwood;

H. R. 19043. An act granting an increase of pension to Sarah V. Malone;

H. R. 19047. An act granting an increase of pension to Susan C. Smith;

H. R. 19061. An act granting an increase of pension to Mary E. Mundy;

H. R. 19068. An act granting an increase of pension to William Adams;

H. R. 19099. An act granting an increase of pension to Columbus Cox;

H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;

H. R. 19121. An act granting an increase of pension to Isaac Overton;

H. R. 19128. An act granting an increase of pension to Alexander McAlister;

H. R. 19130. An act granting an increase of pension to Larsey Bolt;

H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;

H. R. 19179. An act granting an increase of pension to Eliza A. Smith;

H. R. 19217. An act granting an increase of pension to William H. Burns;

H. R. 19220. An act granting an increase of pension to Calvin Corsine;

H. R. 19221. An act granting an increase of pension to Emma Byles;

H. R. 19222. An act granting an increase of pension to Catherine Warnock;

H. R. 19238. An act granting an increase of pension to Daniel S. Conover;

H. R. 18462. An act granting an increase of pension to Samuel Dailey;

H. R. 18523. An act granting an increase of pension to Hugh Reid;

H. R. 11217. An act granting an increase of pension to Jordan H. Banks;

H. R. 11422. An act granting an increase of pension to George B. True;

H. R. 11655. An act granting an increase of pension to Theodore Cole;

H. R. 11811. An act granting an increase of pension to John Kamerer;

H. R. 11888. An act granting an increase of pension to Heman A. Harris;

H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;

H. R. 12347. An act granting an increase of pension to Samuel Palmer;

H. R. 13032. An act granting an increase of pension to Stewart McKeney;

H. R. 13058. An act granting an increase of pension to Thomas J. Baum;

H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;

H. R. 13318. An act granting an increase of pension to Odom Butler;

H. R. 13466. An act granting an increase of pension to Albert H. Bradish;

H. R. 13609. An act granting an increase of pension to Charles H. Guile;

H. R. 13631. An act granting an increase of pension to James H. Morrill;

H. R. 13652. An act granting an increase of pension to William O. Tobey;

H. R. 13949. An act granting an increase of pension to Mary A. Duryea;

H. R. 13998. An act granting an increase of pension to John C. Barnwell;

H. R. 14107. An act granting an increase of pension to Isaac Maines;

H. R. 14163. An act granting an increase of pension to Jerome Lang;

H. R. 14323. An act granting an increase of pension to Thomas Thornton;

H. R. 14345. An act granting an increase of pension to Peter Noblet;

H. R. 14505. An act granting an increase of pension to John L. Clifton;

H. R. 14544. An act granting an increase of pension to William A. Carroll;

H. R. 14554. An act granting an increase of pension to John Welch;

H. R. 14558. An act granting an increase of pension to Martha L. Wood;

H. R. 14705. An act granting an increase of pension to Alva Beebe;

H. R. 14774. An act granting an increase of pension to Levi M. Hall;

H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;

H. R. 15502. An act granting an increase of pension to Harmon Houck;

H. R. 15547. An act granting an increase of pension to Henry D. Duffield;

H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;

H. R. 15674. An act granting an increase of pension to Susan Campbell;

H. R. 15676. An act granting an increase of pension to Samuel B. Smith;

H. R. 16411. An act granting an increase of pension to Newton Moore;

H. R. 16571. An act granting an increase of pension to Mary L. Overley;

H. R. 16613. An act granting an increase of pension to William C. Fox;

H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;

H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;

H. R. 130. An act authorizing the extension of Kalorama road NW.;

H. R. 7226. An act for the relief of Patrick Conlin;

H. R. 1572. An act for the relief of Thomas W. Higgins;

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes;

H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock dam in aid of navigation in the White River, Arkansas, and for other purposes;

H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to the construction of the Union Station, District of Columbia," approved April 22, 1904;

H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;

H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;

H. R. 14795. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 17600. An act to grant authority to change the names of certain sailing vessels;

H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;

H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla.;

H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Coldwater River;

H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi; and

H. R. 19519. An act to extend the privileges of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 5545. An act granting an increase of pension to Margaret Brannon—to the Committee on Invalid Pensions.

ADJOURNMENT.

Then, on motion of Mr. CAPRON (at 11 o'clock and 21 minutes p. m.), the House adjourned until to-morrow, at 11 o'clock a. m.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report as to distribution of expense of improvement of Black Rock Harbor and channel, New York—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting with a letter from the Chief of Engineers, report of examination and survey of Wolf and Jordan rivers, Mississippi—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of Beverly Harbor, Massachusetts—to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

A letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination of stone pier at Piermont, N. Y.—to the Committee on Rivers and Harbors, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. TOWNSEND, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20404) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 5066); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 20405) to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska, reported the same without amendment, accompanied by a report (No. 5067); which said bill and report were referred to the House Calendar.

Mr. ADAMSON, from the Committee on Interstate and Foreign Commerce, to which was referred the bill of the House (H. R. 20407) to authorize the Baldwin & Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas, reported the same without amendment, accompanied by a report (No. 5068); which said bill and report were referred to the House Calendar.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the House resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River, reported said resolution, accompanied by a report (No. 5070); which said resolution and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the Senate (S. 6167) to improve the channels along the New Jersey seacoast, reported the same without amendment, accompanied by a report (No. 5073); which said bill and report were referred to the House Calendar.

Mr. PARKER, from the Committee on Military Affairs, to which was referred the House joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, reported the same without amendment, accompanied by a report (No. 5077); which said joint resolution and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. MEYER, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy, reported the same without amendment, accompanied by a report (No. 5074); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BURTON of Ohio: A bill (H. R. 20464) to increase the efficiency of the International Waterways Commission—to the Committee on Rivers and Harbors.

By Mr. BENNET of New York: A bill (H. R. 20465) to validate certain certificates of naturalization—to the Committee on Immigration and Naturalization.

By Mr. GILBERT of Kentucky: A bill (H. R. 20466) in aid of the Arizona Land, Irrigation and Development Company, and to enable it to irrigate certain lands in Pima County, Ariz.—to the Committee on the Public Lands.

By Mr. HINSHAW: A bill (H. R. 20467) to amend section 14 of an act of Congress of March 3, 1879—to the Committee on Post-Offices and Post-Roads.

By Mr. WILLIAMS: A joint resolution (H. J. Res. 184) directing the Secretary of War to require the Panama Canal Commission and the Panama Railroad Company to abolish certain Government boarding houses on the Isthmus of Panama and to put out to the lowest responsible bidder the privilege to board and feed employees, and so forth, on the Isthmus—to the Committee on Interstate and Foreign Commerce.

By Mr. DALZELL: A resolution (H. Res. 623) suspending section 2 of Rule XXIX for the remainder of the session—to the Committee on Rules.

By Mr. BURTON of Ohio, from the Committee on Rivers and Harbors: A resolution (H. Res. 624) requesting the Secretary of War for a statement relating to permits, etc., in or adjacent to the St. Marys River—to the House Calendar.

By Mr. BROUSSARD: A resolution (H. Res. 625) for an investigation of the delay in the completion of the lock at Plaquemine, La.—to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. BROUSSARD: A bill (H. R. 20468) for the relief of Alphonse Lacour, heir of Armand Lacour, deceased—to the Committee on War Claims.

By Mr. BURKE of South Dakota: A bill (H. R. 20469) authorizing the appointment of George W. Budd, a captain on the retired list of the Army, as a major on the retired list of the Army—to the Committee on Military Affairs.

By Mr. CALDERHEAD: A bill (H. R. 20470) granting an increase of pension to James W. Barr—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 20471) for the relief of H. S. Day—to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 20472) granting an increase of pension to Abram Geer—to the Committee on Invalid Pensions.

By Mr. GILBERT of Kentucky: A bill (H. R. 20473) for the relief of J. Knight Lowery, of Wilmore, Jessamine County, Ky.—to the Committee on War Claims.

By Mr. NEVIN: A bill (H. R. 20474) to refund Joseph C. Bender the sum of $878.87, stolen from the post-office at the National Military Home, Ohio, by burglars without fault or connivance of said Bender—to the Committee on Claims.

Also, a bill (H. R. 20475) granting a pension to William W. Morrow—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20476) granting an increase of pension to Augusta J. Bush—to the Committee on Pensions.

Also, a bill (H. R. 20477) for the relief of the estate of Richard N. Kittles, deceased—to the Committee on War Claims.

By Mr. RHINOCK: A bill (H. R. 20478) granting an increase of pension to Thomas Johnson—to the Committee on Invalid Pensions.

By Mr. SCROGGY: A bill (H. R. 20479) granting a pension to Christena Elliott—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of Harlem Civic Club of New York, against passage of the immigration bill—to the Committee on Immigration and Naturalization.

By Mr. ESCH: Petition of Travelers' Protective Association of America, against exemption of express companies from provisions of the railway rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. LAMAR: Petition of citizens of Cromanton and Jackson County, Fla., against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of the Journal, the Stockman, and R. W. Storrs, of Pensacola, Fla., against tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ROBERTSON of Louisiana: Paper to accompany bill for relief of Alphonse Lacour, heir of Armand Lacour—to the Committee on War Claims.

By Mr. SMITH of Maryland: Paper to accompany bill for relief of Joseph P. W. R. Ross—to the Committee on Military Affairs.

By Mr. STERLING: Paper to accompany bill for relief of Susan B. Blanchard—to the Committee on Invalid Pensions.

By Mr. WEISSE: Petition of citizens of Beaver Dam, Wis., against a parcels-post and postal-check currency law—to the Committee on the Post-Office and Post-Roads.

SENATE.

FRIDAY, *June 29, 1906.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BERRY, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

MISSOURI RIVER BRIDGE AT GLASGOW, MO.

The bill (H. R. 20176) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri, was read the first time by its title.

Mr. STONE. I ask that the bill may be put on its passage.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Missouri Central Railroad Company, a corporation of the State of Missouri, is hereby authorized to construct, maintain, and operate a bridge across the Missouri River, connecting the counties of Howard and Saline, in the State of Missouri, from a point at or near the city of Glasgow, to a point in Saline County, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EDGAR P. SWETT.

The bill (H. R. 16670) to indemnify Edgar P. Swett was read the first time by its title.

Mr. BURROWS. I ask for the consideration of the bill at this time.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Interior is hereby authorized and directed to issue to Edgar P. Swett a patent for 160 acres of contiguous, nonmineral public land, subject to homestead entry, to be selected by the said Edgar P. Swett within two years of the passage of this act, to indemnify said Swett on account of a previous entry made by him which was held invalid.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills:

S. 4298. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels;

S. 4880. An act granting an increase of pension to Emma K. Tourgée;

S. 6167. An act to improve the channels along the New Jersey seacoast; and

S. 6422. An act granting an increase of pension to John L. Wells.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 20173) to authorize Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for use of electric light and power plant.

The message further announced that the House had passed the bill (S. 4774) relating to the movement and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce; and

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD managers at the conference on the part of the House.

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 18901) granting a pension to John E. English, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford;

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 12892. An act granting an honorable discharge to Seth Davis;

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes;

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.; and

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River.

PETITIONS AND MEMORIALS.

Mr. BURROWS. I present a memorial of sundry citizens of Detroit, Mich., forwarded by the mayor of that city, remonstrating against the cruelty to the Jews in Russia. I move that the memorial be referred to the Committee on Foreign Relations.

The motion was agreed to.

Mr. GAMBLE presented a memorial of the South Dakota Traveling Men's Association, remonstrating against the enactment of legislation to consolidate third and fourth class mail matter, and also against the passage of the so-called "parcels post" and "post-check currency" bills; which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the South Dakota Traveling Men's Association, praying for the adoption of a certain amendment to the national bankruptcy law; which was referred to the Committee on the Judiciary.

Mr. LA FOLLETTE presented petitions of sundry citizens of Mason, Merton, Poynette, Bloomer, Drummond, and Pratt, all in the State of Wisconsin, praying for the enactment of legislation providing for the closing on Sunday of the Jamestown Exposition; which were referred to the Select Committee on Industrial Expositions.

Mr. PENROSE presented petitions of the Germantown Branch of the Philadelphia Christian Endeavor Union, of Philadelphia, Pa., and of the Schuylkill Branch of the Philadelphia Christian Endeavor Union, of Philadelphia, Pa., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Philadelphia, Pa., praying for the ratification of the pending treaty between the United States Government and the Republic of Santo Domingo; which was referred to the Committee on Foreign Relations.

REPORT OF A COMMITTEE.

Mr. SCOTT, from the Committee on Public Buildings and Grounds, to whom was referred the bill (S. 318) to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota, reported it with amendments, and submitted a report thereon.

AUTOMATIC RAILWAY APPLIANCES.

Mr. KEAN. From the Committee on Interstate Commerce, I report back favorably without amendment the joint resolution (H. J. Res. 153) directing the Interstate Commerce Commission

to investigate and report on block signal systems, and appliances for the automatic control of railway trains, and I ask for its present consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLERK IN SENATE POST-OFFICE.

Mr. KEAN, from the Committee to audit and Control the Contingent Expenses of the Senate, reported the following resolution; which was considered by unanimous consent and agreed to:

Resolved, That the resolution of January 22, 1904, authorizing the appointment of a clerk in the Senate post-office be, and it hereby is, rescinded, to take effect from and after the 1st day of July, 1906.

MESSENGER FOR COMMITTEE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Maine [Mr. HALE] on the 15th instant, to report it favorably with an amendment, and I ask for its present consideration.

The resolution was read, as follows:

Resolved, That the Select Committee on Examination and Disposition of Documents be authorized to employ a messenger at $1,440 per annum, the same to be paid out of the contingent fund of the Senate.

Mr. CULBERSON. I should like to ask when that committee was created?

Mr. KEAN. The committee was created for the new Senator from Kansas [Mr. BENSON].

Mr. CULBERSON. What was the necessity for the committee?

Mr. KEAN. In order to afford a chairmanship for the Senator from Kansas the committee was created, and the object of the resolution is to give the same force that other Senators have.

Mr. CULBERSON. You mean all majority Senators?

Mr. KEAN. All the majority Senators, and I believe the minority Senators have a clerk and messenger also.

Mr. CULBERSON. Yes; but not at $1,440. Those who are chairmen of committees have messengers at $1,440; but a great number of them are not chairmen.

Mr. KEAN. The junior Senator from Kansas is the chairman of a committee.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. GALLINGER. Let it be again read.

The resolution was again read; and the Senate, by unanimous consent, proceeded to its consideration.

The amendment of the Committee to Audit and Control the Contingent Expenses of the Senate was to add, at the end of the resolution, the following:

To take effect July 1, 1906.

The amendment was agreed to.

The resolution as amended was agreed to.

MISSOURI RIVER BRIDGE AT ST. CHARLES, MO.

Mr. BERRY. I report back favorably without amendment, from the Committee on Commerce, the bill (H. R. 20175) to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri.

Mr. STONE. I ask for the present consideration of the bill.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CHARLES M. SEXTON.

Mr. SMOOT. I report back, from the Committee on Pensions, favorably without amendment the bill (H. R. 17740) granting an increase of pension to Charles M. Sexton, and I ask for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole. It proposes to place on the pension roll the name of Charles M. Sexton, late of Company C, Second Regiment Colorado Volunteer Infantry, and Company E, Veteran Battalion, First Regiment Colorado Volunteer Cavalry, and to pay him a pension at the rate of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WILBUR C. STEPHENS.

Mr. FORAKER. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 4279) to correct the military record of Wilbur C. Stephens, to report it favorably without amendment, and I ask for its present consideration.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the Secretary of War to correct the military record of Wilbur C. Stephens, late of Company C, Purnell Legion Maryland Infantry, and to grant him an honorable discharge from that regiment. But no pay, bounty, or other emoluments shall become due or payable by virtue of the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. MORGAN introduced a bill (S. 6550) to pay the heirs of George M. Hamner, deceased, the proceeds of certain cotton; which was read twice by its title, and referred to the Committee on Claims.

Mr. DICK introduced a bill (S. 6551) to provide for the appointment, compensation, and retirement of civilian professors and civilian instructors at the Naval Academy; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. PENROSE introduced a bill (S. 6552) granting an increase of pension to John Coon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 6553) granting a pension to William H. Wolfe; which was read twice by its title, and referred to the Committee on Pensions.

WITHDRAWAL OF PAPERS—FAYETTE SYKES.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Fayette Sykes accompanying Senate bill 3211, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

WITHDRAWAL OF PAPERS—GEORGE RUSHBURGER.

On motion of Mr. PENROSE, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of George Rushburger accompanying Senate bill 3151, Fifty-ninth Congress, first session, copies of the same to be left in the files, as provided by clause 2 of Rule XXX.

ISLE OF PINES.

Mr. DICK introduced a joint resolution (S. R. 73) to provide for the temporary government of the Isle of Pines; which was read the first time by its title.

Mr. MORGAN. I ask that the joint resolution be read. I want to hear it.

The joint resolution was read the second time at length, as follows:

Be it resolved, etc., That until it shall be otherwise provided by act of Congress or by treaty with Cuba, the government of the Isle of Pines rightfully belongs to the United States of America.

That until Congress shall otherwise provide by law all the military, civil, and judicial powers, as well as the power to make all rules and regulations necessary for the government of the Isle of Pines shall be vested in such person or persons and shall be exercised in such manner as the President shall direct for the government of the said Isle of Pines, and maintaining and protecting the inhabitants thereof in the free enjoyment of their liberty, property, and religion.

Mr. MORGAN. To what committee does the Senator from Ohio propose to refer the joint resolution?

Mr. CULLOM. If it is referred to any committee, it ought to go to the Committee on Foreign Relations.

Mr. MORGAN. No; it ought to go to the Committee on Pacific Islands and Porto Rico. There is no foreign relation about it.

Mr. CULLOM. We want to settle the question whether the island belongs to the United States.

Mr. MORGAN. Those people and that territory, I insist, belong to the United States.

Mr. CULLOM. That is a question to be determined.

Mr. MORGAN. I want to have it go to the Committee on Pacific Islands and Porto Rico. I move its reference to that committee.

Mr. KITTREDGE. Ought not the bill to be referred to the Committee on Cuban Relations?

The VICE-PRESIDENT. A motion has been made to refer it to the Committee on Pacific Islands and Porto Rico. The question is on agreeing to that motion.

The motion was agreed to.

CLAIMS OF POSTMASTERS IN THE STATES AND TERRITORIES.

Mr. DICK. I submit a resolution and ask that it be read.

The resolution was read, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's office the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General, prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim, and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready, not later than the beginning of the second session of the Fifty-ninth Congress.

Mr. DICK. I ask that the resolution may go over and be printed under the rule. I give notice I shall call it up to-morrow.

The VICE-PRESIDENT. The resolution will lie over and be printed.

PUBLIC BUILDINGS BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. SCOTT. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Vice-President appointed Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

JOHN E. ENGLISH.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 18901) granting a pension to John E. English.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President had approved and signed the following acts:

On June 27:

S. 1031. An act granting to the State of California 5 per cent of the net proceeds of the cash sales of public lands in said State.

On June 28:

S. 6493. An act to authorize the city of Buffalo, N. Y., to construct a tunnel under Lake Erie and Niagara River, to erect and maintain an inlet pier therefrom, and to construct and maintain filter beds for the purpose of supplying the city of Buffalo with pure water.

On June 29:

S. 3413. An act to prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections 4386, 4387, 4388, 4389, and 4390 of the United States Revised Statutes;

S. 6191. An act to provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction; and

S. 6488. An act authorizing the striking of 200 additional medals to commemorate the two hundredth anniversary of the birth of Benjamin Franklin.

ALASKA PACIFIC RAILWAY BRIDGE.

Mr. BLACKBURN. I ask unanimous consent for the consideration of the bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Yukon River in the Territory of Alaska. It is a bill only about ten lines long. I want to have the word "Yukon" changed to the word "Copper." The bill was reported yesterday from the Committee on Commerce.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. BLACKBURN. In line 7, before the word "River," I move to strike out the word "Yukon" and to insert the word "Copper."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "To authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Copper River in the Territory of Alaska."

MARY C. MAYERS.

Mr. CULLOM. I ask leave to call up the bill (S. 3842) for the relief of Mary C. Mayers.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to appropriate $5,000 to pay Mary C. Mayers, widow of Joseph L. Mayers, the same to be paid to her by the Secretary of the Treasury immediately upon the approval of this act.

Mr. MALLORY. I should like to inquire of any Senator interested in the bill what are the circumstances under which this amount is proposed to be paid?

Mr. CULLOM. There is a long report which will give all the particulars. The bill was reported from the Committee on Claims. There would be hardly time to read the long report.

Mr. MALLORY. Was it a unanimous report from the Committee on Claims?

Mr. CULLOM. I do not know as to that. I think the Senator from Minnesota [Mr. CLAPP] can state.

Mr. CLAPP. Mr. President——

Mr. MALLORY. I ask the Secretary to again read the preamble.

The VICE-PRESIDENT. The Secretary will read the preamble.

The Secretary again read the preamble, as follows:

Whereas, Joseph L. Mayers, lately an American citizen residing at Yokohama, Japan, died on May 7, 1899, as the result of injuries received on May 6, 1899, by the fall of the first whaleboat belonging to the United States ship Charleston, then lying in Victoria Harbor, Hongkong, China, and which whaleboat was negligently detached from the davits of said ship by some of the ship's crew, said Mayers having gone to said ship on official business; and

Whereas, the said Mayers left surviving him a widow, Mary C. Mayers, who was wholly dependent on her husband for support, and said widow is now without means: Therefore

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

Mr. KEAN. Let the preamble be stricken out.

Mr. GALLINGER. The bill would have to be reconstructed if the preamble went out. I think the bill had better go to the other House in the shape in which it is.

Mr. KEAN. Very well.

The preamble was agreed to.

HIGHWAYS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask unanimous consent for the consideration of the bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. CULBERSON. I did not hear the bill read. I desire to inquire if it carries an appropriation?

Mr. GALLINGER. It does not, I will say to the Senator. It simply changes the existing highway plan in a small portion of the District where it is so rough that they can not carry out the law as it now stands. It is a very desirable measure and involves no appropriation.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

JAMES W. PATTERSON.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 553) for the relief of J. W. Patterson.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay $617.73 to J. W. Patterson, late postmaster at Humboldt, Kans., this sum being the amount lost by said J. W. Patterson by a robbery of the post-office at Humboldt, Kans., without any negligence or other fault on the part of the said J. W. Patterson.

Mr. MALLORY. I should like to inquire of the Senator if this individual had to pay that sum to the Government?

Mr. LONG. He did.

Mr. MALLORY. This is to reimburse him for the judgment obtained against him?

Mr. LONG. It is.

I move to amend the bill by striking out the initial letter "J." where it occurs and inserting the word "James."

The VICE-PRESIDENT. The amendments will be stated.

The SECRETARY. Before the name "Patterson," where the initials "J. W." appear, strike out "J." and insert "James" in three places in the body of the bill.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of James W. Patterson."

BATTLEFIELD PARK AT PETERSBURG, VA.

Mr. DANIEL. I ask unanimous consent for the consideration of the joint resolution (S. R. 45) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park. There is no charge upon the Treasury.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It authorizes the President of the United States to appoint a commission, to be composed of three persons, one of whom shall be an officer of the Corps of Engineers, United States Army, one an enlisted soldier of the United States in the civil war, and the other an enlisted soldier in the service of the Confederate States during that war, whose duty it shall be to visit and examine the battlefields around the city of Petersburg, Va., and report whether or not, in their judgment, it is advisable and proper for the Government of the United States to establish a national battlefield park or other public work at that place.

Mr. KEAN. The joint resolution carries no money, I understand.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ALASKA RAILROAD COMPANY.

Mr. BURNHAM. I ask unanimous consent for the consideration of the bill (S. 6358) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Mr. KEAN. That bill should not be considered at the present time. I object to its consideration.

Mr. BURNHAM. I move that the Senate proceed to the consideration of the bill.

The VICE-PRESIDENT. The Senator from New Hampshire moves that the Senate proceed to the consideration of the bill notwithstanding the objection.

Mr. CULBERSON. Let it be read.

The VICE-PRESIDENT. On June 12 last the bill was read at length.

Mr. CULBERSON. Very well.

Mr. KEAN. It will have to be again read.

The VICE-PRESIDENT. The reading of the bill again is requested.

Mr. HANSBROUGH. I object to the consideration of the bill.

The VICE-PRESIDENT. The Senator from New Hampshire moves to take up the bill notwithstanding the objection. The bill will be read for the information of the Senate.

The Secretary proceeded to read the bill, but before concluding.

Mr. CULBERSON. The Senate does not seem to be listening to the reading of this long bill, and I will ask that the further reading be dispensed with.

The VICE-PRESIDENT. The Senator from Texas asks that the further reading of the bill be dispensed with. Without objection, it is so ordered; and the question is on agreeing to the motion of the Senator from New Hampshire to proceed to the consideration of the bill.

Mr. FORAKER. Before that motion is put I want to know something more about the bill. It is the bill that the Secretary has just been reading?

The VICE-PRESIDENT. It is.

Mr. FORAKER. Did the Secretary finish the reading of the bill?

The VICE-PRESIDENT. The bill was read at length June 12, and it was partly read again.

Mr. FORAKER. I was trying to keep up with the Secretary in the reading of the bill, and he had gotten only to the eighth page. A gentleman spoke to me, and I do not know how the Secretary got through the balance of it in that time.

The VICE-PRESIDENT. The Senator from Texas requested that the further reading of the bill be dispensed with.

Mr. FORAKER. I object to the further reading being dispensed with, if it is not too late, because I think it is an exceedingly important bill. I never saw it before. I did not know that any such bill was pending here. But it is a bill——

Mr. CULBERSON. I made the request because I looked around and I did not observe that any Senator was listening to the reading. The Senator who requested its reading, I am sure, was not listening. It is a very warm day, the weather is depressing, there is other business to be transacted, and I thought we might dispense with the reading of the bill.

Mr. FORAKER. I may have no objection to the bill. It may be that it is an extremely good bill; but I am opposed to it until I know what it is, because it is a bill granting a lot of subsidies—not simply a subsidy, but a lot of subsidies. It is a subsidy bill.

Mr. TILLMAN. Mr. President——

Mr. BURNHAM. I wish to say——

The VICE-PRESIDENT. The Chair will state that the motion to proceed to the consideration of the bill is not debatable. The further reading of the bill is demanded, and the Secretary will continue the reading.

Mr. FORAKER. If the bill is to be considered at all, we have got to take time to read it and know what it is about.

Mr. TILLMAN. I suggest that the Senate first determine whether the bill is to be taken up, and then have it read if the Senate wants to consider it.

The VICE-PRESIDENT. The question is on the motion to proceed to the consideration of the bill just read. [Putting the question.] In the opinion of the Chair, the noes have it, and the motion is not agreed to.

Mr. BURNHAM. Mr. President, I believe that this bill is of great consequence to this country, and it is important that it should be considered now.

Mr. FORAKER. I can not hear the Senator.

The VICE-PRESIDENT. The Senator from New Mampshire will suspend. The Senate will be in order.

Mr. BURNHAM. By unanimous consent, I want to say just a word. A bill having a similar object in view, and practically the same bill, was up before; but in the present bill there are no subsidies in the sense in which the Senator from Ohio referred to it, except what are given under the general law. I think the only gift is a hundred acres of land of no value. All the rest of it is to be paid for by the Alaska company and paid for at the common Government rate, whatever may be fixed.

As I said, it is a bill of great consequence to the people of this country and to the people of Alaska. I believe that if there is any section on earth we should be interested in it is the district of Alaska, and that we have neglected its interests ever since 1867, when we purchased it.

This bill has been upon the Calendar of the Senate for several months, and it has been impossible to secure its consideration, for somebody has objected; some interest is against it. It is true that this motion is made at almost the last moment of the session, but I do ask now that fair consideration shall be given to the bill.

Mr. FORAKER. Mr. President, I did not know that this bill was here until the Senator from New Hampshire called it up, and I then sent for it. The clerk commenced to read it and I saw the nature of it. This experience illustrates the importance of bringing up important measures of this kind at a time when they can receive proper consideration.

The Senator says that the bill grants no subsidy, and it may be that it does not, but what I have reference to is the fact that on page 5, in section 2, it grants, first, a right of way from one end of the proposed road to the other, through the public land, 200 feet wide. Then there is a grant under this franchise of the right to take stone and other material needed in the construction of the road from lands of the United States adjacent to the right of way. Then there is another grant, I see, of not exceeding 20 acres for each station, and the stations are to be as frequent for the purposes of this grant as one every 10 miles. Then there is an out-and-out grant of something like 160 acres at the terminals. Then there is an additional grant where there are heavy cuts and fills.

Mr. MALLORY. I wish to inquire, Mr. President, whether this bill is before the Senate?

The VICE-PRESIDENT. The bill is not before the Senate. The Senate, by a vote, decided not to take up the bill.

Mr. MALLORY. Then I object to further debate.

Mr. BURNHAM. I made the request, or attempted to make the request, Mr. President, that the yeas and nays be called on my motion.

The yeas and nays were not ordered.

JOHN HUDGINS.

Mr. WARNER. I ask unanimous consent for the present consideration of the bill (S. 5446) for the relief of John Hudgins.

There being on objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to John Hudgins $246.57 for carrying the mail on route No. 10511 from July 1, 1858, to November 5, 1861.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

IMPROVEMENT OF INNER HARBOR, MILWAUKEE, WIS.

Mr. LA FOLLETTE. I ask unanimous consent for the present consideration of the bill (H. R. 20290) to amend the river and harbor act of March 3, 1905.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It authorizes the Secretary of War, in his discretion, to modify the conditions of the plan for the improvement of the inner harbor of the city of Milwaukee, Wis., as set forth in paragraph 28 of House Document No. 120, Fifty-eighth Congress, second session, and authorized by the river and harbor act of March 3, 1905, by omitting from the plan the turning basin at the head of navigation on the Kinnickinnic River.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TINCUP, COLO.

Mr. HANSBROUGH. I am directed by the Committee on Public Lands, to whom was referred the amendment of the House of Representatives to the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes, which was, in line 11, after the word "town," to strike out down to and including "States," in line 14, and insert "and the payment of the sum of $1.25 per acre as the purchase price therefor," to report it favorably. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

Mr. MALLORY. I ask that the title of that bill be again stated.

The VICE-PRESIDENT. The title of the bill will be stated.

The SECRETARY. A bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

Mr. MALLORY. I suggest that the amendment put on the bill by the House does not seem to correspond with the title.

Mr. HANSBROUGH. While this is a grant of land, the House inserted the specific sum to be paid by the town.

REIMBURSEMENT OF STATES AND TERRITORIES FOR SCHOOL SECTIONS.

Mr. HEYBURN. If it be in order, I now move that the bill (S. 1061) to reimburse the States and Territories for sections 16 and 36 when taken for forest or other Government reserves be taken from the table and referred to the Committee on Public Lands.

Mr. GALLINGER. That is always in order.

The VICE-PRESIDENT. The question is on the motion of the Senator from Idaho that the bill named by him be taken from the table and referred to the Committee on Public Lands.

The motion was agreed to.

JOHN PAUL JONES.

Mr. ELKINS, from the Committee on Printing, to whom was referred the following resolution, reported favorably thereon; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones, at the Naval Academy, Annapolis, Md., April 24, 1906, together with other papers and illustrations germane thereto, to be compiled and published under the direction of the Joint Committee on Printing; 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

REPORT OF TREASURER OF THE UNITED STATES FOR 1905.

Mr. ELKINS, from the Committee on Printing, to whom was referred the following concurrent resolution of the House, reported favorably thereon; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, for the use of the Treasury Department, 500 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1905.

NATIONAL EDUCATIONAL ASSOCIATION.

Mr. DOLLIVER. I ask unanimous consent for the present consideration of the bill (H. R. 10501) to incorporate the National Educational Association of the United States.

The VICE-PRESIDENT. The bill will be read for information, subject to objection.

Mr. GALLINGER. I think that bill was read when it was considered the other day, Mr. President.

Mr. HALE. Let the bill be now read for the information of the Senate.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HALE. Mr. President, I listened as carefully as I might to the reading of the bill, because I had an apprehension that there might somewhere in the bill be some provision that would in some way in the future attach the association to be incorporated to the General Government. There have been cases, Mr. President, where in the closing hours of a session national corporations have been organized and provided for here and it was afterwards learned on examination that there was an attachment of certain provisions under which the General Government became involved in the corporation, and a foundation would be laid for calling upon the Government afterwards to assist in the management and control of such corporations. I do not discover from listening to the reading of the bill any dangerous proposition of that kind. The only thing that lurks in it that has any reference to the Government is the direction to report from year to year to the Commissioner of Education as to the property of the corporation and perhaps as to its financial condition. I do not think that that is particularly objectionable. I do not think the bill goes far enough to in any way involve the Government, and as there is a final clause which preserves the right of Congress to amend or repeal the act I do not see that the incorporation of the Educational Association by Congress is dangerous. But it is a good thing, Mr. President, in these days to watch everything of this kind that is brought up here, because there are many projects that in the end will seek to involve the General Government, and they are likely to come up at any time. I am glad to say that I do not—I may be mistaken—but I do not, under the provisions of this bill, see any possibility of any call being made on the General Government or any attachment of this corporation. If I did see such a possibility, I should certainly object to the bill.

The VICE-PRESIDENT. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Education and Labor with an amendment, in section 9, page 10, line 24, before the word "and," to strike out "the 1st day of July, 1907," and insert "the 31st day of July, 1908;" so as to read:

And provided further, That in the event of the failure of the association to accept the charter granted by this act at said annual meeting then the charter of the National Educational Association and its corporate existence shall be, and are hereby, extended until the 31st day of July, 1908, and at any time before said date its charter may be extended in the manner and form provided by the general corporation law of the District of Columbia.

Mr. DOLLIVER. I ask that the Senate disagree to the amendment.

The amendment was rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REGULATION OF RAILROAD RATES.

Mr. McCUMBER. I ask unanimous consent for the present consideration of Senate bill 5227.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. TILLMAN. I rise to ask for the consideration of a conference report, which is privileged.

The VICE-PRESIDENT. That is in order.

Mr. TILLMAN. I presented the report last night and asked that it be printed. I want to call it up.

The VICE-PRESIDENT. The Chair lays before the Senate the report of the committee of conference on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. TILLMAN. Mr. President, as no Senator has asked that

the report be read, I do not know that it is necessary to have it read. Senators who feel any interest in the work of the last conference in regard to the pass amendment will find the changes that have been made in the original Senate provision. I will not read it, unless Senators want to have it explained.

Mr. BURKETT. Read it.

Mr. NELSON. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. With pleasure.

Mr. NELSON. It is whether any change has been made except as to those two matters, the commodity and the pass amendments?

Mr. TILLMAN. At the last conference the only thing considered was the pass amendment, and what is known as the "commodity amendment," and the other matters are the same as we reported at the preceding conference. The bill as it will become a law is in print, and Senators who want to examine it can do so by getting copies.

Mr. President, the commodity amendment has been modified by inserting the word "company;" so that it reads:

From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, etc.

The Senate amendment made it unlawful for any common carrier to transport, etc. The effect of this change from "common carrier" to "railroad" and now to "railroad company" is easily understood, and I shall not say much about it. The words "common carrier" embraced pipe lines. The words "railroad companies," of course, leaves those out. The prohibition against the transportation by any common carrier of anything produced by it is now limited to railroad companies. It was a disagreement, and yet not a disagreement, but it was an effort on my part to hold on to the Senate provision and not to submit to the contention of the House conferees that the words "common carrier" should be stricken out and the word "railroad" inserted, and that caused me to refuse to sign the last report. I have not signed this one for the same reason, because, as I said the other day, I felt that the influences behind this change were sinister, and that the large number of telegrams, I will not say all of them, but a large proportion of them, had been sent here through the instrumentality and at the instance of the Standard Oil Company.

The Senator from Minnesota had read the other day—very few Senators paying attention to it, because very few ever pay attention to the reading of communications—a letter from one of the independent oil producers in the Indian Territory, in which he pointed out the methods being used by the agents of the Standard Oil Company in soliciting or persuading independent operators, or so-called independent operators, to importune their Congressmen and others with pleas that this change should be made. I have here a telegram from two Kansas oil-producing associations, in which the attitude of the real independent operators—I will not say all of them, but some of them—is set forth, and I will read it, as it is short:

SANTA FE DEPOT,
Chanute, Kans, June 28, 1906.

Senator B. R. TILLMAN,
Washington, D. C.:

Independent oil producers of the West, with you, strenuously object to Standard's monopolizing entire oil business. Should act as common carriers or producers or refiners and be put on equality with other common carriers, without special privileges. Move against common-carrier provisions inspired by Standard. See messages sent Senator Long yesterday and to-day.

THE CHANUTE OIL PRODUCERS' ASSOCIATION and
THE KANSAS OIL PRODUCERS' ASSOCIATION.

The punctuation is a little bad, but anyone can study out the sense, and I take it to mean that not all Kansas producers are in accord with the Senator from Kansas in his position.

Mr. President, I shall vote for this report, because conditions are such that either the opportunity will be denied to me of being counted in favor of the railroad rate bill, or I must agree to this report. It is an unpleasant predicament to be in. But this is what I consider an outrageous provision to be forced into this bill by this infamous monopoly. I may be in error; I am not infallible; but I simply believe that, and I have a great many facts to back me in arriving at that conclusion. I have protested by refusing to sign it twice; I have protested on the floor of the Senate, and I believe if we could get a separate vote on this provision alone a majority of the Senate would stand with me in opposition to this change which the House conferees have demanded of us. But that can not be had without rejecting the whole report, and then it would be difficult to get instructions in regard to this change by the Senate, if the Senate should deem it worth while. Therefore, the adoption of the report, which will be the completion of the legislative procedure in enacting this law, is all that remains, and I want to say just two or three things in regard to the Standard Oil and its influence.

It will be recalled that, after three or four months of strenuous fighting here between the contending forces, about the time the Allison amendment was incubating and a vote had been agreed upon on the rate bill, a great hurrah and furor in the papers were made about the Garfield report and about the Standard Oil Company and its iniquitous methods, and we were told that the exposure of the crimes of that great monopoly would help the vote on the rate bill against the railroad view of it. And under cover of this great noise the President retired from the advanced position which he had maintained for the last two years in regard to the rate fixed by the Commission remaining in force until reversed in the courts, and he accepted the Allison amendment. The big stick and the pitchfork, which had been in alliance, or at least fighting together, then separated. The pitchfork, while on duty on the firing line, to use a military phrase, looking around for the ally, saw the tail of his coat hustling to the rear, and, to use a baseball phrase, the last seen of him he was sliding toward the Allison base, trying, like football players, to reach the home base.

Mr. CLAPP. I suggest to the Senator that he should differentiate between baseball and football.

Mr. TILLMAN. That is true; football has no base. I am talking about baseball, where there are bases, and I said "baseball," or intended to do so. Did I say "football?" Senators will understand that I know a little something about the games, but if I got confused and said "football," just correct it in your own minds, and follow up the picture of the big stick not reaching the base, but sliding in on all fours to get between Father ALLISON'S legs.

The President surrendered. I have given him credit for what we do get, because but for him we would have had no bill at all. It is a sad thought to me, his complacence. I do not know what caused this strange change which keeps him silent. Of course he has had nothing to do with this idea of the Senate in regard to the divorcing of production and transportation. But it is a little remarkable that just when he might do something toward thwarting the policy of this gigantic monopoly to control the entire oil industry of the United States, when he might exercise some of that wonderful power which every man recognizes, by saying "I want the Senate provision in regard to the Standard Oil Company left alone," he is as mum as a mouse. Yet the newspapers are again hurrahing as to what he is going to do to the Standard Oil. The Attorney-General is going to bring criminal prosecutions, and we are going to have all sorts of fines and punishments, but then we are carefully told that the principal officers will not be hurt. Messrs. Rockefeller and Rogers and Archibold will not be hurt by any instrumentality that we have contrived or are likely to contrive under present conditions. The President drives a rate bill through Congress. It is true it is a good bill in a great many respects. He drives the meat bill roughshod over the House, because public opinion is behind him. Public opinion would be behind him in the contest against the Standard Oil, if we would make it. There are half a dozen States—I speak generally—where oil is produced, in which there are conflicting interests and ideas in regard to the wisdom of the Senate provision. All of the balance of the States are in the grasp of this octopus, and at least 70,000,000 of our people are concerned in getting free from its grasp.

That fight, if it is ever made, may come later. We are told that in this new effort by the Department of Justice to punish the Standard Oil Company this, that, and the other will be done. Among other things I read that Mr. Morrison, the present district attorney in Chicago, will resign his place as district attorney and be employed as special counsel by the Government. Mr. Morrison has shown an admirable quality of how not to do it in the Walsh bank transaction. So if we want an expert in how not to do it, he is probably as good a selection as can be found.

There is one other small fact—at least I have reason to believe that it is a fact—which I care to state. A little while ago, two months or such a matter, Mr. Monnett—I have forgotten his initials, but I think it is Frank S. Monnett; anyway, Senators will recognize him as the ex-attorney-general of Ohio, who a good many years ago made the first real fight that was ever made against the Standard Oil in the United States, and who was defeated for renomination. I am not sure about that, but anyway he was defeated, and I take it for granted that it was done largely through the influence of that gigantic monopoly. Mr. Monnett was employed as an expert by the Interstate Commerce Commission to assist in the investigation in regard to the oil monopoly. He is a man who knows as much or more about the methods that they employ than any other man. Then

what happened? Somebody came to Washington. Somebody was seen. A row was raised. Mr. Monnett is near losing his job. And so it goes.

The dear people are bamboozled every day in the newspapers about what is going to be done by the Government under the direction of the President to ferret out the criminal practices and punish the Standard Oil people. Mr. Garfield's report was going to accomplish the result. Yet when we come to a real fight, where something could be shown of an honest effort——

Mr. FORAKER. Mr. President——

Mr. TILLMAN. I will yield to the Senator in a minute—to break the grasp of this monopoly upon the throats or pockets of the people, the President sits dumbly by and allows the House conferees to compel, as it were, the Senate conferees to yield to every demand, to every Standard Oil demand. Now I yield to the Senator.

Mr. FORAKER. My attention was diverted for the moment, so I did not hear what the Senator said; but as I was able to give him my attention again he said something about Mr. Monnett not being allowed to continue in the Government employ in connection with the prosecution of the Standard Oil Company. As I understand, Mr. Monnett is now acting as a representative of the Government, employed by the Interstate Commerce Commission in the investigation which it is prosecuting against the Standard Oil Company.

Mr. TILLMAN. I stated as much, but I also stated that my information was that his connection with the Interstate Commerce Commission is likely to cease in the very near future.

Mr. FORAKER. I do not know how the Senator gets that information.

Mr. TILLMAN. There are rumors in the city. The Senator hears them; I hear them. I may be mistaken; I hope I am. I would be glad if Mr. Monnett, who is undoubtedly a lawyer of character and ability, shall be permitted to do such work as he is so well qualified to do in behalf of the Government in an honest effort to do something toward stopping this monopoly from breaking the laws of the land.

Mr. FORAKER. All I wanted to say—and I say it to correct the Senator, supposing he has misinformation—was that Mr. Monnett is now in the employ of the Government at the instance of the Interstate Commerce Commission. Whether he is to discontinue or not I do not know.

Mr. TILLMAN. I do not know, either. I heard he had been discontinued.

Mr. FORAKER. I understood the Senator to say he had been.

Mr. TILLMAN. No; I did not say that. I said that a rumor came to me that somebody had been over here and raised a row about Mr. Monnett's employment and that the result would be his dismissal or the discontinuance of his association. I may be mistaken. The rumor may not have had any foundation. I hope it has not, because Mr. Monnett would certainly be a valuable aid to any honest fight on the Standard Oil, and while I know nothing about Mr. Morrison, except as far as I have been watching his how not to do it in the Chicago bank business, I would prefer——

Mr. HOPKINS. I do not see why the Senator from South Carolina should make that remark. I stated the other day that the Government has experts examining the books there, and Mr. Morrison's record is sound, and there is no foundation for any such insinuation.

Mr. TILLMAN. I have not said anything against Mr. Morrison not doing something.

Mr. HOPKINS. I want the Senate to understand, and the public generally, that the President has selected one of the most painstaking and diligent attorneys in the United States.

Mr. TILLMAN. I had not insinuated to the contrary.

Mr. CULLOM. Will the Senator from South Carolina permit me?

Mr. TILLMAN. I am always glad to hear from my friend.

Mr. CULLOM. I merely want to say that Mr. Morrison is regarded as a very able lawyer, and as honest a man as can be found in this country or in any other, and he has done his duty, as I understand it, faithfully and well; and so able is he that the Attorney-General himself, from what I have heard, picked him out for this work.

Mr. TILLMAN. So though it be——

Mr. FORAKER. The question I want to ask is, if the Senator is willing to tell us—of course if his information comes to him in a way that he does not want to disclose it, he need not answer—how he got the report that Mr. Monnett is to be dismissed from the Government service in connection with this investigation?

Mr. TILLMAN. I simply said it was a rumor.

Mr. FORAKER. How does the Senator get the information?

Mr. TILLMAN. The Senator knows very well that a man does not want to go into a matter of that responsibility, or I will not say that seriousness. But I have simply expressed the hope that Mr. Monnett will not lose his place.

Mr. FORAKER. I withdraw——

Mr. TILLMAN. I said that because I had understood that he was about to lose his place because the Standard Oil people made a row over it.

Mr. FORAKER. I withdraw the question, if the Senator is reluctant to tell us about it.

Mr. TILLMAN. Of course——

Mr. FORAKER. I withdraw the question. I asked it only upon the theory that he might be willing to tell us. Is the Senator willing to tell us how not to do it in connection with the agreement of the Senate to the conference report? What is it that the Senator is addressing us for?

Mr. TILLMAN. I have already informed the Senate that I was going to vote for the report, although I did not sign it. What more can I do? I simply wanted to unload my mind a little and throw out a few side lights on the comedy of politics as we go along, pointing out the absurdities and inconsistencies of our great exemplar of reform, Theodore Roosevelt. He wanted us to pass a rate bill, and while he is in retreat from his position on that, he now gets up the hurrah over Standard Oil.

I am merely suggesting these little observations on the Senate floor with a view that all of you may be in a better humor and vote for this bill unanimously, including the Senator from Ohio.

Mr. McCUMBER. Mr. President, I can not let this report go by without at least a mild protest as to some of the provisions in the Senate amendment in reference to passes. One can not fail to see that in the amendment which has finally been adopted by the conference committee the strong influence of organized bodies, whether it be organized labor or organized industry. The only parties in the country who are not organized in a solid compact force so as to make their voice felt are the only parties who are not taken care of in this amendment.

Mr. President, the Senator who has charge of this bill, the Senator from South Carolina [Mr. TILLMAN], has taken care practically of all those persons who were inserted as being exceptions to the rule, with the exception of the farmers of the Northwest, and I should like to call the Senator's attention to and have him answer one or two propositions concerning this provision.

I notice that there are excepted from the pass provision ministers of religion, traveling secretaries of Railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; also care takers of live stock, etc., employees on sleeping cars and express cars, linemen of telegraph and telephone companies, customs inspectors and immigrant inspectors, and newsboys on trains generally.

I should like to have some good reason stated why linemen of telegraph and telephone companies are given this special privilege. Is it because the institutions which employ them can be said to be charitable institutions? I do not know that our telephone companies generally throughout the country need the assistance of the railways in carrying their employees without any pay, while at the same time it is proposed to punish the railway company if it gives a laborer a little rebate so that he may get out to the wheat fields.

Mr. President, in taking care of all the others the conference committee have carefully excluded the farmer. I am well aware that he is the last man we generally consider in our legislation. He is not eternally present before us; he is not making himself felt through any organization whatever; but he constitutes quite a body in the country, and an important one.

I want to protest, in the name of the farmers in the Northwest, when this bill prohibits any railway company in the harvest fields from giving a special rate to laborers who may go out to the farms and assist during the hurried period. All others are included but those, and that provision, the only provision which could help out the farmers of the Northwest in any particular, has been cut out of the pass section.

It is a surprise to me, Mr. President, that the good cornfield lawyer should so soon forget his near relative the wheat-field farmer in this pass arrangement. Why the farmers should not be considered as well as the telegraph operators and also the linemen of any telegraph and telephone company is simply beyond my comprehension. We allow the families of those employed in the railways not only to travel over their lines free, but we allow free transportation over any other line in the United States.

Mr. President, the press reports show that there is a great

scarcity of labor all over the Northwest; that Kansas demands immediately, to take care of her crops, from 10,000 to 15,000 laborers. North Dakota will require in less than a month from 15,000 to 20,000 people going from the older States to take care of the immense wheat fields of that State. Those laborers, in order to get out to that section of the country from the cities, must now pay full fare. Heretofore the railway companies have granted them transportation sometimes for less than one-half the fare, they taking a certificate in return that they have labored at least ten days upon the farms. This now is cut off. As I said, that section of the country is simply abandoned, and its interest is abandoned, while we are taking care of the interest of train men and telegraph companies and telephone companies.

I for one, Mr. President, representing that section of the country, desire to protest against the injustice that is being done to that section.

Mr. TILLMAN. Mr. President, I want to say only a word. It is not necessary for me to inform the Senator from North Dakota that I was only one of the conference committee; that I agreed to this pass amendment, and I think it is an admirable one. We could not cover every class of people who might have a claim to exemption.

Mr. McCUMBER. Let me ask the Senator right here, Does he not think that the claim of the northwestern farmer for assistance in the harvest season, which means everything in the world to him, is equivalent to the interest of the telephone companies?

Mr. TILLMAN. Mr. President, if there are any laborers who want to go to help the farmers of the Northwest, and to their own advantage, they can travel on excursion rates. They can get there by commutation arrangements such as are provided for elsewhere in the bill. The Senator is alarmed unnecessarily if he feels that there has been any discrimination against them.

As for the linemen of telephone companies and telegraph companies, the long-distance telephones run usually parallel to the railroads, and so far as I understand, there have been arrangements heretofore existing by which their linemen, in going out to look after their wires, can be carried on the railroad to the point where there is trouble, and bring them back when they work a day, and so on. The telegraph lines and railroads are in partnership, as it were, and the necessity, or, at least, the desirability of having employees of the telegraph companies permitted to go to and fro in looking after those wires, etc., appeared to us to be a good reason why we should include those men.

Mr. McCUMBER. Certainly it will be beneficial to them. There is no question about it.

Mr. TILLMAN. But we did not feel that it was necessary to put laborers in, because "laborer" is such a broad term that it would cover half the people of the United States. We felt that any actual need for assistance in the harvest fields could be provided for by the railroads, if the railroads were willing and wanted to transport those people to help the farmers out, under the other provisions of the bill, and that all that would be necessary would be an arrangement like going to a fair or something of that sort. So I do not think the Senator——

Mr. McCUMBER. The excursion could not help out at all. Those excursions would have to be carried on three times a day for three months or four months of the year on every railway in the United States, and it would take three times the number of trains they have for special excursion trains.

Mr. TILLMAN. I am sorry the Senator had not made himself so plainly understood in regard to the necessities and conditions, that we might have given more thought to it; but the provision was so broad in its scope and seemed to leave such a loophole for abuse that the conferees decided to leave it out. That is all there is about it.

Mr. McCUMBER. I did make myself very clearly understood, and so clearly understood that the Senate adopted without a dissenting vote, I think, a provision that the railways might grant reduced transportation to laborers going to any section of the country to meet the demands in that section of the country for labor. That was in the old provision. No one could make any complaint against it, and I certainly fail to understand why it could not have been placed in with all the others.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Iowa?

Mr. TILLMAN. With pleasure.

Mr. DOLLIVER. I desire to make a suggestion to the Senator from North Dakota. This provision appears to deal only with free transportation. I understood the Senator to say that these laborers have been accustomed to go into the wheat fields upon reduced rates. I see no reason why that practice may not be continued, notwithstanding the provisions of this pass section.

Mr. McCUMBER. Will the Senator call my attention to the provision in this bill which will allow reduced transportation for laborers?

Mr. DOLLIVER. There is certainly provision in the interstate-commerce law for excursion rates, such as will be granted, for example, to the Jamestown Exposition. They will very naturally do that.

Mr. McCUMBER. I suggest that I do not think this will apply at all under excursions.

Mr. DOLLIVER. There are harvest excursions now running from my section of the country to all the wheat sections of Kansas and the Northwest. They are not excursions for a given day, but a continuous excursion on given days, and there is no reason why they may not go at excursion rates exactly as the excursion rates will be made for the Jamestown Exposition.

Mr. McCUMBER. If that is true, then this law is not worth the ink with which it is printed.

Mr. DOLLIVER. There is nothing in this law that prohibits that.

Mr. McCUMBER. If under the idea of an excursion, calling it a harvest excursion, or any other kind of an excursion, you are to continue as long as you see fit to give reduced rates, then what is there in the law?

Mr. DOLLIVER. At present there is a set of excursions in my part of the country every week into North Dakota for the purpose of inducing our citizens to buy land up there.

Mr. McCUMBER. Home seekers' excursions.

Mr. DOLLIVER. Home seekers' excursions. That is not in violation of the present law and is not regarded as an abuse of the general principles of equity in interstate commerce.

Mr. McCUMBER. It is a violation of this law.

Mr. DOLLIVER. This amendment will not disturb that and it will not disturb similar excursions for the purpose of working in the wheat fields of the Northwest.

Mr. TILLMAN. In conclusion, as the Senator from Iowa has explained so clearly what I tried to say about the influences which caused the conferees to leave that provision out, I shall only remark that if the Senator from North Dakota can not see it that way, and if unfortunately it should prove that his view of it is correct, I am sorry; but we did the best we could; that is all. We have had this pass amendment up more and have had more discussion over it in the Senate and in conference than almost any other provision, and we finally have offered you what we believe to be a very good and well-guarded provision, that practically covers all meritorious cases that may occur.

Mr. McCUMBER. I will simply say that this law compels all railway companies to publish their rates and fares both for freight and for passengers. It prohibits them from charging either more or less than fares which are published. That is a broad, clear-cut proposition.

Mr. TILLMAN. Right there, will the Senator permit me? What hinders a railroad, where there is a demand for different kinds of transportation at reduced rates, from publishing in its schedules provision for harvest excursions during certain months, and that passengers who want to go on such excursions will be transported at 1 cent a mile. It would be published, the law would be complied with.

Mr. SPOONER. Would not that be a different rate from the rate exacted from other passengers between the same points?

Mr. TILLMAN. Probably not.

Mr. SPOONER. The law says it must not be a different rate.

Mr. TILLMAN. If we have left farm laborers out, I am sorry for it, but the reason we did it is because we believed they could be accommodated under the law as it now stands.

HOURS OF LABOR OF RAILWAY EMPLOYEES.

The VICE-PRESIDENT. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. I ask that the unfinished business be laid aside until 2 o'clock, and that at 2 o'clock it be taken up and considered, and that at 3.30, unless sooner disposed of, a vote shall be taken upon the pending amendments and on the bill.

The VICE-PRESIDENT. The Senator from Wisconsin asks that the unfinished business be laid aside until 2 o'clock, and that it be then taken up for consideration——

Mr. LA FOLLETTE. And that at 3.30, unless sooner dis-

posed of, a vote shall be taken upon pending amendments and on the bill.

The VICE-PRESIDENT. And that at 3.30 o'clock a vote shall be taken upon the pending amendments and the bill. Is there objection?

Mr. HEYBURN. I object to that unless it is subject to the consideration of conference reports. I am waiting to ask for the consideration of a conference report immediately upon the termination of the consideration of the conference report now before the Senate.

Mr. LA FOLLETTE. Of course, in that case, I will be compelled to amend my request and admit conference reports to be considered.

Mr. McCUMBER. I object to that portion which requests a vote at any particular hour to-day. I have no objection to the unfinished business being taken up at the hour named.

Mr. CULLOM. I hope that the Senator from Wisconsin will be satisfied to lay the unfinished business aside for the time being and let us go on with the conference report. He can call it up again immediately after the conference report is disposed of.

Mr. LA FOLLETTE. My request for unanimous consent provided for going on with the conference report at this time. I hoped that it might be disposed of within the hour. If not, and if, at 2 o'clock, it is still pending, I will make a further request at that time. I will of course be compelled to accept the modification of my request under the objection made by the Senator from North Dakota.

The VICE-PRESIDENT. The request, then, is that the unfinished business shall be laid aside temporarily until 2 o'clock.

Mr. LA FOLLETTE. Until 2 o'clock.

The VICE-PRESIDENT. Without objection, it is so ordered.

Mr. HEYBURN. Mr. President, I do not understand that. The unanimous consent asked for is that the bill be taken up at 2 o'clock, subject to the right to call up conference reports.

The VICE-PRESIDENT. Is there objection?

Mr. HEYBURN. There is no objection to that.

Mr. LA FOLLETTE. I am, of course, compelled to accept that modification.

The VICE-PRESIDENT. The Chair so understood.

MOVEMENT OF VESSELS IN VIRGINIA WATERS.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 4774) relating to the movement and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia.

Mr. NELSON. I move that the Senate disagree to the amendment of the House and ask for a conference with the House on the disagreeing votes of the two Houses, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

REGULATION OF RAILROAD RATES.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. McCUMBER. Mr. President, I merely wish to say in response to the last statement by the Senator from South Carolina that the provision—if there be any provision in this bill; I do not remember what it is now—relating to excursions would be of no benefit to our section of the country in the matter of special rates for laborers during the harvest season. As I stated before, the law compels the railway companies to publish their rates, both for passenger and for freight traffic; it forbids the common carriers from charging any other or different rate from that published; and the common carrier can not excuse himself by saying that this is an excursion rate, because, Mr. President——

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Iowa?

Mr. McCUMBER. In one moment. Because if he makes an excursion rate for harvest time he may have a seed-time rate, and he may have a winter rate and a spring rate and a summer rate; and certainly under the theory of excursion, etc., no common carrier under the operations of this bill could violate its provisions. I yield to the Senator from Iowa.

Mr. DOLLIVER. I call the Senator's attention to the fact that section 22 of the original interstate-commerce act, as amended in 1889 and in 1895, expressly provides that nothing in the act shall be construed to prevent the issuance of mileage, excursion, or commutation passenger tickets.

Mr. McCUMBER. What does this law say?

Mr. DOLLIVER. I call attention to the fact that under that provision, which is not disturbed by this legislation, it is not uncommon for railways to issue an advertisement for an excursion, for example, to a State convention, that is to be available only to persons who get themselves certified as participating in the convention, or public meeting, whatever it may be. I assure the Senator there will be no difficulty, provided the railways are willing to make the concession and the rate, to supply the farmers of North Dakota with harvest hands at excursion rates.

Mr. McCUMBER. I can hardly agree with the Senator that the provision of the old law is not repealed.

Mr. TILLMAN. Let me read to the Senator the new law.

Mr. McCUMBER. The provision of the new law repeals or modifies all portions of the old law that are in conflict with it.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I yield.

Mr. TILLMAN. If the Senator will look at page 16 of this bill, amendment 27, he will find the following:

> No carrier, unless otherwise provided by this act, shall engage or participate in the transportation of passengers or property, as defined in this act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

Now, let me ask the Senator what will hinder the railroad companies when they prepare these tariffs from stating in the legal document filed with the Interstate Commerce Commission and tacked up in their offices a specification that for a certain class, a harvest excursion for harvest laborers, or any other kind which they see fit to put in the published tariff, the rate shall be 1 cent a mile, or half cent a mile, or 2 cents a mile? The Senator is simply—well, he is mistaken; that is all.

Mr. McCUMBER. I do not think, Mr. President, that I am mistaken. I do not think that gives them the opportunity to make the exception I refer to.

Mr. ELKINS. Mr. President, I am glad we are approaching the completion and final passage of this bill, and I congratulate the Senate and the country. I congratulate the Senator from South Carolina that he is able to see his way clear to voting for the conference report which he would not sign and voting for the bill on its final passage.

I regret that the Senator felt obliged to attack even the President and everybody else who does not agree with him on what is known as the "oil amendment." The Senator if I understand him correctly, seeks to convince the country of the sincerity of himself and the people who are opposed to the Standard Oil Company by being willing to vote to crush out thousands and thousands of independent operators. Is this fair or just on the part of wise legislators? I am unwilling to do this, and I am as free from any influence of the Standard Oil as the Senator can possibly be, directly or indirectly, and so are the Senators and people who believe as I do. To show my opposition to monopoly, or the alleged abuses of the Standard Oil Company, I am not bringing on wholesale destruction of the oil producers of the country who are known as independent oil producers. I regret having to make this statement, but I feel obliged to do so, in view of the remarks of the Senator, in justice to myself and a large body of my constituents. Mr. President, the President needs no defense here or elsewhere in his action and endeavors as President of the United States to correct great abuses or monopolies. His action, his bold and courageous course in behalf of the people, speaks trumpet-tongued for him. The people are behind the President. The Senator seems to believe that because the President has not declared he agrees with him about this pipe-line amendment he is not doing his duty. No one knows what the President thinks about it, and I don't think the Senator is authorized to speak for him on this subject.

Mr. President, I want to read some dispatches on this subject. I regret that the Senator has opened the door for this, by the dispatches he read, but I can not let his remarks go unanswered and have the country believe, by allowing them to go unanswered, that all he says is true about the Standard Oil Company being the only party concerned here, or largely influencing the action of the independent operators in sending telegrams to the Senate. The Senator does not know the States of

West Virginia, Kansas, and the Indian Territory, and the oil-producing States as well as the people who live there and as well as the Senators who represent them and their interests. We are here to speak for our people and their interests and not the honorable Senator from South Carolina.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Yes, sir.

Mr. TILLMAN. Of course, I do not know the State of West Virginia as well as the Senator from West Virginia, but there are thirty-five States anyhow in which no oil has been found, and it is the inhabitants of those thirty-five States who are in the grasp of this Standard Oil monopoly in whose interests I have spoken as against this surrender to the Standard Oil, as I term it. It may be no surrender; I so consider it.

Mr. ELKINS. I want to ask the Senator, if he is so anxious to punish the Standard Oil Company that he is willing to break down and destroy the business interests of thousands of other people who are not rich and strong like the Standard company?

Mr. TILLMAN. I was not trying to break down, and the Senate was not——

Mr. ELKINS. It seems that that is what the Senator is trying to do.

Mr. TILLMAN. The Senate was not, or else it would not have put that in. The Senate was trying to divorce production from transportation, and to kill a very grave and serious situation, the monopoly in the coal trade; and oil was incorporated in the provision to try to kill the monopoly. That is what the Senate was trying to do.

Mr. ELKINS. But in trying to crush out one monopoly we must not crush out the business of thousands of men independent of this monopoly. The Senator puts this Congress in the position of fighting the independent operator along with the Standard Oil, and wants to make Congress partners of the Standard Oil in oppressing thousands and thousands of persons as the best way to correct the abuses charged against the Standard Oil Company. For be it always remembered that the independent oil producer must always fight for his existence when he is in the neighborhood of the Standard company—I mean through competition.

Mr. TILLMAN. The Senator is entitled to his opinion.

Mr. BAILEY. Does the Senator from West Virginia think that the Standard Oil Company is trying to have this amendment adopted?

Mr. ELKINS. Not at all.

Mr. BAILEY. Then why does the Senator from West Virginia say that those of us who support the inclusion of the pipe lines are trying to make the Government a partner with the Standard Oil Company?

Mr. ELKINS. The Senator misunderstood me. I did not make that statement at all. I said it was not necessary——

Mr. BAILEY. Ah, but the Senator from West Virginia, if he will refer to the Reporter's notes, will find that he did say that we were trying to make the Government a partner of the Standard Oil Company in crushing out the independent operators.

Mr. ELKINS. I said this amendment, which is so drastic and which was put in by the Senate, would do it. I did not say any Senator or any body of Senators or anyone other than Senators were partners of the Standard Oil Company; far from it.

Mr. BAILEY. The Senator will agree that the worst that could be said about it is that it would crush the independent operators with the Standard Oil Company, but it is absurd to say that it would crush the independent operators and leave the Standard Oil Company unharmed.

Mr. ELKINS. I am unwilling to crush thousands and tens of thousands of other people in order to crush the Standard Oil Company with them.

Mr. President, I want to tell the Senator that the Standard Oil Company is able to take care of itself, and does not need any help so far as the record goes up to date. They will take care of themselves. I mean it is a rich and powerful corporation, and would manage in some way to escape from most of the damage and loss that would follow adhering to the Senate amendment.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Certainly.

Mr. BAILEY. If the Senator will pardon me for interrupting him a moment, I wish to say that he can not put me in the position of saying that I want to crush the independent oil producers or the independent oil refiners of the country; nor can he put me in the position of saying that I am willing to grind them up with the Standard Oil Company. In order to grind the Standard Oil Company, I support the inclusion of pipe lines, not because I believe it would destroy the independent oil producers, but simply because it would compel them, along with the Standard Oil Company, or, rather, I would more accurately state it if I would say it would compel the Standard Oil Company, along with them, to divorce the business of production from that of transportation.

The Senator from West Virginia says the Standard Oil Company needs no help. I am not so sure that he is right about that; but I am sure that it happens to get help sometimes when it is in critical need of it.

Mr. ELKINS. Mr. President, I don't quite understand the Senator. I am sure the Standard Oil Company gets no help from Congress or the Federal Administration, and in every other way it can and does help itself. I want now to read a note from the president of the Eastern Oil Men's Association, Thomas Gartlan, one of the leading business men of my State, addressed to me on this subject.

WASHINGTON, D. C., *June 27, 1906.*

Hon. S. B. ELKINS,
United States Senate.

DEAR SIR: The list which I attach herewith are some of the operators in West Virginia who are absolutely independent of any connection with the Standard, and they most earnestly protest against the amendment in the rate bill which prohibits pipe lines from carrying their own products. No more serious blow could be given the oil industry than the enactment into law of this amendment.

Very respectfully,

THOMAS GARTLAN,
President Eastern Oil Men's Association.

Here are the names of 110 or 120 oil producers attached to this paper, and these are only a few of those who protest against not allowing a producer to transport his own oil in his own pipe line.

Mr. TILLMAN. Will the Senator have the list printed?

Mr. ELKINS. Of course I will. At the head of the list stands the name of Judge Nathan Goff, known to this whole country as a Member of Congress, a Cabinet officer, and one of the ablest and purest jurists in all this land. He is an independent oil producer as well as a Federal judge. He is a man who needs no defense at my hands for being an oil producer or any defense at the hands of anyone about anything in his brilliant and splendid career as a citizen and public official of West Virginia. As I have stated, his name is the first on this list, and here are four pages of names of independent oil producers who protest against the amendment in this bill which prohibits pipe-line owners from carrying their own products.

As the Senator from South Carolina has requested that I should publish the list in the RECORD, I ask permission to do so.

The VICE-PRESIDENT. In the absence of objection, permission will be granted.

The list referred to is as follows:

Judge Nathan Goff, R. L. Lowndes, Industrial Oil Company, Bear Track Oil Company, Dog Run Oil Company, G. E. Trainer, E. H. Trainer, G. F. Randolph, Earnest Randolph, Charles Randolph, H. B. McKinley, S. E. Strother, G. W. Ross, G. L. McKain, J. W. Carpenter, W. H. Speer, W. W. Jamison, John Bradin, B. S. Despard, Flemming Bros., W. H. Carr, Invincible Oil Company, Raccoon Oil Company, Nicholson Oil Company, Tyler Oil Company, Angora Oil Company, G. B. Wirt, J. M. McCoach, Charles Bailey, Andrew Bruner, Gil Urquhart, E. A. Durham, G. W. Durham, A. C. Jackson, Thomas Chesnut, W. H. Pringle William Unenenscwander, R. G. Gillispie, Anton Lutz, F. F. French, W. G. Agnew, M. Keating, Joseph Lecos, L. L. Riddle, J. G. McKnight, A. J. Fruitle, Claude McCarrall, Thomas Gartlan, Mallory Bros. & Stewart, Stiles Bros., Crawford Bros., D. A. Beatty, W. W. Walker, H. G. Connelly, D. A. Upham, G. W. Jackson, C. W. Rolston, G. E. Gilmore, J. J. Crotty, Percy Carr, J. W. Leonard, P. J. Townsell, G. L. Watson, George Murrin, W. H. Nicholson, Mentor Caldwell, John Guffin, J. C. McManas, W. H. D. Chaffin, Devore Bros., O. P. Boggs, E. O. Boggs, W. H. Zahinser, E. H. Steyner, Federal Oil Company, Gypsy Oil Company, New York Petroleum Company, Guarantee Oil Company, Aleco Oil Company, Hudson Oil Company, Cairo Oil Company, Southern Oil Company, E. B. Booth, W. H. Fitch, Three Joel Oil Company, Fisher Oil Company, Greer Oil Company, Globe Oil Company, Star Oil Company, W. A. Dennison, Major Hawkins, Bond Creek Oil Company, Gartlan Oil Company, Pure Oil Company, American Oil Developing Company.

Mr. ELKINS. I want to make plain to the Senator from Texas and the Senator from South Carolina that these men and these independent companies must have some consideration at the hands of Congress. If they can not transport their own oil through their own pipe lines or the independent pipe lines or the Standard Oil pipe lines after a sale to the pipe lines and the Standard company, what is to become of their business, yielding from $30,000,000 to $40,000,000 per annum?

I want to cite another instance. The Pure Oil Company is the greatest rival of the Standard Oil Company, as I understand it, and it has pipe lines that reach down to the sea. It has been fought, as I am informed, by the Standard Oil

Company ever since its organization. In order to protect itself against the Standard Oil Company and to keep its existence it had to buy a large area of oil territory, as well as to purchase oil from other producers. If you pass this amendment as we have it in the Senate bill, to the effect that the pipe lines can not transport their own production, it would cost that company millions and millions of dollars and destroy its business. The Standard Oil Company would become master of the situation, and the Pure Oil Company would have to go out of existence and its property be ruined.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. Yes, sir.

Mr. TILLMAN. Will the Senator tell us how many oil producers whose names he has there have pipe lines crossing the State line?

Mr. ELKINS. I do not know, Mr. President. I can not tell the Senator. I wish I could. I wish the Senator understood more about the oil business than he does.

Mr. TILLMAN. The Senator is very free to claim—and I will not dispute it—that he knows more about this matter than I do, but when I ask him a question that is uncomfortable he starts off to parading my ignorance.

Mr. ELKINS. Not a bit of it, Mr. President, I do not.

Mr. TILLMAN. I want to ask the Senator if he knows whether these men own pipe lines? If none of them own pipe lines, they are not hurt by the provision, and if they do not cross State lines, they will not be subject to this law at all.

Mr. ELKINS. I would rather have those men—independent operators—speak for themselves than to have the Senator speak for them, for the simple reason they know their business better than he knows it.

Mr. TILLMAN. They will speak by their votes.

Mr. ELKINS. Well, they will speak for themselves. But that is outside of the case; it is not argument, and I do not care to go into that. I guess the Senator himself will be hunting for votes pretty soon now from what I hear. You have got no pipe lines in South Carolina.

Mr. TILLMAN. No; but we have got railroads there.

Mr. ELKINS. I want a little time to talk on this question. I have not occupied much of the time of the Senate. I know Senators are eager to come to a vote, but this amendment allowing pipe lines to transport their own oil is so important that I would be recreant to my trust if I did not do all I could to have it retained in the bill.

I put against the statement the Senator from South Carolina makes the statements of at least 100 men, headed by Judge Goff; and I will put in the RECORD the list of the operators in West Virginia who are absolutely independent of any connection with the Standard Oil Company, who most earnestly protest against the amendment in the rate bill which prohibits pipe lines from carrying their own products. I submit to the Senator himself, to the Senate, and to the country that these people engaged in this great industry know more about this subject and are better able to speak for themselves than is the Senator from South Carolina to speak for them.

In thirty years, I want to say to the Senate, there has not been a complaint of any abuse on the part of the pipe lines by the oil producers in the State of West Virginia, and I speak by the card when I say this is an industry which gathers to the farmers $2,000,000 a year for production and rent, and to the citizens of my State twenty-five or thirty million dollars more, and why the necessity of prohibiting and interfering with it here? Why say that a man shall not transport his own product to market when there is no complaint of any abuse whatever? There have been complaints against railroads; there have been complaints against the Standard Oil Company; but for thirty years there has not been one single complaint against a pipe line in West Virginia, the leading oil-producing State in this Union, and yet we are called on here to confiscate that great business interest and drive those men out of business.

I will now read a telegram, the name of the signer of which, when read, the Senator from South Carolina will at once recognize:

PARKERSBURG, W. VA., *June 15, 1906.*

Senators Elkins and Scott and West Virginia delegation in Congress, Washington, D. C.:

In my judgment the pipe-line amendment of the interstate-commerce bill if passed will work great hardship and demoralization to the producing oil interests of West Virginia, and that feature prohibiting the purchasing and carrying oil by the owners of the pipe lines should by all means be stricken out. There is no objection to making the pipe lines common carriers, but the feature prohibiting the pipe lines to carry oil to their own refineries would work great hardship and demoralization to the producing interests.

J. N. CAMDEN.

Mr. Camden served creditably, honorably, and most ably for twelve years in this body as Senator from West Virginia on the other side of this Chamber. He was my predecessor. As a West Virginian I am proud of Senator Camden and what he has done for his State and the country. Besides being one of our leading citizens, a man of the highest character, and an able, upright, and influential Senator, he is one of the greatest business men in this country, and he sends a protest here against this kind of legislation.

I read another telegram, and I have hundreds of them:

PARKERSBURG, W. VA., *June 15, 1906.*

Hon. STEPHEN B. ELKINS,
United States Senate.

Proposed amendment to rate bill now before joint conference committee prohibiting pipe-line companies from carrying oil produced or purchased by them will work great injury to oil industry in this section. We will appreciate efforts on your part to defeat this amendment.

MALLORY BROS. & STEWART.
By J. F. MALLORY.

Here is one from Gulfport, Miss.:

GULFPORT, MISS., *June 15, 1906.*

Hon. S. B. ELKINS,
United States Senate, Washington, D. C.

I fear the pipe-line amendment to the railroad rate bill will injure the producer instead of the pipe line. It prevents the owners of the pipe lines from transporting their own production or the oil they buy. Will disturb the present system of marketing oil and will injure tens of thousands of oil producers. Request you to strike that amendment out in the interest of the producer. I own over 800 oil wells.

J. T. JONES.

It will be seen that I do not bring them all from West Virginia. I have one here from Kansas, one from the Indian Territory, and many others, all to the same import. Can all these people be mistaken? They complain that this would be a great outrage and an absolute confiscation of their business interests, and so they protest against it. These same men have their differences possibly with the Standard Oil Company, but they are reconciled somehow or other, namely, because the Standard and other pipe lines buy all the oil and become the owners of it before transporting it.

Mr. President, I ask leave of the Senate, without reading all these telegrams, to have them inserted in the RECORD.

The VICE-PRESIDENT. In the absence of objection, leave will be granted.

The telegrams referred to are as follows:

CLARKSBURG, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

Pipe-line feature of pending rate bill pernicious and without redeeming feature. Should be eliminated for best interests of oil-country people.

STAR RIG, REEL, AND SUPPLY CO.,
CHAS. S. SMILEY, *President.*

PARKERSBURG, W. VA., *June 15, 1906.*

Hon. STEPHEN B. ELKINS,
Senate Chamber, Washington, D. C.:

Pipe-line amendment to rate bill before conference committee will be a blow to oil industry. Can never recover if passed.

FEDERAL OIL COMPANY.

SISTERVILLE, W. VA., *June 15, 1906.*

Hon. STEPHEN B. ELKINS,
Senate Chamber, Washington, D. C.:

We believe the pipe-line amendment to the rate bill now before the joint conference committee will work great injury to all the producing interests and should be stricken out.

STEWART BROTHERS.

SISTERSVILLE, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

The pipe-line amendment to the rate bill now before the joint conference committee will work great injury to the oil-producing interests, and should be striken out.

URQUHART & CO.

PARKERSBURG, W. VA., *June 15, 1906.*

Senator S. B. ELKINS, *Washington, D. C.:*

Pipe-line amendment to rate bill, if enacted, will ruin independent oil operators of West Virginia.

THOMAS CARTLOW,
President Eastern Oil Men's Association.

CLARKSBURG, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

Want you to use your influence against pipe-line amendments. It will be very detrimental to the best interests of this section.

THE LOWNDES SAVINGS BANK AND TRUST COMPANY.
By GEO. L. DUNCAN, *Treasurer.*

CLARKSBURG, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

Pipe-line amendment to pending rate bill exceedingly bad law for this section; will virtually kill our business; should be eliminated.

V. L. HIGHLAND.

CLARKSBURG, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

Great doubt here as to advisability of pipe-line amendments. Hope you will maturely consider it.

JOHN W. DAVIS.

INDEPENDENCE, KANS., *June 14, 1906.*

Hon. J. C. BURROWS,
United States Senate, Washington, D. C.:

As a producer in the Kansas-Indian Territory fields, and being vitally interested in the welfare and prosperity of those fields, I would request that the pipe-line amendment to the rate bill now before the joint conference committee be stricken out. If this is permitted to pass, it will work a great injury to the oil business in Kansas and Indian Territory and will act against the general welfare of the producer.

A. C. STICH.

CLARKSBURG, W. VA., *June 15.*

Hon. S. B. ELKINS, *Washington, D. C.:*

The passage of the pipe-line amendment in rate bill will be against the men who have helped to make this State Republican. Think you should stand by them, as they have stood by the party, and defeat this amendment.

S. C. DENHAM.

SISTERSVILLE, W. VA., *June 15.*

Hon. S. B. ELKINS, *Washington, D. C.:*

The pipe-line amendment to the rate bill now before the joint conference committee we believe will be a great injury to all the oil-producing interests, and ask that it be stricken out.

D. D. NOLAN.

SISTERSVILLE, W. VA., *June 15.*

Hon. S. B. ELKINS, *United States Senate:*

The amendment to the rate bill, as now before the joint conference committee, if adopted, will entirely change existing conditions in the oil industry. We have done business under present conditions in this section for fifteen years, and all of our producing interests are well satisfied with present methods of handling the product, and to make the proposed change will revolutionize the business and work great injury to the small producers.

THE TYLER COUNTY BANK.

MANNINGTON, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *Washington, D. C.:*

The pipe-line amendment to rate bill will work great hardship to the oil-producing interests, and as independent producers we ask that it be stricken out.

E. A. EASON & CO.

CLARKSBURG, W. VA., *June 15, 1906.*

Hon. S. B. ELKINS, *United States Senate:*

Our people are opposed to the pipe-line amendment in rate bill; think it injurious to this section; use your influence against it.

S. R. HARRISON,
Cashier Merchants' National Bank.

Mr. ELKINS. Mr. President, the Senator from South Carolina has intimated that the Standard Oil Company was a party to or at least largely responsible for the sending of these telegrams. I want to say to him that the names I have read are the names of men whom the Standard Oil Company can not reach any more than it could reach the Senator himself, or any Senator on this floor.

I hope, now, that the Senator has got his consent after six months' effort, to vote for this conference report and this bill, that we shall have an early vote on it, and that it will be adopted unanimously.

In what I have said and done I have tried to stand by and protect the interests, rights, and property of a large body of citizens of my State.

Mr. BAILEY obtained the floor.

Mr. LONG. I did not intend to discuss this question to-day, and I do so with——

The VICE-PRESIDENT. The Chair had recognized the Senator from Texas [Mr. BAILEY].

Mr. LONG. I thought I had been recognized.

The VICE-PRESIDENT. No; the Chair recognized the Senator from Texas.

Mr. BAILEY. Mr. President, I will occupy but a moment. The telegrams of the Senator from West Virginia [Mr. ELKINS] are not merely against the amendment of the Senate which was numbered 5, but they are also against what was known as the "pipe-line amendment," by which we mean the amendment that makes the pipe lines common carriers.

Mr. ELKINS. Will the Senator allow me to interrupt him?

Mr. BAILEY. Certainly.

Mr. ELKINS. The Senator is mistaken in that. The signers of these telegrams expressly say they have no objection to making pipe lines common carriers, but they protest against not being permitted to transport their own product. The Senator could not have been in the Chamber when I made my statement. The State of West Virginia early—twenty-five years ago—made them common carriers. They do not state anything on the subject referred to by the Senator, I will state for his information.

Mr. BAILEY. But the Senator is mistaken. The first telegram read did object to the pipe-line amendment. The man who signed it may have only intended to object to the transportation amendment, which moves me to say that they did not know exactly what they were talking about.

Mr. ELKINS. I will read the telegram from ex-Senator Camden.

Mr. BAILEY. I know what it contains. Read the other one.

Mr. ELKINS. The telegram from Gulfport, Miss., is one of those I read.

Mr. BAILEY. I mean the one that was signed by so many gentlemen, at the head of which was the name of Judge Nathan Goff. I may have misunderstood it, but if I correctly understood it, it was against the pipe-line amendment.

Mr. ELKINS. I am sure the Senator wants to be accurate.

Mr. BAILEY. Certainly.

Mr. ELKINS. This is the paper to which so many names were signed:

The list, which I attach herewith, are some of the operators in West Virginia who are absolutely independent of any connection with the Standard, and they most earnestly protest against the amendment in the rate bill which prohibits pipe lines from carrying their own products.

Mr. BAILEY. I cheerfully acknowledge my mistake. I must have been listening to the Senator from South Carolina [Mr. TILLMAN]——

Mr. ELKINS. I think so.

Mr. BAILEY. When I thought I was listening to the Senator from West Virginia. [Laughter.] I am perfectly aware that to include the pipe lines in that fifth amendment would work a very great change in the oil business, but I do not think it would work any greater change in the oil business than that amendment will work in the coal business. I was not certain in the first instance that pipe lines ought to have been made common carriers, because I freely say that I had never heard any serious complaint about the charges or the practices of pipe lines. I attributed that, however, to the fact that I had no knowledge of that transportation problem, as until recently no oil had ever been produced in any State of which I was a resident, and, consequently, there might have been grave evils in respect to the conduct of pipe lines and I might have been wholly without knowledge of them. I, myself, therefore, did not take any part in the proposition which brought them under the act. That they can be made common carriers I have no doubt, provided they have exercised the right of eminent domain. I am told that many of them have never exercised that right, and do not carry for hire. If that be true, then of course all such are beyond this legislation. But, Mr. President, I have absolutely no doubt that if it were wise to make pipe lines common carriers, then it would be wise to subject them to the same rule against transporting the property which they produce or own as the railroads.

I deeply regret that the House conferees insisted upon this amendment. I do not, however, join in any accusation against them or against the Senate conferees that they were controlled or even influenced by the argument or the interest of the Standard Oil Company. My own opinion is that the Standard Oil Company in this case has simply fallen behind the independent producers and has saved itself by exposing them to what they are pleased to call the danger of this legislation.

There is no danger in it. The Senator from West Virginia [Mr. ELKINS] talks about confiscating property. The Senator from West Virginia was one of the first proponents of this policy of divorcing transportation from production, but he seems to confine it, in his opinion, to the railroads and coal mines. Undoubtedly it ought to be applied to them, but if there be justice and wisdom in it, it also ought to be extended to all common carriers and to all commodities.

Mr. President, much as I regret that the report surrenders that portion of the Senate bill, I am compelled to take the same view that the Senator from South Carolina has expressed. To vote against the adoption of this conference report, assuming that it will carry, would be equivalent to voting against the final passage of the bill, and, in spite of my objection to this action of the conferees, like the Senator from South Carolina, I intend to vote for the bill.

I want, Mr. President, to say a word about the pass amendment. It practices a piece of demagogy for which I have no toleration. The amendment reported by the conferees provides that the privilege of a pass shall extend to the "employees and their families," but the families of officers, agents, surgeons,

physicians, and lawyers are excluded. I resent the idea that a man who works with his hands is any better than the man who works with his brain. If he is an honest man he is just as good, but he is no better. It is a strange idea that the American Congress should incorporate in the statutes of the country a discrimination of that kind.

I would have protested just as earnestly if they had accorded to the lawyers and doctors and officers and agents the right to have their families carried free and had excluded the families of employees from such privilege. If it is right to grant the privilege to the families of one class, it is right to extend it to the other. The man who works with his brain is in his way as useful as the man who works with his hands; and the man who works with his hands, in his way, is as useful as the man who works with his brain. The truth of the whole matter is, Mr. President, that no railroad could be operated without both kinds, and there ought not to be any such discrimination as this introduced into the law.

I must protest against any law that undertakes to discriminate against men in this country because of the class to which they belong. It was enough to say that all people who serve the railroads should have passes. I was willing to go further; indeed, I desired to go further and say that the railroads might extend the courtesy of a pass to the families of all who serve the roads, but there is no justification for saying that they may extend the courtesy of a pass to some employees and not extend the same courtesy to others.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Iowa?

Mr. BAILEY. I do.

Mr. DOLLIVER. Is it certain that that discrimination is made?

Mr. BAILEY. If the Senator will read the provision, I think he will agree with me.

Mr. DOLLIVER. There is a proviso?

Mr. BAILEY. Oh, yes. If I manage one railroad and the Senator manages another, then I can exchange with him, and his railroad can carry my family and my railroad can carry his family, but his railroad can not carry his own family, nor could my railroad carry my family.

Mr. DOLLIVER. I wanted to inquire if that did not introduce a sufficient ambiguity in the amendment to enable the families of attorneys to get in in some way?

Mr. BAILEY. Will the Senator from Iowa read this:

> No common carrier subject to the provisions of this act shall, after January 1, 1907, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law.

I regret to say it did not say "*its* attorneys at law" and that the provision is broad enough, therefore, to mean all attorneys at law.

Mr. DOLLIVER. Might that not be a mere definition of what the term "employees" included?

Mr. BAILEY. No; because after you give the general term and then add that enumeration in this way, it excludes all idea that those enumerated afterwards were included in the general term. Besides, we commonly understand, and I think it is well understood, that an attorney is not considered an employee, and that a physician is not considered an employee. My own opinion is that this discrimination as to the families was deliberately and intentionally made, and is indefensible.

Mr. President, have we gone mad in this country? Have we concluded that it is a crime to possess character and brains enough to be employed in the learned professions and to be employed about the lives and property of the very men who operate these railroads? That certainly can not be the judgment of any Senator or Representative, and I am at a loss to know what kind of defense can be made for saying that the people who work in one department of the road may not only have passes themselves, but may have them for their families, while the people who work in another and just as essential part of it can have them for themselves, but not for their families.

Mr. TILLMAN. Mr. President, will the Senator allow me to ask him a question?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Carolina?

Mr. BAILEY. Certainly.

Mr. TILLMAN. The word "employee," as I understand, means a person whose whole time, when he is working at all, is given to another. An attorney exclusively in the employ of a railroad might be classed as an employee, but the attorney who gets a pass and does nothing else but watch juries, round up conventions, and do other little odd jobs and never gets any compensation, except transportation for himself and his family, is the man I was after. I do not know what the Senator thinks about it, but I think that class have got no business any more than any other man riding on the railroads at all unless they pay for it.

Mr. BAILEY. Mr. President, so far as I am concerned, I do not class that kind of a man as an attorney. He is a lobbyist, and if I had my way I would revoke the licenses——

Mr. TILLMAN. But you can not do it.

Mr. BAILEY. Of these men to practice law.

Mr. TILLMAN. What about the man who works with his hands and the man who works with his brain—when the man who works with his brain only works a little while and is a pettifogger, a trickster, and a lobbyist? That is the man we were after.

Mr. BAILEY. Then, Mr. President, you ought not to give that man a pass.

Mr. TILLMAN. We did the best we could, but there are so many lawyers here who stick it out that there is no harm in lawyers getting passes and that lawyers be excepted. We did the best we could.

Mr. BAILEY. There are too many demagogues here who are always talking against the lawyers——

Mr. TILLMAN. If there are any demagogues here they must be lawyers, because the members of this body are lawyers, except possibly half a dozen.

The VICE-PRESIDENT. The Chair must insist upon the rule that Senators must address the Chair.

Mr. BAILEY. The Senator from South Carolina, Mr. President, has many admirable qualities, but he has some prejudices that obscure his usual fairness and his usual clearness. I do not know what grudge he has against the South Carolina lawyers. Probably they resisted his early political advancement. If they did, I think they were wrong; but they were not much more mistaken than he is to cherish this grudge against them the remainder of his life. What the Senator from South Carolina ought to do, and nearly all he needs to do, to be one of the most useful Senators of this body is to get that cobweb out of his mind. He performs great service; he performs it fearlessly and honestly, and the only thing that keeps him from doing it wisely is that now and then he yields to this very kind of a prejudice.

I think a lawyer, if he is a good one, is as good a citizen as lives beneath the flag. To him more men carry their misfortunes and the defense of their rights than to any other man in this Republic, and I have always observed that those who abuse them most are the ones who are quickest to appeal to their judgment and their counsel in a troublous time. It does not become a man with the great intellect of the Senator from South Carolina to feed a narrow prejudice that exists among ignorant people against the lawyers of this land. The Senator from South Carolina knows, as I do, that if you strike from the pages of the American Revolution the brilliant names of the lawyers who illustrate and illuminate them you would leave almost every chapter of it dark. It was a lawyer whose immortal sentence still rings in the ears of liberty-loving people in this and in every other land when he proclaimed it as his defiant wish that they should give him liberty or they should give him death.

The Senator does not forget that the man to whom we owe more for the Constitution of the United States than to all others was a lawyer. Indeed, if there be any difference between our debt of gratitude to Hamilton and to Madison, it is not a difference in our debt to lawyer and layman, because both were lawyers. The Senator from South Carolina forgets that while he did not practice his profession with any great success, Thomas Jefferson was a lawyer, and in my opinion the most signal literary achievement of his life was when he condensed and codified the laws of Virginia into 96 pages. So it is from that date to this, the American Republic has always stood a debtor to the lawyers. True some of them have disgraced an honorable profession, but they are as few in that profession as in any other. The Senator from South Carolina is a Bible scholar, and he remembers that among the twelve disciples whom the Saviour had around Him He found one to betray and another to deny Him, and that proportion of unworthy men is very much greater than the proportion of selfish and disreputable lawyers.

The Senator from South Carolina, however, does not stop, if he is responsible for it, with a discrimination against the lawyers. He makes it against the surgeons and physicians, too. Surely the men to whom we trust the life and health of our

wives and children are not unworthy of our confidence. Surely the men to whom the life and limbs and health of railroad employees and their families are intrusted are not unworthy of fair consideration.

Mr. President, it is time that we shall have an end of this narrow view which holds that the more a man knows the worse he is.

Mr. LONG obtained the floor.

Mr. TILLMAN. Will the Senator from Kansas pardon me?

Mr. LONG. Certainly.

Mr. TILLMAN. I think the legal profession ought to thank the conferees for having designedly or by accident put into this bill a provision which has produced such a state of feeling on the part of the Senator from Texas that he has been led to give us in these expiring hours of the session such an eloquent defense and exploitation of his profession. The Senator does me an injustice when he charges that I have a prejudice against laywers. I have a most infinite contempt for some of that breed that I know, because they illustrate most fully what is said somewhere in Luke, in the words of Christ—

> And He said, Woe unto you also, ye lawyers, for ye lade men with burdens grievous to be borne, and ye yourselves touch not the burdens with one of your fingers.

When I see a lawyer like the Senator from Texas I love him; I always admire him. I recognize his ability as well as his services to the country.

But the Senator knows there are pettifoggers and shysters in the profession, and a very large number of them, and I say political conventions are largely controlled through the instrumentality of these dirty creatures, who crawl out and do the work of the railroads, and whose only compensation is free passes, upon which they travel. I voted for that provision, and I am ready to stand by the castigation which my eloquent friend saw fit to give me, because I am one of six who stood by it and stand by it.

Mr. BAILEY. The creatures whom the Senator from South Carolina describes ought to be kept out of conventions by the people who choose delegates, but if one of them is forced upon an unwilling constitutency as a delegate, he ought certainly to be made to pay his way on the railroad. But the conferees have so beguiled my friend the Senator from South Carolina that although we had the words "actual and bona fide attorneys" in the amendment when it once passed the Senate, they have disappeared, and now it is "attorneys at law." Indeed, I know that the words "actual and bona fide attorneys" were originally put there for the purpose of preventing the railroads from giving a pass to some man whose legal service they would not employ, but whose political and other services they might desire to utilize.

I sympathize thoroughly with the Senator from South Carolina in wanting to exclude every man whom the railroads might use on a political errand, but the families of these men could not be sent upon political errands, and the amendment lets the men who do mischievous work have a free pass, but denies it to the families of those who do the honorable service of the railroad in the courts of the country and who do not go to political conventions for railroad purposes.

Mr. TILLMAN. If these honorable lawyers who do such honorable service for the railroads do not charge enough for it, it will be the first time in my knowledge of the profession that they do not.

Mr. BAILEY. I have never found that the best lawyers practice extortion upon their clients. I have never heard of a fair-minded client complaining about the charges of his attorney. I believe it was said once about a great lawyer, and has since then been applied to all lawyers, that he worked hard, he lived high, and he died poor. Very few of them profit much even by the generous fees which they receive for valuable services, and none of them whom I have ever known of have been charged by their clients with extortion. But the Senator complains about the princely fees.

Mr. TILLMAN. The Senator every once in a while inches around and insinuates that the Senator from South Carolina means something and says something that the Senator from South Carolina has not thought about. I am not complaining about princely fees that lawyers charge or receive. I was only remarking that the lawyer who really represents the railroad can make enough money to pay their fare when his family ride over the railroad without any hardship.

Mr. BAILEY. That is true. I do not think the lawyer, as a lawyer, is entitled to a free ride, but the lawyer, as an attorney for the railroad company, is entitled to precisely the same courtesy at the hands of the railroad company that any other employee is to receive. The lawyers could very well take care of themselves, perhaps, and maybe if I had simply spoken in behalf of the doctors and surgeons I would have been less subject to the supposition that I was speaking in behalf of my own class. I am free to say that I did speak purely because I am a lawyer, and because I resent any discrimination against a profession to which I am proud to belong.

Mr. LONG. Mr. President, it is not my purpose to continue the discussion between the Senator from Texas [Mr. BAILEY] and the Senator from South Carolina [Mr. TILLMAN] in regard to lawyers. I wish to say, however, that I fully indorse the position taken by the Senator from Texas in that part of his remarks. I would not say anything to-day on the question of excepting pipe lines were it not for the fact that the Senator from South Carolina [Mr. TILLMAN] has had read to the Senate a telegram from some oil producers in Kansas. I have a similar telegram myself from oil producers in a part of the State which would not be so directly affected by this legislation as would the producers in the southern part of the State, where oil refineries are being constructed. These pipe lines are being extended over into the oil fields of Indian Territory and Oklahoma. These amendments, taken together, as originally passed by the Senate, would be exceedingly injurious to those producers. I am in sympathy with and fully indorse the report of the committee of conference, which has modified the commodity amendment so that it will apply only to railroad companies. It should not apply to pipe lines. I wish to have read by the Secretary this telegram from the oil producers of southern Kansas and the Indian Territory.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BARTLESVILLE, IND. T., *June 28, 1906.*

Hon. CHESTER I. LONG,
United States Senate, Washington, D. C.

The Mid-Continent Oil Producers' Association membership produce 60 per cent of this field's output and is absolutely independent of all pipe-line affiliation. Thorough knowledge of situation is convincing beyond dispute absolute impracticability of delivery for shipment our various grades of oil. The pipe and storage company must buy our oil upon delivery from well or a great industry is plunged into chaos from which we see no way of relief.

EXECUTIVE COMMITTEE MID-CONTINENT OIL PRODUCERS,
VICTOR MORTIN, *Secretary.*

Mr. LONG. Mr. President, the Senator from Minnesota [Mr. CLAPP] had read and printed in the RECORD of June 26 a letter from Mr. George Getty, of Bartlesville, Ind. T., in which certain statements were made, purporting to express the sentiments of the oil producers of that field on this legislation. I desire now to have read a telegram in answer to that letter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

BARTLESVILLE, IND. T., *June 28, 1906.*

Hon. CHESTER I. LONG,
United States Senator, Washington, D. C.:

All statements in letter of George Getty read before Senate yesterday grossly exaggerated. Executive committee is indorsed by judgment of fifteen directors, who represent 17,000 barrels daily production. Two directors oppose us. This production entirely independent of pipe-line affiliation. We earnestly petition that lines may purchase, store, transport, and refine oil.

EXECUTIVE COMMITTEE MID-CONTINENT OIL PRODUCERS,
VICTOR MORTIN, *Secretary.*

Mr. LONG. Mr. President, the position I have taken on this subject has been approved by telegrams and letters from independent oil producers of southern Kansas, Indian Territory, and Oklahoma. These amendments as originally passed by the Senate would have been of some disadvantage and injury to the Standard Oil Company. It may be opposed to those amendments and may favor their modification. I have had no communication with the agents of that company, directly or indirectly. But whatever the effect might be on the Standard Oil Company, all who understand the oil business know that the effect upon the independent oil producers of the country would be disastrous. The producers in Kansas, Oklahoma, and Indian Territory look forward to the time when independent pipe lines will be constructed to St. Louis and to the Gulf. They know that such pipe lines will not be constructed unless this amendment is modified as reported by the committee of conference.

I am in full sympathy with the Department of Justice in its contemplated prosecutions of the Standard Oil Company for its violations of the law. It should be compelled to obey the law. Any person reading the report of Mr. Garfield will be impressed with the fact that the Standard Oil Company has evaded the

law and has grown great and powerful on favors extended to it by the transportation companies. Where those favors have been given the law has been violated, and prosecutions should follow. But unless this amendment is modified persons who are in no way connected with the Standard Oil Company and who are opposed to its methods would be injured and their present markets destroyed. They want to have the privilege of carrying on their oil business in the manner in which they believe it should be carried on. If this commodity amendment is modified as agreed upon by the committee of conference no injury will be done to the oil producers of the country. I am in favor of the conference report and shall vote for its adoption.

Mr. LA FOLLETTE. Mr. President, it is a matter of common knowledge, I believe, that many of the so-called "independent oil companies" of this country are merely subcompanies of the Standard Oil Company. I believe it is true that there is not an oil company in the United States, which is, in fact, an independent company, that does not live in fear of the Standard Oil monopoly. Many of the telegrams and letters received by Senators come from organizations and companies which are fearful that their business will be injured.

Many telegrams and letters have come from so-called "independent companies" at the instigation of the Standard Oil Company.

Sir, I am convinced that the real reason has not been given for the opposition of this great monopoly to the provision adopted by the Senate with a view of divorcing the transportation business in which the pipe lines are engaged from the business of producing oil. In this connection I desire to call the attention of the Senate to one sentence in the argument made by the Senator from West Virginia [Mr. ELKINS] when this conference report was before the Senate the last time. He said:

> The Standard Oil could avoid this law by incorporating a producing company as well as a pipe-line company.

I suppose there is no doubt of that. And I suppose it is equally true that any independent company which is in fear or pretends to be in fear of this legislation could do likewise. It is not within the power of Congress to make any company a common carrier which is not a common carrier. It is a most wise policy for Congress to enact legislation that will divorce the carrying trade from the producing trade, even though the legislation should go no further than to compel the companies to make separate organization.

As an illustration of the character of many of the communications which have been presented here, I want to state a little experience that came into my public life in Wisconsin only three years ago.

A bill was pending before the legislature of that State affecting the rates of the railroad companies. One morning telegrams began to come from shippers all over the State to assemblymen and senators in opposition to that legislation. A perfect flood of them swept into the capitol. There was scarcely a shipper of any importance—a merchant, a manufacturer, a cattle dealer—in the State who did not wire to his representative in the senate and in the assembly of Wisconsin a protest against the enactment of a bill designed to prevent the railroad companies of that State from increasing the freight rates on the shippers of that State.

Now, that appeared upon its face to be a very extraordinary thing. It was shortly explained. Twenty-four hours later I received confidentially from one of the agents of the St. Paul Railroad Company, in Wisconsin, a copy of a telegram which had been sent to him and, manifestly, to every other agent along the line of that company in that State, signed by the third vice-president of the St. Paul Company in Chicago, directing that telegrams be secured from all the shippers at his station in protest against that legislation. There was not a shipper in the State who dared to refuse to sign such a telegram.

Many signed them against their wishes. This was made clear on the following morning, when assemblymen came into the executive office carrying in one hand quantities of telegrams protesting against that legislation and in the other letters received from the senders of those telegrams saying they were obliged to sign the telegrams; that they were afraid to refuse, but that they hoped the legislators would ignore the telegrams and pass the legislation.

Mr. BACON. I had supposed before the avowal was made by the Senator from South Carolina [Mr. TILLMAN] that this peculiar provision in the pass amendment was unintentional. I supposed it was an accident.

Mr. TILLMAN. To what does the Senator allude?

Mr. BACON. That which limits the passes for families to employees' families and excludes——

Mr. LA FOLLETTE (at 2.05 o'clock p. m.). Mr. President, I understood that the unfinished business was laid aside until 2 o'clock. The hour of 2 o'clock having arrived——

Mr. GALLINGER. It was not to interfere with appropriation bills.

The VICE-PRESIDENT. The Senator from Wisconsin was speaking at the hour of 2 o'clock.

Mr. LA FOLLETTE. I did not observe that.

Mr. BACON. It was subject to conference reports, and this is a conference report.

Mr. LA FOLLETTE. I know this report has the right of way. Will the Senator yield to me to make a request?

Mr. BACON. Certainly.

Mr. LA FOLLETTE. I ask unanimous consent that the unfinished business be laid aside until 8 o'clock this evening, and that a session be held at that hour for its consideration.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside until 8 o'clock this evening, and that a session of the Senate be held at that hour for its consideration. Is there objection?

Mr. GALLINGER. What is the request?

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside until 8 o'clock this evening, at which hour a session of the Senate be held for the purpose of considering the unfinished business. Is there objection?

Mr. GALLINGER. Not to interfere with appropriation bills or conference reports.

Mr. KEAN. I hope that will not be done at the present time.

Mr. CULLOM. If we are going to adjourn finally to-night, we will have to remain in session all day and a good share of the night.

The VICE-PRESIDENT. Objection is made to the request in the form in which it is put. It is suggested by the Senator from New Hampshire, as the Chair understands, that the agreement, if made, be made subject to——

Mr. GALLINGER. To the consideration of appropriation bills and conference reports. Manifestly they ought not to be excluded during the evening session.

Mr. LA FOLLETTE. Of course I am compelled to accept the suggestion of the Senator from New Hampshire, and I modify my request so as to enable conference reports and appropriation bills to be considered, if he so demands.

The VICE-PRESIDENT. Is there objection to the request?

Mr. DANIEL. It seems to me, Mr. President, that we should not tie our hands in any way. I should like to see the Senator from Wisconsin accommodated and the bill acted upon; I concur in his views about it; but we may adjourn to-night, and we ought to be as free-handed as possible to do anything that is necessary.

Mr. GALLINGER. The Senator from Virginia does not want to have the Senator from Wisconsin accommodated to the detriment of conference reports and appropriation bills?

Mr. DANIEL. No; or anything else.

The VICE-PRESIDENT. Will the Senator from Wisconsin kindly restate his request?

Mr. LA FOLLETTE. It is that the unfinished business be temporarily laid aside, that a session of the Senate be held to-night, beginning at 8 o'clock, for the consideration of the unfinished business, its consideration to be subject to the consideration of appropriation bills and conference reports.

The VICE-PRESIDENT. The Senator from Wisconsin asks——

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. The Chair will submit the request. The Senator from Wisconsin asks unanimous consent that the unfinished business be laid aside until 8 o'clock this evening; that a session of the Senate be held beginning at that hour for the consideration of the unfinished business, its consideration to be subject to the consideration of appropriation bills and conference reports.

Mr. KEAN. The unfinished business will be the business before the Senate if it is in session at 8 o'clock this evening. So I do not see any necessity for the Senator's request.

Mr. LA FOLLETTE. If the Senator from New Jersey objects to it in that form, I will then ask unanimous consent that a session be held this evening at 8 o'clock.

The VICE-PRESIDENT. The Senator from Wisconsin modifies his request, and asks that a session of the Senate be held this evening, beginning at 8 o'clock. Is there objection? The Chair hears none.

Mr. BACON. Mr. President, I desire to say a word or two relative to the provision in the pass amendment which, among

the exceptions, uses this language speaking of railroad companies:

Except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law.

I had supposed, until the Senator from South Carolina avowed that that was an intentional arrangement to that effect by the conferees, that it was an accidental one. I had supposed that it was an unintentional omission to give the privilege of passes to the families of officers of railroad companies, their agents, surgeons, physicians, and attorneys. But the Senator now avows that that was an intentional omission. I was the more led to suppose that it was unintentional from the fact that in the same pass amendment there is a provision which authorizes interchangeable passes on other railroads to be given to the families of these same officials when it is denied to them upon their own railroads. I supposed from that fact that it was an accidental omission. I am unable to understand why permission should be given to issue passes interchangeably on railroads in favor of the families of officers, agents, surgeons, physicians, and attorneys of other railroad companies and still deny the railroad companies the right to give passes to the families of those same officers of their own roads.

Mr. TILLMAN. If the Senator will permit me, I think it was the intention of the conferees to do that.

Mr. BACON. I am very glad to hear the Senator say that. I understood that the Senator had said that it was an intentional phraseology, the purpose being to exclude certain people whom he said he had in his mind's eye.

Mr. TILLMAN. The Senator from Georgia should not forget that the Senator from South Carolina is not the only man who had to do with this. There were amendments proposed, suggesting that we insert a word here and a word there, and we voted on them.

Mr. BACON. I understand from the statement of the Senator now that he is satisfied that it was an accidental omission. That being the case, the point I rise to speak on is this: If it was an unintentional omission, should we, because we are wearied in the effort to perfect this measure, permit it to be finally enacted into law in a shape that we admit is incorrect, or should we, after having spent all these months in the effort to properly perfect this enactment, continue our efforts to correct what the Senator recognizes as a *casus omissus*. I suppose nine Senators out of ten in the Senate will recognize it as an unfortunate *casus omissus*, and if they had the power they would to-day write the law differently from what the conference committee unintentionally proposes that it shall be written.

It is not a very slight matter. If the Senate says they intended it that way, if the Senate conferees say that they intended that the families of the officers of railroads and of agents and of surgeons and of physicians and attorneys of the roads should not have passes, then of course we will in voting for the report stand upon that as a correct provision of the law.

But we in our places here necessarily accept the statement of the Senator representing the conference committee upon the floor of the Senate that it was not intended to be as it was written. Does it become us to say, because we are weary, that we will leave this matter in not only this imperfect, but improper condition?

It seems to me, Mr. President, with that admission there can be no possibility of doubt as to what our duty would be in the matter.

Mr. TILLMAN. Will the Senator pardon me for a question?

Mr. BACON. Certainly.

Mr. TILLMAN. The Senator's argument would lead one to suppose that he is in favor of sending the bill to conference again in order to change that provision. Is that true?

Mr. BACON. Most undoubtedly, if the report does not present what should be the law, and more particularly if it does not present what the Senator says the conference committee intended to do, it ought to go back to it.

Mr. TILLMAN. The Senator is going too far. The Senator a moment ago seemed to think that I had said that this was the intention. As far as I know the mind of other members—I know my own mind—we did not consider or expect to keep the families of the officers of a railway company from riding free.

Mr. BACON. Well!

Mr. TILLMAN. Or its employees or its agents. That is all.

Mr. BACON. I am waiting to hear the Senator through.

Mr. TILLMAN. Or surgeons and physicians.

Mr. BACON. I am waiting to hear the Senator through before I resume.

Mr. TILLMAN. In our long worry with this pass amendment—and we, I suppose, devoted three hours' earnest consideration in trying to untangle it and fix it up, so that it would meet our own views as well as the views of the Senate—we arrived at this conclusion. Now, does the Senator want the conference report rejected because a few families of railroad officers and agents can not ride free?

Mr. BACON. Mr. President, I repeat what I said, or endeavored to say, that if this provision is not in proper shape, it certainly ought to go back to the conference committee to be put in proper shape. More particularly ought it to be sent back to the conference committee if the statement of the Senator is correct, that it was not intended by the conference committee to do what they have done.

Under this provision, as it is written here, the wife of a president of a railroad company can not be given a pass, nor any member of the family of any other officer of the railroad, nor any member of the family of any agent of the railroad, or of a surgeon or a physician or an attorney of the railroad. Not only are the lawyers debarred, but the families of all the officers and all the agents and surgeons, physicians, and attorneys are, under this provision of law, debarred from the privilege of having passes given to them.

Mr. CULLOM. And a good many families in this country besides.

Mr. BACON. Of course, a great many other families undoubtedly, and they ought to be.

Mr. CULLOM. So they ought.

Mr. BACON. But if we are going to recognize the fact that the families of those who are immediately connected with the railroad will be allowed to have passes, then the distinction, I think, is an improper one.

But I understand from the Senator from South Carolina (he says correctly, of course, that he is only one, but in the absence of any suggestion to the contrary from any other member of the conference committee he will be presumed to be speaking for them) it was not intended to cut out the families of the officers and the agents and of the surgeons and of the physicians and of the lawyers, except a certain class of those of the last profession who are condemned by the Senator from South Carolina.

Mr. CULLOM. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Illinois?

Mr. BACON. I do.

Mr. CULLOM. As it was written out it was indorsed line by line until we got through with it, and then we adopted it as the judgment of the conference committee. Now, when you come to analyze it you may find some flaws in it, but so you can with almost anything there is in this or any other bill. So far as I am concerned, I am ready to vote for it as it is. I do not think it is a great hardship upon the family of a lawyer or a doctor to buy a ticket to ride if they want to. I do not think it is any punishment to the family of the doctor or lawyer if they have to purchase their tickets to ride on a railroad, just as you and I will do hereafter, at least.

Mr. BACON. Mr. President, that is, of course, a position which any Senator can take with the utmost propriety; and he can go still further and say that the families of the employees, if you please, should not be allowed to have it; and there may be reasons that exist for one that do not exist for the other.

Mr. CULLOM. Mr. President——

Mr. BACON. But—if the Senator will pardon me a minute—there is another matter where it seems to me if the reason does not apply in the one case it should not apply in the other. When the conferees came to write the part of the amendment which relates to interchangeable passes, they made no such distinction. When it comes to a question whether the Pennsylvania Railroad can give a member of the family of the president of the Southern Railroad a pass the conferees recognized the propriety of it. The Pennsylvania Railroad can give to the family of the president of the Southern Railroad a pass over the Pennsylvania road, but the president of the Southern Railroad can not give a pass to his own family over his own road. A railroad president can give the family of another railroad president a pass over his railroad, but he can not give it to his own family over his own road.

Now, there is no reason, if it be true that the family of the officer of a railroad should have their tickets bought for them when they ride upon that road, which would not equally apply when the family of that same officer went to ride on somebody else's railroad.

So it seems to me, Mr. President, that the Senator must admit that not only is there inconsistency here, but that there must have been carelessness in the drafting of this amendment, how-

ever much time the conferees on the part of the Senate and the House devoted to perfecting it.

Now, the Senator from South Carolina asked me a question as if a reply in the affirmative would be an almost unheard of and unreasonable position for one to take. The Senator asked me whether I am in favor of this report going back to the committee of conference to correct an error of this kind.

Mr. TILLMAN. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. BACON. With pleasure.

Mr. TILLMAN. I have just been handed the following telegram:

SIOUX CITY, IOWA, *June 29, 1906.*

Senator TILLMAN, *Washington, D. C.:*

It is greatly to the interest of shippers and the general public to have all commissioners of commercial and shippers' associations included in list of persons to whom passes may be granted under pending rate bill.

SIOUX CITY COMMERCIAL CLUB.

Here is another one, just received:

CHANUTE, KANS., *June 29, 1906.*

CONFERENCE COMMITTEE RAILROAD RATE BILL,
(Care Senator TILLMAN.)
Washington, D. C.:

Adhere to original common-carrier provision rate bill forcing separation between the Standard's producing company and pipe-line system same as separation between railroads and coal companies. Make the Standard's producing company come to the common carrier same as any other producing company with its products. Demands for change in original provision inspired by Standard's subsidiary producers and refiners under the disguise of independents.

KANSAS OIL PRODUCERS' ASSOCIATION,
CHAS. E. MARTIN, *Vice-President,*
HERBERT CAVANERS, *Secretary.*

Now, if we get this report back into conference, which we are not going to do—I do not want it, for I am ready to take to the woods myself—but if we should accidently get it back into conference and try to correct what the Senator says is a mistake, so as to allow a few families of a few people to ride instead of paying their way, who knows how many more classes would step forward and say: "Well, I am equally as worthy of exemption, and I ought to be allowed to ride a deadhead as well as those whom you have put in?" So, who knows how much longer we would be held here discussing how to gratify the ideas and the feelings of everybody?

Mr. BACON. Mr. President, of course that would be a very unreasonable thing for us to be called upon to do, but this is a matter which lies within a very small compass. It does not extend out into the general question as to whether there should be larger classes added to those who may be given passes. In the bill as it passed the Senate the families of officers, agents, surgeons, and attorneys were allowed to ride free, if the railroads saw proper to grant them passes. So it is a matter directly and immediately in the contemplation and consideration of the Senate, and relates to a matter of difference between the two Houses. The matter of difference between the two Houses does not relate to the enlargement of the list to some class which was not considered either by the Senate or by the House heretofore.

Now, Mr. President, as I was saying, there are but two grounds upon which we could refuse to send this report back to the committee. One would be that we approve what has been done by the conferees. The other would be that even disapproving it, we are tired of the matter and would rather pass the bill in an imperfect state than to deal with it longer, for fear that the Senator from South Carolina and some others of us might take to the woods rather than do any more work on it.

Mr. President, I am not going to make any motion looking to the sending of the report back to the committee, but it does seem to me to be extremely unfortunate if, after months of labor, devoting so much of this session as we have to this particular measure, we shall at last enact it into a law, when we recognize at the time we do it that through an accident, because I can not attribute it to anything else, upon a matter which is not very slight, there is an error in the bill, which, if we were sitting down to-day to write the bill and determine what its provisions should be, we would not allow to exist in it.

Therefore it is, Mr. President, that while, as I said, I shall not make any issue upon it myself, still if there is an issue made on it in the Senate I shall vote for the conference committee to have an opportunity to correct this error, which, I think, is a serious one.

Now, Mr. President, there is another matter that I think is unfortunate. If I recollect aright, in the amendment as it left the Senate there was a provision under which the representatives of these organizations of railroad employees, which cover the entire country, could, in the transaction of their business, be allowed free passes over the different roads. That is entirely eliminated from this amendment. I believe that this railroad class we are all so anxious to serve in this matter, the demands of which we were so prompt to recognize, are as much interested in the opportunity which the officers of their organizations will have in the transaction of the business relating to those organizations to be transported over these railroads as they are in the passage of their families over those roads.

I will say just one word in reference to the matter which the Senator from North Dakota called to the attention of the Senate. I agree with him.

Mr. FORAKER. If the Senator will allow me, I did not quite understand the point the Senator was making last. I could not hear all he said.

Mr. BACON. I will repeat it with pleasure, because I think it is an important one, and one that ought to have our attention. We are here to perfect this bill. The fact that Senators are weary and tired ought not to excuse us from jumping the work and saying, "We have had enough of it, and we will not right the wrong when we see that wrong."

Now, the point I call the attention of the Senate to and about which the Senator from Ohio asked me is this: If I remember correctly—I have not got it before me—when the bill left the Senate with the antipass amendment there was a provision in it by which railroad companies were authorized to give passes to the representatives of these various organizations of railroad employees which cover this entire continent. The railroad companies were allowed, if I recollect correctly, in the bill as it left the Senate to give these passes. This bill absolutely denies the opportunity and the right to railroad companies to give passes to the representatives of these organizations of railroad employees.

I have said, Mr. President, and I repeat, as to these railroad operatives whose requests we have been so prompt to recognize, I believe that they are as much interested in the proper working of those organizations and in the opportunity which the officers of those organizations will have to properly attend to their work by having free transportation by the railroads as they are in having passes for the members of their families. While we grant the one, we absolutely deny the other. For one I am ready to vote to send the report back to the conference committee in order that that error may be corrected as well as the other.

Now, I do not know whether I have sufficiently answered the inquiry of the Senator from Ohio or not.

Mr. FORAKER. You have quite. I am much obliged to the Senator.

Mr. BACON. Now, one other word, and I will not occupy the time of the Senate much longer.

I quite agree with the position taken by the Senator from North Dakota [Mr. MCCUMBER] as to the opportunity which this bill as now proposed to be enacted will give for the transportation at reduced or special rates to those who are needed as laborers in the harvest fields or in any other time of emergency, and I disagree with my distinguished friend from Iowa [Mr. DOLLIVER] in the contrary opinion which he expresses that such can be done under this proposed law.

Mr. President, there is no doubt about the fact that, under the present law and under the law as it will be amended by the pending bill, excursion rates can be given at any time and for any purpose, but those excursion rates can not be limited to any particular class. They can not be limited to laborers or to members of a convention or to any other class. The only way in which excursion rates can be allowed, under the law as it exists and under the law as it will exist with the pending bill as an amendment, is an arrangement by which a railroad company will say that on a certain day or between certain dates the rates between given points will be reduced to so many dollars and so many cents.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. If the Senator will pardon me a second, it is not practicable under the law to say that that excursion rate shall be enjoyed by those who are going to take labor in the harvest fields nor to those who are going to take part in a political convention, but, on the contrary, every man who will step up to the agent's office and put down his money and ask for a ticket will be entitled to ride at the excursion rates.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Iowa?

Mr. BACON. With pleasure.

Mr. DOLLIVER. I have heard of cases where the return part of the excursion ticket was not available unless it was certified upon it that the party using it had attended the convention or assemblage of any kind. I think that is a lawful practice under existing law. At any rate, it is a very general practice.

Mr. BACON. By no means, Mr. President. That is a practice which has grown up under the railroad regulations exclusively, and not under any provision of law. It is true that it has been a common practice for railroads to say all over the country that it would give half rates to members of a political convention, or to members of an agricultural convention, and that the holder of that ticket must, before he can avail himself of the privilege of going back on the return ticket, have a certificate that he was a member of that convention and present and took part in it. But that is not under this law.

Mr. President, in support of the suggestion by the learned Senator from Iowa [Mr. DOLLIVER] in reply to the Senator from North Dakota [Mr. MCCUMBER], he read this provision in the existing law. I have gotten from him the book and had him to point out the particular provision upon which he bases the opinion that special rates of that kind can be given to particular classes. I understood the Senator from Iowa, in reply to the Senator from North Dakota, to mean that during the harvest season a railroad company could say that it would give reduced rates to those particular persons who were to work in the harvest fields of North Dakota, just as the Senator intimated there could be reduced rates given to those who were going to take part in some political convention, provided they would be properly certified; and the Senator read in support of that the twenty-fifth section of the existing law, which I will read, from page 20 of a pamphlet entitled "Trust laws—an act to regulate commerce, etc., and acts supplementary thereto." Here is what the Senator read:

> That nothing in this act shall prevent the carriage, storage, or handling of property free or at reduced rates for the United States, State, or municipal governments, or for charitable purposes, or to or from fairs and expositions for exhibition thereat.

Now, that does not relate to passenger transportation at all. It relates exclusively to freight, and does permit special rates for freight when for the Government or for a State or for a municipal government or for a charitable purpose, or when the freight is to be transported to or from a fair. But there is not a word said about permission to give special rates to anyone going to a fair or returning to a fair or to any political convention or any other gathering whatsoever. I repeat that under the existing law the only reduction of rate which can be granted in compliance with the law is a reduction which will be open to everyone who within the time given will buy a ticket or offer to buy a ticket at the rates thus advertised.

Mr. President, I am reluctant to say anything more about the pass matter, but there are one or two things which I think it is unfortunate that the conferees have eliminated from the bill.

The Senate will remember that when the bill left the Senate the pass amendment which we adopted authorized the giving of passes to ex-soldiers of the United States and ex-Confederate soldiers. That is eliminated from the bill. Of course, there is no compulsion upon the railroads to grant any such passes, but there is no possibility that there will be an abuse of anything of that kind. We know the fact that in commemoration of associations that are very dear, that are dearer than any other association outside of those connected with one's own family, those who represent the great armies both in the North and in the South have annual reunions, and a great many of these old men have hardly any other pleasure left to them but to get together again and commune with those with whom they braved those dangers, suffered all those trials, and endured all those hardships.

Mr. President, heretofore the railroads have been extremely generous to this great and important class of men, both in the North and in the South, and it has been largely due to the liberality of the railroad companies that these old men, many of them indigent, with no means to pay railroad fare, have been enabled to gather around those camp fires and renew those associations and recall those thrilling scenes. They are cut out and denied now by the report of the conferees. When the bill left the Senate it was not something which had not been brought to the attention of Senators or of the conferees. When it left the Senate this provision was in it, and for one I should be willing to vote to send this report back to the conferees in order that that provision might be restored, if nothing else.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do.

Mr. CLAPP. Under what provision of law prior to this time have such concessions been granted?

Mr. BACON. Under none.

Mr. CLAPP. Under none. Then what provision of this report would prohibit, not free transportation, but the concession which has heretofore been granted in such cases?

Mr. BACON. I will have to repeat something which I have said in order to answer the question of the learned Senator from Minnesota, but I am very glad to do so.

The provision of law as it now stands is one which prohibits free passes and prohibits discrimination; in other words, it prohibits reduced rates when it prohibits free passes and when it prohibits discrimination in the charges for the transportation of passengers. That is the law now, but in the law as it now stands there is no penalty, and the railroads have not observed the law as to the granting of free passes to persons from the highest to the lowest in the land. The law has been regarded as a dead letter. Nor have the railroads regarded the provision in the present law which prohibits discrimination or the giving of a different rate for the transportation of individuals, the one over the other. That also has no penalty under the present law, and it has been disregarded. The railroad companies have allowed these old soldiers, both of the North and of the South, to go to these reunions at reduced rates, and in many instances on free passes, not in accordance with any provision of law permitting them so to do, but in absolute violation of the law, which prohibited it, but where there is no penalty attached to its violation. But when this proposed law is passed it will be a different matter. When this law is passed, if a railroad company were to say to an old soldier, either North or South—and they are scattered all over the country, and the expense of travel must be very large both for the soldiers of the North and for the soldiers of the South—"We will give you half fare," or "We will give you free passage," that would bring them in conflict with the penalty which is now prescribed under this proposed law, upon which we are about finally to pass, and which will cause a railroad official to be put into the penitentiary who would do such a thing. Have I answered the Senator from Minnesota?

Mr. CLAPP. I would say no.

Mr. BACON. I would be glad, then, to have the Senator state wherein I have failed to do so.

Mr. CLAPP. I do not believe the old law prohibited, and I do not believe that the law as proposed by this report would prohibit a railroad company from publishing a tariff under which old soldiers could go to encampments at any rate that was published in their schedule.

Mr. BACON. Well, Mr. President, if the Senator is through—I have the greatest respect for his ability as a lawyer, and I can only reconcile myself to the fact that I differ from him by the known fact that even the greatest of lawyers, even those on the Supreme Court bench, differ among themselves as to legal propositions——

Mr. MCCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from North Dakota?

Mr. BACON. I do.

Mr. MCCUMBER. May I call the attention of the Senator from Georgia to that portion of the present bill upon which I think the Senator from Minnesota [Mr. CLAPP] and the Senator from South Carolina [Mr. TILLMAN] solely base their assumption, and that is the latter portion of the provision on page 16, which says:

> Nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs.

I call the attention of the Senator to the fact that the only true meaning of that exception is the matter relating to privileges and facilities in the handling of passengers or freight. It does not extend to the prohibition which is in the earlier part of the section, which reads:

> Nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property.

The other portion simply relates to facilities and privileges in the matter of transportation of either passengers or freight, and would not be construed in any way to relate to changes of fares published in the case either of freight or fares for passenger traffic.

Mr. BACON. Mr. President, the Senator from North Dakota

is certainly correct, unless Senators, by taking the contrary construction, are prepared to do what I respectfully submit to Senators will utterly destroy the entire theory upon which this whole legislation is based.

What is the basic consideration and purpose of this legislation? It is that all people shall have exactly equal treatment by railroad companies and that a railroad company shall not have the privilege of discriminating between people by granting reduced rates to some people and refusing them to others.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. I assume that the Senator takes the ground, which I think is the correct ground, that while under this law the railroad company might run an excursion train that would carry the old soldiers, for instance, to their encampments, it would necessarily be open to everybody else.

Mr. BACON. To everybody else.

Mr. GALLINGER. I have not any doubt about that.

Mr. BACON. The Senator is undoubtedly correct. I have no more doubt of that than I have of my own existence, unless we are prepared to say that this legislation is a piece of absolute contradiction, with no possibility of accomplishing anything. If any railroad company can say to any of these old soldiers, "We will transport you at half fare, or quarter fare, or without paying anything," and at the same time say, "We will not transport any other class of people at half fare, or quarter fare, or without fare on the same day or the same train"—if they can say that they will transport them at half fare, and at the same time will deny that privilege to the general public, then they can say it to another class and another class, and still another class. If they can grant it to one class and deny it to another what possible restriction would it be upon the railroads against granting discriminations?

If you admit that under the words, on page 16, which the Senator from North Dakota has read, it is within the power of the railroad company to select old soldiers, or any other class and say, "We will allow you to go for half fare or quarter fare or transport you free, while at the same time we deny to everybody else the like privilege," what is to prevent them from making the same distinction as to every other class of persons? And when that is done, what is left of the law and what possibility is there that the law can accomplish anything? If it is true that the railroad companies will have a right to select certain classes and give them preferential rates—and if it can be done as to passengers, it can be done as to freight, for the prohibition against freight discriminations is in the same section, on page 16—if they can say to passengers of a certain class, "We will permit you to ride at quarter fare or half fare"—if these words permit that and also permit the railroad to say to a certain class, "We will transport your freight at one-fourth, one-fifth, or one-sixth, and at the same time we will require full rates from everybody else;" if it be true that the railroad companies under this law will be enabled to select certain classes and be at liberty themselves to determine which classes they will select, and how many they will select; if it be true that they can thus select the classes and make discriminations as to rates of freight and discriminations as to rates for passengers, what is to become of your law?

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. BACON. Certainly.

Mr. TILLMAN. Suppose in the railroad schedule, which would necessarily have to be published before any of this sort of thing could be done at all, a provision should be incorporated saying that during certain months tickets would be sold to such and such points at such and such a rate to those who would apply for them and would swear that they wanted to go to those particular points as agricultural laborers, the conditions of the tickets being that when they got there, before the return part of the ticket would be good they must also swear or have a certificate that they had performed agricultural labor—would not that enable the railroads to supply the demand for labor?

Mr. BACON. It might enable the railroads to supply the demand for labor——

Mr. TILLMAN. And any other man could go, of course.

Mr. BACON. I thought the Senator was through, but if he is not I will postpone my reply until he concludes.

Mr. TILLMAN. There are times when a little more light can be had by a little exchange of views.

Mr. BACON. But the Senator does not permit an exchange. I will wait until the Senator finishes his question and I will try to answer it as best I can.

Mr. TILLMAN. The point I make is that the railroad will publish in its schedule that it will grant transportation at such a rate between such and such a point, first, on the condition that the applicant shall swear that he wants to go there for the purpose of working in the harvest field, and, secondly, that the return part of that ticket shall not be good until he has also obtained a certificate at the other end of the line of some person to be designated who will certify that he has been there.

Mr. BACON. Yes.

Mr. TILLMAN. Very well. Then I ask the Senator, Would that permit the railroads to meet any exigency for labor which might exist?

Mr. BACON. It might.

Mr. TILLMAN. What I want to get at is, if the exigency requiring reduced rates for agricultural laborers is so great that we are going to undertake to send this back again to conference? The Senator said he would not vote for it.

Mr. BACON. I never said that.

Mr. TILLMAN. Did not the Senator state that he would vote to send the report back to conference?

Mr. BACON. Yes; on the particular point to which I referred. I was referring to the inquiry of the Senator——

Mr. TILLMAN. I have given the Senator the specific question—the first part of it——

Mr. BACON. If the Senator will permit me, I will endeavor to answer it. As I understand the inquiry of the Senator, it is if under this law as it is now framed and as we are now asked to enact it, without any other authority than is found in the present provision, a railroad company, when it publishes its schedules embraces in those schedules a provision that where parties desire to go to work in certain harvest fields between certain dates, if they will swear that the purpose of going there is to work and subsequently they get certificates that they had worked, whether or not that would not be a proper provision for the railroad companies to make under the existing law. I understand that to be the Senator's question. Am I correct?

Mr. TILLMAN. Well, that is about it.

Mr. BACON. Well, then, I want to say this: The Senator when he first propounded the question asked if that would not be a good and sufficient way in which the harvest laborers could get to the harvest fields. I will answer and say that, of course, if that provision were enforced the laborers would get to the harvest fields, but, under the present provision of the law, if the railroad company did what the Senator suggests, their officers would get into the penitentiary.

Mr. President, if we follow out the suggestion of the Senator, what does it mean? It means not simply that that could be done in the case of harvest laborers, but it means that it could be done in the case of all other classes of people to whom the railroads desired to give particular rates for the purpose of accomplishing a certain purpose. Of course if we put this provision in this law, they would be allowed to do it; but, in the absence of anything in the law, the Senator asks if a railroad company should do it, whether that would not be permitted under the law. If it is permissible under the law, necessarily it would be permissible not only to harvest laborers, and not only as to the particular date when the harvest laborers are in demand, but would be permissible as to all other classes of people and as to all other times when any of those classes of people would be in demand, and the purposes of the law would be utterly destroyed.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. I do.

Mr. MALLORY. May I inquire of the Senator if he would favor the adoption of such an amendment as that suggested by the Senator from North Dakota [Mr. MCCUMBER] in regard to harvest laborers?

Mr. BACON. I am not sufficiently familiar with the needs and the demands of the particular section of which the Senator speaks to say as to that particular section; but I should be perfectly willing that there should be a general provision in this law under which, in cases of emergency, railroads should be allowed to give, under suitable restrictions, rates for people who are going to meet that particular emergency.

Mr. MALLORY. I refer to an amendment in regard to emergencies that might arise. I imagine there would be a thousand emergencies that might arise.

Mr. BACON. That is true; but I want to say to the Senator, and also to the Senator from South Carolina [Mr. TILLMAN], if I may have his attention, that, in response to the second branch of his question, when he asked me if I would send this bill back to conference for the purpose of getting reduced rates for harvest laborers, I told him no. I only used that as an illustration to show to what extent the law would be utterly

destroyed if his suggestion were correct as to what could now be done under the law—that not only as to harvest laborers, but as to any other classes there would be the same privileges granted by the railroad companies, and the basic principle of this law against discrimination would be utterly destroyed.

I want to say to the Senator from South Carolina that the provision upon which I would send it back to conference is the one which has been cut out of the amendment as framed by the Senate which permitted considerations and concessions of this kind to ex-Union soldiers and ex-Confederate soldiers, in order that they might meet at their annual reunions. I would send it back for that purpose, and I would send it back for the purpose of correcting other features of the pass amendment upon which I have commented and which I think are erroneous, if not to some extent vicious, in their discrimination.

Mr. MALLORY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Florida?

Mr. BACON. I do.

Mr. MALLORY. If the Senator from Georgia wanted to send the bill back to conference and succeeded in doing so, he would not reach the point which he is endeavoring to get at, because there are only two amendments in dispute between the two Houses. One relates not to reduced rates, but to free passes, and the other to pipe lines.

Mr. BACON. That is true.

Mr. MALLORY. I do not know how the Senator's desire could be reached.

Mr. BACON. That is true; but I would send it back in order that, if the railroad companies desired to give these old soldiers, either ex-Union or ex-Confederate, free passes, which they frequently do, they should be allowed to do so. It is true, as the Senator says, that the question of reduced rates is not in controversy between the two Houses, and is not a matter upon which a conference committee could pass. The question as to whether or not the ex-Union and the ex-Confederate soldiers should be allowed free passes was in conference and has been distinctly eliminated by the conference committee.

I do not desire, Mr. President, to detain the Senate further on the subject. I simply desired, in view of the repeated statements of Senators that they did not approve of this, that, and the other feature of this conference report, but they were going to vote for it, to say that while I myself do not intend to make any issue upon it by moving to send it back, still if the issue is made, I will vote to send it back to conference, in order that these errors may be corrected.

Mr. CULLOM. Mr. President, I do not rise for the purpose of making a speech. It seems to me that every Senator here has already made up his mind exactly what he wants to do with reference to this bill, and I hope we shall get a vote without further delay.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

Mr. TILLMAN. Mr. President, last night I introduced a joint resolution to provide for an extension of time when the law in regard to the regulation of railroad rates shall go into effect. It is absolutely necessary that it should be put upon its passage at once, and I ask unanimous consent that the Senate proceed to its consideration.

The VICE-PRESIDENT. The Senator from South Carolina asks unanimous consent for the present consideration of a joint resolution, the title of which will be stated.

The SECRETARY. A joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the joint resolution; which was read, as follows:

Resolved, etc., That the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12323) to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LITTAUER, Mr. TAWNEY, and Mr. BRUNDIDGE managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 5509. An act for the relief of Russell Savage;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 9238. An act for the relief of William Saphar;

H. R. 17345. An act creating a United States court for China and prescribing the jurisdiction thereof;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes;

H. R. 19364. An act granting an increase of pension to Anna Ring; and

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River.

GENERAL DEFICIENCY APPROPRIATION BILL.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. HALE. I move that the Senate insist upon its amendments, agree to the conference asked by the House, and that the conferees be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed Mr. HALE, Mr. GALLINGER, and Mr. BERRY as the conferees on the part of the Senate.

ORDER FOR RECESS.

Mr. HALE. I move that at 6 o'clock to-night the Senate take a recess until 8 o'clock.

The VICE-PRESIDENT. The Senator from Maine moves that at 6 o'clock the Senate take a recess until 8 o'clock this evening.

The motion was agreed to.

PURE-FOOD BILL.

Mr. McCUMBER. I ask that the conference report on Senate bill 88 be laid before the Senate.

The VICE-PRESIDENT laid before the Senate the conference report on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes. The question is on agreeing to the report.

The report was agreed to.

AGRICULTURAL APPROPRIATION BILL.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, and for other purposes.

Mr. PROCTOR. Mr. President, all parties are agreed that a measure for rigid inspection of animals for slaughter for meat products is necessary. The differences are as to who should pay the cost of that inspection, and the item of the date label. It seems to me a self-evident proposition that if producers fail to make their products such as to command public confidence it is their duty to do whatever is necessary to restore that confidence. When fairly considered the severest charge made against the packers is by their friends, who say that if the packers are made to pay this expense they will charge it to the cattle grower and also to the consumer. I am prepared to believe most anything of this monopoly, but I can hardly think so meanly of them as this, which their friends admit will be their course. Their conduct in regard to this measure has been such as to show that at least they have no nice sense of proprieties. We have all had much experience with round-robin

telegrams. We expect them from certain associations, but I have never seen such open and bare-faced use of this method of trying to influence Congress as has been made by these packers in flooding us with telegrams from all over the West in identical language, all evidently emanating from Chicago. If we are to be buncoed, as I hold that we are to be in this matter of expense, it would be pleasanter to have it done with some neatness and so as to conceal the cheapness of its style. But, Mr. President, gentlemen of another body are about to go home to their constituents to take their judgment upon their acts. They seem to believe that their constituents in the business of raising stock would look upon the charge of a fee per head upon the packers for the animals slaughtered as a virtual tax upon the stock grower. Your conferees do not believe this, but think that with the many millions of benefit the stamp of the Government upon every item of their product would give, the packers would not stoop to any such course. It is too cheap and transparently wrong even for them. On the other hand, I believe that the sense of right and fairness of the American people will be that this expense ought to be paid by the packers.

I dislike to go to the people and give any chance to have it said that we have legislated in the interest of this practical monopoly. There is a bill now before the President, which I hope he will veto, extending the time that cattle can be kept on the cars without unloading to feed and water. This is evidently in the interest of the Chicago packers, but, in my view, it is for the public interest to so legislate as to encourage the scattering rather than the centralizing of this industry; and, Mr. President, one good feature of this measure of Government inspection is that it will encourage the building up of establishments in other sections and weakening and perhaps destroying this monopoly. The products will be bought on the strength of the Government label of inspection, and not upon the credit of Armour, or Morris, or any firm name. In other words, it destroys the value of their good will, if they have any. Smith, Brown, and Jones, if they go into business to-morrow, can have as good a market as any old company, for the Government stamp on their product puts them on the same standing. But, Mr. President, it is evident that your conferees will not be able to change the views of the other body, and it is further very clear to us all that the importance of this measure as a whole far outweighs any objections to these two items of detail. It provides for a very thorough inspection, and there is no doubt that we shall have such an inspection as will give confidence to our own people and the foreign nations, which are so great buyers of this immense article of commerce. This great result is of much greater importance than the item of whether the packers or the people shall pay the cost. Let it be remembered that this very important measure originated in the Senate—offered by the senior Senator from Indiana as an amendment to the agricultural appropriation bill—and that it still retains all the essential features which the President has insisted upon. It is vitally important that this bill does not fail, and it is certain that it must fail unless the Senate yields upon these two points of difference. To make sure of the greater good, your conferees believe it best, under the present peculiar condition, to waive their objections to the items in dispute, but expressly asserting that their views as to what is right and just as to the cost and label are not changed.

Mr. BEVERIDGE obtained the floor.

Mr. HANSBROUGH. Mr. President——

The PRESIDING OFFICER (Mr. CLAPP in the chair). Does the Senator from Indiana yield to the Senator from North Dakota?

Mr. BEVERIDGE. I yield to the Senator from North Dakota.

Mr. HANSBROUGH. Mr. President, in view of the very great importance of this legislation, I regard it as extremely unfortunate that this session of Congress is so near an end, because I believe if we had time further to discuss this question and to examine it, both Houses of Congress would reach a conclusion far different from that contained in the House provision. I have myself arrived at these views after a very thorough study of the question and after the fullest consideration which I have been able to give to the subject. I have been particularly impressed with the character of the literature which has been sent to Senators and Representatives from all parts of the country. I have been much interested in some telegrams which have come to me during the last few days, and I wish to call the attention of the Senate to those telegrams, so that the Senate may understand the nature of the campaign which has been waged all over the country from some central point in the country—I do not know exactly where—in favor of the House provision.

On the 27th of this month I received a telegram dated at South St. Paul, Minn., and signed by the South St. Paul Live-stock Exchange, by order of Charles L. Haas, president, reading as follows:

The live-stock interests ask that you support amendment to meat bill placing cost of inspection on Government. We are especially interested in this feature.

It will be observed that this telegram is not from a producer of live stock or a raiser of live stock, but from a dealer in live stock.

Following close upon the receipt of this telegram came numerous dispatches. I hold in my hand some twenty or thirty of them. One of them came from Ashley, N. Dak., dated the 28th of June, the day after the telegram signed by Mr. Haas reached me, and it is signed by the First State Bank. That telegram is as follows:

We urge support of Wadsworth meat bill, including Government inspection at Government expense.

I would not have been surprised at the reecipt of this telegram from the First State Bank but for the fact that I received later telegrams from other bankers of the country, especially in my State; one from the First National Bank of Valley City, in North Dakota, dated the 28, and in language very similar to that contained in the one from the First State Bank of Ashley; another from the First National Bank of Fargo in my State in almost the same language; another from the Farmers' and Merchants' State Bank, in Jamestown, N. Dak., a little more extensive, but to the same purpose, and a telegram from a banker whom I know personally at Cando, N. Dak., which reads as follows:

Think it is to interest of Northwest to support Wadsworth meat bill, including Government inspection at Government's expense.

Also a telegram from the First National Bank of Botteneau, N. Dak., and one from The Elk Valley Bank at Larimore, N. Dak., all in the same language, or very nearly the same, and numerous telegrams from private individuals, some of them merchants, some of them stock dealers, but none of them, so far as I know, stock raisers. There may be two or three individuals who are stock raisers.

Mr. WARREN. May I ask the Senator from North Dakota a question?

Mr. HANSBROUGH. Certainly.

Mr. WARREN. Are the telegrams all from people who have the interest of the community at heart?

Mr. HANSBROUGH. Oh, yes; undoubtedly.

Mr. WARREN. Are they from men naturally interested in cattlemen? Do their interests lie parallel with those of the cattlemen of the State or with the packers?

Mr. HANSBROUGH. Undoubtedly the senders of these telegrams are reputable people in my State and other States, so far as I am acquainted with them. I have no doubt they are all reputable people.

Mr. STONE. I wish to ask the Senator if it is not true that these bankers, as a rule, advance money to the farmers producing cattle?

Mr. HANSBROUGH. Undoubtedly. The point I desire to make is simply that these telegrams do not originate with the stock raisers themselves. There is no doubt in my mind that they are all predicated upon the telegram sent to me from South St. Paul by Mr. Haas, and I can reach no other conclusion than that he must have telegraphed to the bankers of my State to wire me.

Mr. WARREN. Does the Senator mean that the bankers of his State are all interested in the packers and not in the stockmen?

Mr. HANSBROUGH. Oh, no. I shall not permit the Senator from Wyoming——

Mr. WARREN. I am asking for information.

Mr. HANSBROUGH. Of course the Senator knows that the bankers of my State are not interested in the packers, but I have no doubt that many bankers when they receive telegrams from some one interested in the banking business, asking them to use their influence with their Senators and Representatives, yield to such a request. That is the fact, I think, in the case I have referred to.

Mr. WARREN. Would they not yield to the request of the cattlemen and sheepmen who are, as a general thing, the great borrowers of the West? Or on the other hand, would they yield to the request of outside packers and telegraph something to the Senators from their State that they thought was to be to the disadvantage of the live-stock men who were doing business with them?

Mr. HANSBROUGH. I do not believe the bankers of my State would refrain from doing what they could in the interest of the stock raisers, provided the stock raisers would ask them to do it. But in no instance have the stock raisers of

North Dakota, or any of them, so far as I am able to gather from these telegrams or newspapers, appealed to the bankers to wire me to support the Wadsworth amendment, and the fact is the invitation to these bankers to use their influence on me and other Senators has come from one central point, and that point, I think, is Chicago itself.

It is very strange, to my mind, that the advocates of the provisions contained in the House amendment and the packers should be fearful that the stock raiser will be obliged to pay this fee which has been spoken of here. I can not understand such a situation. If the stock raiser is going to pay this fee, why should the packer be interested? It is not any affair of his. If the man who raises cattle is taxed to pay the inspection, why should the packer be interested? The fact is there has been a good deal of controversy and a great deal of argument here intended to show that if we collect an inspection fee on the animals slaughtered it would be assessed upon the stock raiser, and the one individual above all others who seems to be most fearful of that outcome is the packer himself.

Now, in regard to the suggestion of putting the date of inspection on the meat package. I was interested this morning in reading an item in the morning Post, dated London, June 28, dealing with the meat question, and I will have the Secretary read the telegram, because I think Senators should be informed upon the attitude of the people who are supposed to buy our meats before they decide upon what kind of legislation the Congress shall enact.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

WOULD STAMP PURE MEAT—LONDON SANITARY COMMITTEE RECOMMENDS STRINGENT INSPECTION LAWS.

LONDON, *June 28, 1906.*

The corporation of the city of London at a meeting to-day received the report of its sanitary committee recommending the promotion of legislation providing for the compulsory inspection at the time of slaughter of all animals intended for the food of man, including the viscera, as being the only reliable system for the protection of the public, and that all meat found free of disease should be officially stamped after inspection.

The report also recommended that all foreign meat admitted should be required to comply with the same standard as home-killed meat. As regards boxed, or boned meat, the report recommends the exclusion from the United Kingdom of any meat packed in such a way as to prevent its inspection or the detection of disease, and it urges that provision be made for the establishment of public slaughterhouses and the abolition of private slaughterhouses.

Mr. HANSBROUGH. A great many people have thought it was very necessary that the Congress of the United States, in passing upon the meat question, should legislate so as to preserve the integrity of the American product. I think that that is about what Congress desires to do—to preserve our foreign trade in meat products. I was one of those who believed that the cost of the inspection should be upon the packers of meat intended for interstate or foreign commerce; and I still maintain that belief. But in view of the exigencies here, the session being now near its close, and in view of the fact that unless we adopt the plan suggested by the Senator from Vermont [Mr. PROCTOR] we will get no legislation whatever, it seems to me that the Senate is forced to yield on the question. I do not see any other way out of it. I believe, if we had time further to consider this question and to go into it as it should be gone into, we would eliminate this measure from the agricultural appropriation bill and consider it upon its own merits as a separate bill. But that is impossible at this time. It can not be done now.

So with the Senator from Vermont, I, as one of the conferees on the bill, feel that I am compelled to agree to the suggestion which the Senator makes and to ask the Senate to authorize, if the Senate sees fit to do so, the conferees to accept the House provision; and in doing that, I want to say that the packers themselves, in my judgment, will regret that the label is not put upon their products. I do not suppose they will ever regret that the Government is to pay the cost of inspection. That is an entirely different question. But, in my judgment, the packers themselves should have been here to insist upon a law providing that a label shall be put upon their product before it enters into interstate or foreign commerce.

Mr. BEVERIDGE. Mr. President, in the interest of practical legislation, and, I may say, of any legislation at all upon this critically important question, I trust that the motion of the Senator from Vermont [Mr. PROCTOR], the chairman of the Senate conferees, will be immediately agreed to. The Senator from Vermont has accurately stated the situation—it is either this or lose the whole bill, and much as some may wish it, we do not propose to lose this bill.

The other day, when the bill came to us from the House, I said, and I repeat now, that I thought the Senate and the country were to be congratulated upon getting a good deal better bill than any informed man had a right to expect under all circumstances at this session.

MAIN PROVISIONS RESTORED.

Out of a bill of twenty sections we have *every section restored* except one section and one line out of another section.

Out of the many vital provisions necessary to make this bill effective, which it was at first proposed in the House committee to take from the bill, *every one has been restored* except two, and those two I pointed out the other day.

These two are, first, the question of the cost of inspection, and, second, the question of the date upon the can or other receptacle. I do not deem it necessary in these closing hours of the session and in the great heat which oppresses us all to repeat the various reasons which I presented to the Senate the other day why both of those should have been restored as well as the ones which the House had already restored.

RESULT OF PUBLIC OPINION.

Mr. President, I may say, though, in passing that while the House has insisted upon the Government paying the cost of inspection, instead of the packers paying the cost of inspection, as I proposed, still the House has increased the present appropriation 400 per cent. It has increased it from $750,000, which it is now, to $3,000,000; and that result was secured by a succession of steps, the first proposition being to appropriate $1,000,000, and then $2,000,000, and then $3,000,000 as a permanent appropriation—*all under the irresistible pressure of public opinion, which the opponents of this legislation withstood as long as they could.*

A BEGINNING OF REFORM.

In all great reforms—for this is one of the greatest of practical reforms which has been legislated upon by the American Congress in a quarter of a century—it is the duty of those who propose the reform to fight for every essential provision; but not to imperil the life of the measure itself. And in all reforms it is the testimony of all human experience that everything at first proposed can not be at first secured, although in the end all that is at first proposed usually is finally secured.

That has been the case with this bill, as I ventured to point out to the Senate the other day when it first came back to us from the House. And those in the Senate—and that includes a vast majority of the Senate—who believe in all the features of the Senate bill, not only those restored by the House, but the two which still remain unagreed to, intend to see to it that these two will finally be secured. We do not get these two now; but we will get them hereafter.

Mr. President, the reasons were presented by the Senator from Vermont in severe and absolutely conclusive terms why we would endanger the bill by further insisting on these two remaining provisions in these closing hours of the session. No person who is attached to this measure, as the immense majority of the Senate is attached to it, is willing to see the bill killed or even see the bill endangered. If the Senate insists and the House insists, then it is patent to everyone that no legislation will be the inevitable result.

TWO IMPORTANT PRINCIPLES.

And so as to the two remaining features, which many thought we might well dispense with in the first place—we postpone them to a later day, and, as to these, we will meet the enemy upon a future field. Because I think, Mr. President, there is no doubt that these principles, once stated, will grow in the minds of the American people.

First. That *every man has a right to know what he buys and therefore the date of inspection should be on the can of meat*, and

Second. *That an industry which is infinitely benefited by the Government inspection ought to pay for that inspection instead of the people paying for it.*

We hold that the packers should pay for the packers' inspection; and our opponents hold that the people should pay for the packers' inspection. We hold that every man who buys a can of meat has a right to know how old it is; and our opponents hold that it is none of the purchaser's business how old the can of meat is that he buys.

Upon those two principles we should have won now as we have won on every other feature of the bill; and upon these two principles we are absolutely certain to win in the future.

PRESENT NEED IS A LAW.

But since I think it is wise to adopt the motion of the Senator from Vermont—that we agree with the House and, at this *present session*, secure the legislation which will give the people effective inspection of meats at the present time, it is not perhaps within the proprieties to debate those questions any further. Certainly it is not within the proprieties, under all the circumstances, to go into details of argument or into the his-

tory of the measure, *or into the many facts which are available.* After all, the great and immediate purpose of this legislation will have been secured when it becomes a law.

AS GOOD MEAT FOR AMERICANS AS FOR FOREIGNERS.

Four months ago, when I began the study of this subject and the preparation of this measure, there was just one great purpose which I had in mind—I think which all friends of meat inspection, both in the House and the Senate and elsewhere, have had in mind since I introduced the bill—and that was that *the American consumer should have just as good meat and just as carefully inspected meat as the foreign consumer of our meats had. That is secured by this bill.* My friends from the House, whom I see present listening to me, will pardon me if I say that it is no particular merit of theirs that that conclusion has been reached—they did what they could to prevent it.

Although the Government is to pay for this year, at least, and although no date is to go on the can for the present session, all concede that, with those two exceptions, this is as effective an inspection law as is to be found on the statute books of any nation. And so when this motion shall prevail and the conferees shall agree, and the bill shall finally pass and receive the signature of the Chief Executive, the great purpose with which this great reform was started will have been secured, to wit, that *the American consumer of meat and meat products shall have as good meat and as good meat products, and as carefully examined, as the foreign people who buy from us.*

Therefore I trust that the Senate, in the interest of practical legislation, will at once adopt the motion of the Senator from Vermont, the chairman of the Senate conferees.

Mr. NELSON. Mr. President, I regret that I can not feel in such a happy mood as is the Senator from Indiana [Mr. BEVERIDGE]. I can not refrain from stating that the outcome of this matter is a great disappointment to me. It is unfortunate that this measure was ingrafted on the agricultural appropriation bill. If it were here as an independent measure, we could assert our rights and say "We can not get this measure in the right shape. We will stay here." Because it is ingrafted on an appropriation bill, we are under pressure to pass the bill before we adjourn. I watched the course of this measure, and in many quarters it has been considered from the standpoint of the packers and the cattlemen. The American consumers and the ordinary American farmer have been left out of the question. Three objects have been sought to be accomplished—first, to placate the packers; next, to placate the men who raise the range cattle, and, third, to get a good market for the packers abroad. What is the outcome of this?

Mr. President, we are to expend $3,000,000 in inspecting the products of the packers, and then the American people are not to get the full benefit of that protection. When we come here and ask for the plain privilege of having the canned goods labeled, so that the American consumer can tell whether he is buying a fresh product or a stale product, the packers and the men who represent them get up on their hind legs and say "You can not have it. We are omnipotent."

Mr. President, it seems to me that the American people are entitled to the little protection that privates in the British army have, for even in the British army they take pains to ascertain the date when the goods were canned. But the American citizen, under pressure from these sources, is not to have that benefit. I am not willing to take up the time of the Senate in a further discussion of this measure, as I should like to do under the circumstances. But to me it seems to be a legislative abortion to provide for meat inspection in order to protect the American people, and then to leave out one of the most important elements, the label.

What do the packers seek to accomplish by that? It is to force us to eat the canned goods whether they were made yesterday or whether they are as old as Methuselah. That is the object, and we are weak enough to submit.

Mr. President, I have felt that on this occasion I could not do less than make my protest in these words. I must say that I feel disappointed. I feel as though when I go home I will go home like a licked dog, whipped by the packers and by the raisers of range cattle, and nobody else.

I hope that in the future what my friend the Senator from Indiana said will take place, that we may be able to correct this legislation, but he will be a much grayer man than I am to-day and a much older man before he gets the upper hand of the packers and the range cattle men.

Mr. SIMMONS. Mr. President, as one of the conferees on the part of the Senate upon this measure, I do not feel willing to remain silent when the Senate is about to vote to surrender to the packers in the contest which has been waged here during the past few days. Every man and every corporation that prepares and puts upon the market food for man owes the public a great and a high duty. It is a duty which concerns life and health. That is all the more so if the article in which he deals is an article which under certain conditions may be healthy and under other conditions may be deadly. That is the character of the product which the packers put upon the market. This duty of the packers to the public is the fundamental fact in connection with this whole controversy.

No one has contended from the time this debate began up to the present time that the packers are to-day or have in the recent past discharged or tried to discharge this duty to the public.

Of course there are those who criticise the report of Neill and Reynolds, and say it indulges in falsehoods and misrepresentations and gross exaggerations, and perhaps that is to an extent true. But nobody has denied the fact that the packers have taken no measure looking to proper sanitation in their great establishments, or that they have made proper efforts to see that the product which they put upon the market is healthy and wholesome. They have utterly failed in that great and high duty to the public.

Now, our justification in interfering in this matter, so far as interstate trade and commerce are concerned, grows out of the fact of the failure on the part of the packers, not of any failure on the part of the public or the purchaser. That there has been a failure, and a flagrant failure, on the part of the packers is admitted even by themselves. They first came to Congress and asked that an inspection be had in order that foreign markets might be given proper confidence in their products, and now, when they are arraigned and exposed, they come to Congress and they practically admit that existing conditions have destroyed the confidence of the American public in their products. They say that they must have this inspection. They say that they can not win back the confidence of the American people in the light of the facts that have been disclosed in recent publications and investigations unless there is an inspection. Yet notwithstanding these facts and admissions, they have the effrontery to ask the Congress to shoulder upon the American people the whole burden of making that inspection.

If we had not seen this same audacity, this same effrontery, on the part not only of this great monopoly, but all the monopolies in this country when legislation affecting their interests is concerned, we would be amazed at it; but it is so frequent, it has become so common, such an everyday thing, that we have become familiar with it and see it and hear it without wonder, astonishment, or amazement.

Mr. President, I agree with the statement several times made to-day that this is not the time to make a speech, and I do not intend to make a speech, but I have not before occupied the time and attention of the Senate in expressing myself on this measure, and I beg indulgence for a few minutes while I do express my position and my views about it, and the motives which have actuated me in standing firmly in the conference against the proposition of the House to impose upon the Government the whole expense of this inspection.

I know it has been contended on both sides, those that contend the Government should pay the expense and those who contend that the packers should pay the expense, that precedent supports their contention. Gentlemen who have insisted that the Government should pay for this inspection have relied upon the fact that the Government is already paying the cost of inspection of those articles which enter into foreign commerce. That, I concede, is a forceful precedent. It is also contended that Congress only a few days ago passed a measure providing for the inspection of grain, and that the Government has been saddled by that bill with the cost of the inspection. That is probably another forceful precedent, although obviously the two cases are not by any means upon all fours.

On the other hand, it has been contended that there are precedents against the Government paying the cost and in favor of saddling the cost upon the industry which is regulated. The national banks have been cited, and the immigration head tax has been cited, as establishing a precedent in support of the Senate contention that the packers should bear this expense. Other precedents to the same effect are cited, but I will not go into those. I grant that there are precedents upon both sides of this subject.

Mr. President, I have not much respect for precedents in a matter of this kind. There are matters in which precedent carries great weight, but this is not one of those. I do not care what the weight of precedent in this matter is. If the weight of precedent is in favor of the Government paying this expense—an expense incurred for the benefit of the packer, an expense incurred by reason of the packer's default and criminal dereliction of duty—it is a bad precedent, and the sooner the Con-

gress of the United States reverses that precedent the better. Sound public policy requires it; common sense requires it; ordinary justice requires it.

I can conceive of nothing that Congress can do which will be of more benefit—and when I use the term "benefit" I mean financial, pecuniary benefit—to the packers of this country than the passage of this inspection law. The packers ought to be willing from a business standpoint, to say nothing about considerations of justice, to pay for this inspection if the cost were twice as great as it is.

Leaving out of consideration the very strong argument made by the Senator from Vermont [Mr. PROCTOR] the other day, in which he showed what a great advantage and benefit this inspection would be to them in the way of advertising their products, is it not perfectly plain that if this inspection bill shall pass and if the American people shall be assured that every pound of meat that they buy from these packing houses, whether it be fresh meat or canned meat, has gone through the process of a thorough inspection, ante-mortem, post-mortem, and microscopic, it will establish such a degree of confidence in the products of these packers as will give them a great advantage over the local butcher in every neighborhood in the United States?

In the sections of the country far remote from these great packers, too far away to justify the shipment of live stock to them for sale, it has been difficult for the local butcher, the only reliance of the local stock raiser for the sale of such animals as he raises for market, to compete with these great packers, even when their product was under the suspicion that it has been under. Remove that suspicion, by requiring rigid Government inspection of the packers' product and leaving the product of the local dealer uninspected, with all the suspicion which has been aroused as to tuberculosis and trichina in cattle and hogs and the danger incident to health and life therefrom, and the competition which has heretofore been so disastrous to the local dealer in meats will assume even a graver aspect, and these great packers will find in this bill designed in the interest of health and of life an instrumentality by which they will be the better able to crush out their small competitors and increase the sale of their products as well as tightening the grasp of their monopoly.

If it were not for considerations of health and life, the highest considerations that a legislator has to deal with, I would oppose this inspection law, because I know that it means to a large extent the injury of small dealers and the furtherance of this monopoly throughout the length and breadth of this land.

Mr. President, I suppose the Senate will pass the resolution proposed by the Senator from Vermont; I suppose that I will sign the report; but I want to say here, and I want to say to the Senate and country, that when I sign it I shall sign it under protest. If it were not for the fact that the House yesterday voted that the Government should pay this expense by a vote of 193 to 45; if it were not for the fact that the hour of final adjournment has almost arrived and all feel there must, in the interest of absolutely necessary legislation, be a compromise of this matter of difference between the Houses; in short, if it were not for the overpowering circumstances and conditions which surround me I never would sign a report providing for a surrender to these greedy monopolies. I would be in favor of staying here for an indefinite period that right and justice might be done in this matter.

Not only those conditions, but the safety of a great appropriation bill, admonish us to yield our contention for a time. However, I want to say to the Senate that if yielding now meant yielding permanently, if it meant that the provision of the House substitute was to remain the permanent law of the land upon this subject, and that another effort would not be made or could not be made, I would not now consent to yield. But that is not the case. We can renew this fight at the beginning of the next session. We will renew it then, and we will fight it to a finish, without surrender or compromise, I hope.

There is another reason why I dislike to see the Senate forced to the necessity of surrendering to the packers in this matter. The Senator from South Carolina [Mr. TILLMAN], in his dramatic way and with his picturesque language, has exposed the surrender which the Congress of the United States has just made to the Standard Oil monopoly. Indeed, it was a disgraceful surrender, but a surrender possibly made necessary to save the life of a great measure—the rate bill—just as in this case it seems that surrender is necessary to save the life of another great measure—the agricultural appropriation bill and a system of inspection of meat and meat food products.

Now, right upon the heels of this surrender to the Standard Oil Company, immediately after we have struck our colors to that great and grinding monopoly, to surrender again to the next biggest monopoly in the United States, to the next greediest monopoly in the United States, to the next most oppressive monopoly in the United States, is to me full of humiliation and shame. Yet that is what it is. What we are doing here to-day in fastening the cost of this inspection upon the Government, which in no way has made it necessary, and relieving the packers, which have made it necessary by sinister and bad and corrupt methods, is nothing, Mr. President, but a surrender by the Congress and the Government to this monopoly. The machinations, the influence, and the power of the Standard Oil Company in the one case and those of the beef trust in the other have triumphed, and as a result they have got in these matters what they asked and demanded, and the people are left to pay the cost and to suffer. I repeat, it is a shameful and humiliating spectacle, and strikingly illustrates the dangerous and overweening power to which monopoly has attained in this country.

I do not care how many telegrams come here from stock raisers and dealers and packers and others; we have had enough experience with these machine-made telegrams to know that they all have a common inspiration, and that inspiration is the Chicago packing houses—Armour and Swift and the great multimillionaires who own those establishments.

Now, Mr. President, together with the rest, under duress, under stress—because I can not help myself, because higher interests are involved than the one sacrificed—I shall, if the Senate so directs, sign this report under protest; but I give notice right here and now that when the next session of Congress assembles, if nobody else will do it, and do it speedily, I intend to introduce a bill to impose an inspection tax sufficiently large to recoup the entire expense the Government may incur in carrying out inspection provided in this bill.

There are other things I should like to say, but, as I said, I know it is not proper to enter into an elaborate discussion of the various questions involved in this controversy, and I merely rose for the purpose of stating briefly as I might my own position personally with reference to this subject and my relations to it as a member of the committee of conference.

Mr. STONE. Mr. President, I will occupy but a few moments, and I dislike to do even that, for I know the impatience of the Senate, and no Senator here is more impatient than I am to get to the end of this wearisome turmoil.

Mr. President, the constituency I represent in part happens to embrace not only the producers, the raisers, the feeders, and shippers of cattle, but also commission men who buy them and packers who slaughter and pack them. I represent people embraced in all these classes, and I rise to say a word or two for all of them, the packers as well as the others—I mean the packers of Missouri.

Mr. President, this tremendous agitation has been almost disastrous, and certainly very hurtful, to the live-stock industry in all of its ramifications. It has been most unfortunate, and it is important that it should end as speedily as possible. Some drastic legislation is now absolutely necessary to restore the confidence of the people not only of this country, but of the world, and whatever is to be done should be done at once.

Mr. President, I, too, have been flooded with telegrams from all kinds of people—cattle raisers, farmers, feeders, commission merchants, bankers, and packers.

I hold in my hand several telegrams which are types of many others which have come to me within the last ten days or so. I have one here from South St. Joseph, Mo., which reads as follows:

SOUTH ST. JOSEPH, MO., *June 21, 1906.*

Senator W. J. STONE, *Washington, D. C.*

Believing that House inspection bill provides ample safeguard we urge prompt and favorable action. Delay is injuring live stock industry.

CHAS. PASCHE.

The stock yards and packing houses are in South St. Joseph, and Mr. Pasche is in the live stock business there.

Here is a telegram from H. C. Duncan, Osborn, Mo. He is out in the country, and I understand is a producer of fine cattle. He telegraphs as follows:

OSBORNE, MO., *June 23, 1906.*

WILLIAM J. STONE,
Washington, D. C.

In the interest of the live-stock industry, farmers, and bankers, the meat-inspection bill should be promptly accepted by Senate, and foreign agitation cease.

H. C. DUNCAN.

Here is a telegram from the Clinton National Bank, which reads:

CLINTON, MO., *June 22, 1906.*

W. J. STONE,
United States Senate, Washington, D. C.

In the interest of everybody connected with the live-stock industry, including banks, the meat-inspection bill should be promptly accepted by Senate, and all further agitation cease.

CLINTON NATIONAL BANK.

I will not read any more of these, but I want to say that I have received, as the Senator from North Dakota [Mr. HANSBROUGH] says he has received, a large number of telegrams from bankers. They are from bankers scattered throughout the State, in the smaller towns as well as in the larger cities. I know it to be true in my State, and I have no doubt it is true in other States, that the bankers supply the farmers and cattle raisers and feeders with money to carry on their business. They loan feeders money and take the cattle for security. These country bankers are not supplying the packers, the commission merchants, or live-stock exchanges with money; but they are furnishing money to the cattle raiser and feeder himself. Their interests, therefore, are identified with the interests of the farmer, and hence it is hardly fair to criticise these bankers directly or by inference for the interest they take in this measure, or to intimate that they are influenced by the packers.

Mr. President, I might read a great number of telegrams, but it would be useless. However, they prove the absolute importance of concluding this whole business by promptly securing some legislation which will put an end to this destructive agitation and reestablish confidence in the commercial world and in the consuming world as to the wholesomeness of our meat products and as to the integrity of our business methods.

As I understand it, there are now but two points of difference between the Senate and House conferees. One relates to the label to be put upon the cans or other receptacle in which beef may be packed, and the other concerns the cost of inspection—that is, who shall bear the cost, the Government or the packers.

Mr. President, I am sure that the conferees on the part of the Senate are right in their contention that the canned goods of the packers should bear a label, showing, among other things, the date of the packing. I believe that; and I am unqualifiedly in accord with the Senate conferees on that point. As to who shall bear the cost of inspection, I care but little. If the Government pays it, then the expense will come from the taxpayers at large. If the packers pay it, then it will come ultimately from the producer of the live animal when he sells it, or from the consumer of the beef. But in the present exigency I consider that to be an unimportant matter, and I care very little about it.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from North Dakota?

Mr. STONE. I do.

Mr. McCUMBER. If the result of it is to increase the sales of the packers, and it will be a clear profit to them of at least $10,000,000 or $15,000,000 a year, then why should it come out of either the consumer or the producer?

Mr. STONE. I am not contending that it should come out of either the consumer or the producer. I merely state what would happen. But I do not care as to that, and I do not want to stop here to discuss that question.

Mr. McCUMBER. Why should the packers charge it back either to the consumer or to the producer, if in effect it is not a loss to them, but a gain of three or four times the amount?

Mr. STONE. Why they should charge it back I do not know, but that they would do it I have not a doubt. If you fix a head tax of 5 or 6 cents on an animal and a feeder should ship into the market of Chicago or any other point a hundred head of beeves and sell them, the tax being five, six, or eight dollars on the whole lot, I have no doubt whatever that that amount would be charged up against the feeder and the seller of the beeves, just as the bill for provender or yardage would be charged up against him. It might not be done so directly, but in some way it would be charged up against him. I do not care very much about that, however. The one great thing that ought to be done now is to end this agitation. Therefore I am going to vote for the motion of the Senator from Vermont [Mr. PROCTOR], that the Senate accept the situation and agree to the House proposition.

Mr. President, all this agitation has grown out of an attack upon the alleged practices of three or four packing houses in the city of Chicago. But, sir, there are packing houses elsewhere, scattered all over the country. There are packeries in New York, in Minneapolis, in Kansas City, in St. Louis, in St. Joseph, and in many other commercial centers. It has been said that sanitary conditions in several of the establishments at Chicago are bad; and that they are bad, I do not deny. But the attack made upon these establishments was so ill directed as not to confine it, at least in its effects, to those who are said to be guilty of the wrongdoing, but it has been made in such a way as to involve every packing industry or establishment in the entire country. No one has ever intimated that the packing houses in New York are improperly conducted, that their sanitary conditions are bad, or that the method of carrying on their business is wrong. On the contrary, I have seen it published in the newspapers that committees acting under local authority have made exhaustive investigations and reported that the packing houses there are managed in the best way possible.

Mr. President, the packing houses of Missouri are properly managed also. No one has ever criticised them. In the city of St. Joseph, for instance, the packing industry is a large one. Ten thousand cattle are slaughtered there daily; thousands of people are engaged in the industry, and $10,000,000 or more are expended monthly in carrying on the business. So you see the industry there is one of great importance. When this agitation began and the hurt of it was felt, the Commercial Club of that city appointed a committee of reputable and capable citizens to go down to the packing houses of St. Joseph and make a thorough inspection of them. The gentlemen who went there under that authority had no interest in the business; they had had no conference with the packers; they were not requested by the packers to make the inspection; but, representing this great central commercial body of the city and desiring only to do what might properly be done for the protection of one of the leading industries of the city, they took it upon themselves to go through those establishments and make the inspection; and after they had completed the inspection, the committee was sent to Washington to confer with the President and others here about the matter. I hold in my hand an excerpt from the Washington Times giving an account of the interview this committee had with the President, and I desire to read it. I wish to read it because it shows, and correctly shows, what the situation is at St. Joseph. Here it is:

The President had hardly reached his office this morning before the St. Jo crowd stormed his sanctum. There was Mayor William E. Spratt; Horace G. Kruge, commissioner of St. Joseph's Business Men's League; E. A. King, president of the Bank of North St. Joseph; Louis T. Golding, editor and publisher of the News and Press; Judge R. E. Culver, and Congressman FRANK B. FULKERSON, and there might have been many more had St. Jo thought it necessary to send them. But these six were as good as a host.

"We told the President," said Mr. Golding, who acted as spokesman in the Executive office, "that we came here, not as packers or as business men with any financial interest whatever in the packing-house line, but as representatives of St. Joseph. We know that the slaughter house business of our town is being conducted along sanitary lines. We know that there are no scraps fed to the customers of our packers, and no filth is allowed to endanger the health of our workmen. Our packing houses are all as clean as they can be made; our workmen are healthy, decent farmer boys, and not the riffraff and scum of the foreign immigration.

"If things are as bad as they say they are up in Chicago, the whole outfit up there ought to be dumped into the lake. As to that we do not know. What we are interested in most vitally is the good name of St. Joseph. These horrible stories of dirt and disease in Chicago have naturally had their effect upon the whole country, and people are even now looking with suspicion in our direction. We want them to know that the bricks that have been thrown at Chicago have not hit us, and that no one has any right to throw them in our direction. We asked the President if he had any doubt of what we said to investigate us from one end of the packing-house quarter to the other. All we asked was a declaration of some sort on the part of the Government giving us a clean bill of health to the world. The President said that he was glad to talk with us on the subject, and was very much pleased to learn that we had such model establishments. He said that it was his intention of making public in the near future some sort of a list which would show the public the good and the bad packing houses."

It is most unfortunate that that distinction was not made before this public, official assault was launched, for the innocent as well as the guilty have been made to suffer.

Mr. President, I have no information about the packing houses of Chicago that is not common to all, but the packing houses of my State I believe—I assert—are conducted with the highest regard for the very best conditions possible, sanitary and otherwise. They are cleanly and the men and women who are employed in them are people brought up, as was stated by the committee in the article I read, from the surrounding farms. They are decent and respectable people, and the business is conducted in a decent and honorable way.

I felt, Mr. President, when this assault was made that a line should have been drawn and the attack confined to those who were guilty. The official criticism should have been confined to those who had offended against the laws of decency and business morality, and every effort should have been made to protect those who were innocent. But the attack was so made as to bring under the ban those who had violated no law or propriety, but who have always strictly conformed to both law and propriety. The innocent suffer almost as much as the guilty.

I have here a cablegram from London of very recent date, four or five days old, saying:

Chicago meat again formed the subject of several questions in the House of Commons to-day. Mr. Hicks-Beach, conservative, son of the former chancellor of the exchequer, asked War Secretary Haldane what quantity of Chicago canned meat was supplied to the troops in South Africa during the late war, and what proportion of enteric deaths ought more properly to have been described as due to ptomaine poisoning.

I will not read it all, but it goes on at some length to give an

account of the discussion of this abominable subject in the House of Commons, in which substantially all the meat products of the United States are branded as foul and unclean, and all because it happens that two or three or four establishments in one city of the United States have been found to disregard the laws of health, decency, and wholesomeness in order that they might add a little to their accumulations.

But, Mr. President, as I have said, there are other cities and other packers. If the people of England or Europe want clean meat and pure meat let them buy it in Missouri. The packers I have the honor to represent on the floor of the Senate are conducting their business in a decent and honorable way, and they are men of such character that I can stand here and defend them without hesitation. As I have said, my principal purpose in rising was to say a word in favor of some of the packers of the country, as well as of the cattle producers. But I think all these interests have been so desperately injured, and are still threatened with such dire calamity, that we ought to bring this proposed legislation to as speedy a conclusion as possible and thus put an end to this wretched agitation.

Mr. McCUMBER. Mr. President, at the close of any great battle it is fitting that we send back to the people whom we represent, in terse form, the results of that conflict. I think we can epitomize this result in a very few words, "We have met the enemy and we are theirs—indemnity, $3,000,000." That is the result of this legislation.

I want to ask Senators here if they will deny the proposition that the packers themselves want rigid Government inspection? Does not every message that comes, either directly or indirectly, through the packing concerns, have stamped upon it this proposition, "Demand rigid inspection?" Every packer knows what that means.

Every packer in the country knows what it did mean when we placed the Government stamp of purity upon our meats for foreign use. They knew it increased the sales in the old country many times over. Every packer now knows that when you put the stamp of verity, of cleanliness, and of purity upon any barrel or upon any package or upon any case of meat it gives it an immediate demand in every village and in every city in the United States. Every packer understands that he will increase the consumption of meat products a great many times over in a few years by this system of Government stamping.

So they are insistent upon that single proposition, but they want the Government to pay. Why? If the packers will make a net income of from ten to fifteen million dollars more during the next twelve months by reason of the Government certificate on all their products, then I want to know what loss or damage the inspection is going to be to the packers; and if it is not a loss I want some Senator to tell me why we should pay out for them the sum of $3,000,000?

But, Mr. President, the Senators who take the opposite view of this case base their claim upon the insistent proposition that if we charge the packers $3,000,000 for inspecting their meat, they will charge it back again not only against the producer, but against the consumer. Mr. President, if that be true, then I am assuming that it will be because of the necessity upon their part. Is there any necessity that they should charge it back either to the field of production or the field of consumption? Will any Senator stand up here and deny the proposition that the packers charge the consumers all the consumption trade will stand? Will any Senator deny the converse proposition that the packers pay as little to the producers as the producers' business will stand? If those two propositions are undeniable, then we may safely assume that the packers will act in the future as they have been in the past, and that is to charge to the consumptive trade and pay to the productive trade just as great and just as little as the two fields, respectively, will stand. They will follow that proposition.

Mr. President, we are asked to do it for another reason. It is stated to us that if we pay a bribe of $3,000,000 to the packers, they will cease to rob the producers, who must rely upon them for what they get for their products. We tried that proposition many years ago in our intercourse and trade in the Mediterranean, when we paid to the Bey of Algiers a certain sum every year to prevent piracy upon American merchantmen. Did it work? The very next year they charged more, and so on. The piratical demands grew greater and greater, until the cry went forth that we would pay millions for defense but we would pay nothing for tribute to be protected; and we got our defense.

I do not believe that the producers in my State, or a single one of them, stand upon the proposition that we will ask the United States Government to bribe the packers in the sum of $3,000,000 a year that they may not do any further or greater injustice to the producers; and if I thought my people did so feel, I say candidly that I would not attempt to represent their views upon the floor of the Senate of the United States. The farmer, the producer, the people of my State are asking no such surrender, and I want to say now that if the measure went up in a form so that I could cast my vote against it, though it be upon an appropriation bill, that vote would be cast against it, and I would depend upon the House coming to its senses and yielding to the demand that the Government should not be robbed in order to appease the packing industry.

Mr. SPOONER. I should like to inquire what is before the Senate?

Mr. PROCTOR. I think the motion I have proposed to make does not come properly at this time. Therefore I withdraw that suggestion, and will make the motion upon the report of the committee of conference when it comes in.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The message further announced that the House insists upon its amendments to the bill (S. 4774) relating to the movement and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia; agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. HEPBURN, Mr. MANN, and Mr. RYAN managers at the conference on the part of the House.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 10501. An act to incorporate the National Education Association of the United States;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

HARRY A. YOUNG.

Mr. WARREN. I am directed by the Committee on Military Affairs, to whom was referred the bill (H. R. 15673) for the relief of Harry A. Young, to report it with an amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment, to add at the end of the bill the following:

Provided, That no pay, bounty, compensation, or allowances shall accrue to said Harry A. Young by virtue of this act.

So as to make the bill read:

Be it enacted, etc., That Harry A. Young shall be held and considered to have been mustered into the military service of the United States in the office of assistant surgeon of the battalion of Utah Light Artillery, with the rank of first lieutenant, on the 18th day of January, 1899, and to have held said office and rank until he was killed in action on the 6th day of February, 1899: *Provided*, That no pay, bounty, compensation, or allowances shall accrue to said Harry A. Young by virtue of this act.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

KENNETH G. CASTLEMAN.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy, which was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Kenneth G. Castleman a lieutenant on the active list of the Navy, to take rank next after Lieut. Willis G. Mitchell, United States Navy, subject to the usual examination for such grade.

SEC. 2. That the said Kenneth G. Castleman shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy and to any grade to which he may hereafter be promoted, and that for the purpose of computing his pay the time of his former service as an officer in the United States Navy, from September, 1892, to January, 1905, namely, the period of twelve years and three months shall be allowed in the longevity estimate.

Mr. BLACKBURN. This is a House bill, and I ask unanimous consent for its consideration at this time, by the authority of the Senate Committee on Naval Affairs.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

LOAN OF VESSEL TO PHILIPPINE GOVERNMENT.

Mr. PERKINS. I am directed by the Committee on Naval Affairs to report without amendment the bill (H. R. 19755) to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands. I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RETIREMENT OF CERTAIN VETERANS OF THE CIVIL WAR.

Mr. DICK. I ask unanimous consent for the present consideration of the bill (S. 2668) to regulate the retirement of certain veterans of the civil war.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. BLACKBURN. Who called up the bill?

The VICE-PRESIDENT. The Senator from Ohio [Mr. DICK].

Mr. DICK. Mr. President, I called up the bill by authority of the chairman of the Committee on Military Affairs. I will say further that it was unanimously reported from that committee and is really meant to correct a ruling of the Department. It could not be better stated than in the report iself, which says:

The officers with civil-war records retired under the act of October 1, 1890, who would be affected by the proposed legislation are 18 majors and 11 captains. To advance these one grade would involve an annual cost of $14,835. In the opinion of your committee, it was the intention of Congress to advance these civil-war veterans one grade by the act of April 23, 1904.

Mr. BLACKBURN. I am not proposing to enter any objection. I asked the question in order that that portion of the report of the committee might appear in the RECORD in connection with the passage of the bill.

By unanimous consent, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs with an amendment in line 9, after the word "retired," to insert "on account of wounds or disability incident to the service;" so as to make the bill read:

Be it enacted, etc., That the President be, and he is hereby, authorized to include within the provisions of the act of April 23, 1904, providing for increased grade on the retired list to certain officers of the Army with civil-war records, and as of the date of said act, such officers with such civil-war records below the grade of brigadier-general as have heretofore been retired on account of wounds or disability incident to the service under the provisions of the act of October 1, 1890.

The amendment was agreed to.

The bill was reported to the Senate as amended and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

LEGAL PROCEEDINGS DIRECTED BY THE ATTORNEY-GENERAL.

Mr. CLARK of Wyoming. I am directed by the Committee on the Judiciary, to whom was referred the bill (H. R. 17714) to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It provides that the Attorney-General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney-General under any provision of law, may, when directed by the Attorney-General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which district attorneys now are or hereafter may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. KEAN subsequently said: I enter a motion to reconsider the vote by which House bill 17714 was passed. I will only hold it up for a little while. I wish to look into it.

The VICE-PRESIDENT. The motion to reconsider will be entered.

Mr. KEAN subsequently said: This afternoon I entered a motion to reconsider the vote by which the bill (H. R. 17714) to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General was passed. I have examined the House bill. It is much better than the Senate bill, and I withdraw my objection.

The VICE-PRESIDENT. The Senator from New Jersey withdraws his motion to reconsider the vote by which the bill mentioned by him was passed. The bill stands passed.

Mr. CLARK of Wyoming. I move that the House of Representatives be requested to return to the Senate the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States.

The motion was agreed to.

LAND AT RENO, NEV.

Mr. SUTHERLAND. On behalf of the Senator from Nevada [Mr. NIXON] I ask immediate consideration of the bill (S. 6468) ceding certain land appertaining to the post-office building at Reno, Nev., for use as a street.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

GEORGE STILLMAN.

Mr. OVERMAN. I am instructed by the Committee on Pensions, to whom was referred the bill (H. R. 8867) granting an increase of pension to George Stillman, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of George Stillman, late of Company I, Eighteenth Regiment Indiana Volunteer Infantry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ABEL W. PAYNE.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 7235) granting an increase of pension to Abel W. Payne, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Abel W. Payne, late of Company L, Sixteenth Regiment Illinois Volunteer Cavalry, and to pay him a pension at the rate of $24 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JAMES P. FLEWELLEN.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 3933) granting a pension to James P. Flewellen, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of James P. Flewellen, late cadet,

United States Military Academy, United States Army, and to pay him a pension at the rate of $12 per month.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

EXTENSION OF W AND ADAMS STREETS NW.

Mr. GALLINGER. I ask unanimous consent for the present consideration of the bill (S. 5119) authorizing the extension of W and Adams streets NW.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

REGULATION OF THE PRACTICE OF OSTEOPATHY.

Mr. FORAKER. I ask unanimous consent for the present consideration of the bill (S. 5221) to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on the District of Columbia with amendments.

Mr. FORAKER. I ask that the formal reading of the bill may be dispensed with, that it be read for amendment, and that the committee amendments may be first acted upon.

The VICE-PRESIDENT. Without objection, that course will be pursued.

The Secretary proceeded to read the bill.

The first amendment of the Committee on the District of Columbia was, in section 1, page 1, line 6, after the word "Columbia," to strike out the following:

From a list of eight names submitted by a majority vote at some regular meeting of the Osteopathic Association of the District of Columbia: *Provided*, That in the event of the failure of the Osteopathic Association of the District of Columbia, after fifteen days' notice by the Commissioners of the District of Columbia, to submit the list of names aforesaid, said Commissioners may appoint the members of the board of osteopathic examiners without restriction as to nomination by the association.

The amendment was agreed to.

The next amendment was, in section 3, page 4, line 9, after the word "osteopathy," to insert:

All questions propounded for the examination of applicants, except such as relate specifically to the treatment of disease, shall be the same as the questions propounded to applicants for licenses to practice medicine under the provisions of an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof in the District of Columbia," approved June 3, 1896; and the answers submitted by applicants for licenses to practice osteopathy shall be marked upon a scale of equivalent severity to that adopted for the marking of the answers submitted by applicants for licenses to practice medicine. To the end aforesaid the president of the board of osteopathic examiners, in so far as it relates to the selection of questions to be used in examinations and in so far as relates to the rating of the answers to said questions, whether questions propounded to or answers submitted by applicants for licenses to practice osteopathy or for licenses to practice medicine, shall be entitled to all the rights and privileges of the presidents of the several boards of medical examiners of said District.

The amendment was agreed to.

The next amendment was, in section 5, page 5, line 19, after the word "second," to strike out "Thursdays" and insert "Mondays;" so as to read:

Said board shall hold a meeting for examinations in the city of Washington on the second Mondays in April and October of each year, and continuing so long as may be necessary to examine all applicants, and other meetings shall be held at such times as said board may deem necessary.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 10, after the word "board," to insert "of medical supervisors, sitting together with the president of the board of osteopathic examiners, and in the opinion of a majority of said board of osteopathic examiners;" and in line 14, after the word "board," to insert "of osteopathic examiners;" so as to read:

SEC. 7. That if in the opinion of a majority of the board of medical supervisors, sitting together with the president of the board of osteopathic examiners, and in the opinion of a majority of said board of osteopathic examiners, said applicant has fairly and successfully passed such examination as hereinbefore provided for, the board of osteopathic examiners shall, as soon thereafter as possible, issue to him or her a license, etc.

The amendment was agreed to.

The next amendment was, in section 7, page 6, line 24, after the word "application," to insert "made within one year after the passage of this act;" and on page 7, line 2, after the word "board," to strike out the following provisos:

Provided, That osteopathic physicians who may change their residence to the District of Columbia from any State or Territory where osteopathic laws or osteopathic examining boards exist which are equal in their requirements to those of the District of Columbia shall, upon presentation of a license or certificate from an osteopathic examining board, if found upon due inquiry to be true and genuine, be granted a license without examination by said board upon the payment of a fee of $5: *Provided further*, That the laws relating to osteopathy and osteopathic examining boards of such States and Territories grant equal rights and recognition to the licentiates of the board herein created.

So as to read:

Every bona fide holder of a diploma issued by a reputable college of osteopathy who was practicing osteopathy in the District of Columbia on the 1st day of January, 1906, shall, upon application, made within one year after the passage of this act, and the payment of a fee of $5, be granted a license without examination by said board. The license provided for by this act shall not authorize a holder thereof to give or prescribe drugs for internal use. All licenses issued by said board shall be numbered consecutively, and a register shall be kept by the secretary showing the number of each license, the date of issue, and to whom issued.

The amendment was agreed to.

The next amendment was, on page 7, after line 18, to insert as a new section the following:

SEC. 8. That the board of osteopathic examiners of the District of Columbia be, and is hereby, authorized and directed to license to practice osteopathy in said District, without examination, any applicant for such license who has been engaged in the practice of osteopathy in any other jurisdiction, whether a State, Territory, or insular possession of the United States, or a foreign country, subject to the following conditions:

a. No applicant shall be licensed who is not of good moral character and free from mental defects and drug habits liable to interfere with the proper practice of osteopathy;

b. Nor who, at the time of making application and for not less than two years prior to the date thereof, has not been expressly authorized by law to practice osteopathy and actually engaged in such practice in the jurisdiction wherein he resides;

c. Nor unless the applicant acquired the right to practice osteopathy in such jurisdiction under conditions equivalent to those with which he would have had to comply in order then to have practiced osteopathy in the District of Columbia;

d. Nor unless the jurisdiction, by virtue of whose license the applicant seeks exemption from examination in the District of Columbia, grants to licentiates of the board of osteopathic examiners of said District privileges equivalent to those which the applicant seeks;

e. Nor until the applicant has paid to the board of osteopathic examiners aforesaid such fee as may be fixed and required by the regulations of said board, but not more than the fee charged under similar circumstances by the jurisdiction by virtue of whose license the applicant seeks exemption from examination.

And said board of osteopathic examiners is further authorized and directed to issue in favor of its licentiates such certificates, if any, as may be necessary to enable such licentiates, without examination, to obtain licenses to practice osteopathy in other jurisdictions, and to collect for the issue of such certificates such fees as may be necessary to defray the cost of issuing the same, and to use such fees for that purpose.

And said board of osteopathic examiners is further authorized to determine all matters of fact required to be determined in the execution of the provisions of this section.

The amendment was agreed to.

The next amendment was, in section 9, on page 9, line 22, after the word "conduct," to insert:

It shall be the duty of the major and superintendent of police of the District of Columbia to investigate any case in which it appears to his satisfaction that a license issued under the provisions of this act may be revocable under the provisions of this section, and to report the result of such investigation to the corporation counsel of said District. And it shall be the duty of said corporation counsel, if in his judgment the facts justify him in so doing, to prepare and to file with the board of osteopathic examiners a proper complaint looking toward the revocation of the license of the offending licentiate.

The amendment was agreed to.

The next amendment was, on page 10, line 15, after the word "final," to insert:

Summons to any witness to appear and testify shall be issued by the president of the board of osteopathic examiners and served by or under the direction of the major and superintendent of police; and for the purpose of executing the provisions of this section the president of the board aforesaid shall be entitled, upon application, to the aid of the supreme court of the District of Columbia to compel the attendance of witnesses and the giving of testimony. Witnesses may be compelled to testify under oath or affirmation, and the president of said board is authorized to administer all necessary oaths and affirmations.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. FORAKER. The number of the sections will be changed.

The VICE-PRESIDENT. The Secretary will renumber the sections.

BRIGHTWOOD AVENUE AND GEORGIA AVENUE.

Mr. BACON. I ask unanimous consent for the present consideration of the bill (S. 5868) to change the name of North Capitol street to Georgia avenue.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with an amendment, to strike out all after the enacting clause and insert:

That the street in the District of Columbia now known and designated as Brightwood avenue shall hereafter be known and designated

as Georgia avenue, and the street now known and designated as Georgia avenue shall hereafter be known and designated as Navy-Yard avenue.

Mr. GALLINGER. I move to amend the amendment, in line 10, by striking out the words "Navy-Yard" and inserting "Naval;" so as to read "Naval avenue."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill changing the names of Brightwood avenue and Georgia avenue."

NORTHERN LIBERTY MARKET CLAIMS.

Mr. GALLINGER. I ask for the consideration of the bill (S. 4317) to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ADDITION TO ROCK CREEK PARK.

Mr. LONG. I ask unanimous consent for the present consideration of the bill (S. 5201) to acquire certain lands in the District of Columbia as an addition to Rock Creek Park.

Mr. OVERMAN. I think that ought to have consideration before the committee. I object to the consideration of the bill.

The VICE-PRESIDENT. Objection is made to the present consideration of the bill. It will go over, retaining its place.

CLOSING OF ALLEYS IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I ask for the present consideration of the bill (S. 5565) to close certain alleys in the District of Columbia. These are District of Columbia bills, and I hope there will be no objection.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on the District of Columbia with amendments.

The first amendment was, in section 2, page 2, line 4, after the word "to," to strike out "revert" and insert "to convey;" in the same line, after the word "present," to insert "owner or;" and in the same line, after the word "of," to insert "all of the lots in;" so as to read:

That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and close all alleys in square No. 547, lying between O and P streets, Four-and-a-half street and Delaware avenue SW., in the city of Washington, D. C., the land in said alleys to be conveyed to the present owner or owners of all of the lots in the said square.

The amendment was agreed to.

The next amendment was, to insert the following proviso at the end of the bill:

Provided, That the present owner or owners of the lots in said square shall pay to the collector of taxes of the District of Columbia the true value of the land contained in said alley as said true value shall be determined by the board of assistant assessors of the District of Columbia, the sum so deposited to be credited one-half to the United States and one-half to the District of Columbia, and upon such payment the Commissioners of the District of Columbia are hereby authorized to convey the title to the land in said alley to such owner or owners (the said Commissioners being hereby vested with power and authority so to do).

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

PROTESTANT EPISCOPAL CHURCH OF WASHINGTON.

Mr. GALLINGER. Unless some other Senator has a bill to call up, I ask for the consideration of the bill (S. 6338) to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington."

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ORDER OF BUSINESS.

Mr. NELSON. I move to reconsider the vote by which the Senate agreed to take a recess at 6 o'clock, for the purpose of taking a recess now.

The VICE-PRESIDENT. Is there objection?

Mr. KEAN. Will the Senator let us have an executive session?

Mr. GALLINGER. We want an executive session.

Mr. NELSON. Very well; I withdraw my motion.

HOT SPRINGS MOUNTAIN RESERVATION, ARK.

Mr. CLARK of Wyoming. I ask unanimous consent for the present consideration of the bill (S. 6498) to amend an act entitled "An act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Ark.," approved April 20, 1904.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill.

Mr. FOSTER. I think I will have to object to the consideration of that bill.

The VICE-PRESIDENT. Objection is made.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

Mr. CARTER. Will the Senator yield to me for a moment?

Mr. CULLOM. For what purpose?

Mr. CARTER. To have a very short bill, to which there will be no objection, passed.

Mr. CULLOM. I will yield in this case, but in no other. I withdraw the motion for the present.

ROBERT F. SCOTT.

Mr. CARTER. I ask for the consideration of the bill (S. 2699) for the relief of Robert F. Scott.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Robert F. Scott, of Helena, Mont., $478.07, the amount due him for retracing and reestablishing old lines, in addition to such retracements and reestablishments provided for by and under the notice of letting of contract for public land surveys No. 416, Montana, dated July 28, 1902, but required by his special instructions and necessary to the acceptable completion of the work under the contract, but rejected because not covered by the letter of the contract.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After forty-five minutes spent in executive session the doors were reopened.

AGRICULTURAL APPROPRIATION BILL.

Mr. PROCTOR submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 29, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with amendments as follows: In lieu of the amount proposed in said amendment insert "$837,200;" and on page 10 of the bill, in line 21, after the word "Industry," strike out all down to and including the word "also," in line 9, page 11, and insert in lieu thereof the word "and;" and on page 11 of the bill strike out all after the word "named," in line 20, down to and including the word "inspection," in line 23 of page 11; and on page 12, line 24, of the bill, after the word "Industry," insert the words "for purposes other than meat inspection;" and on page 13, after the word "certified," in lines 22 and 23 of the bill, strike out all down to and including the word "further," in line 1, page 14, and insert in lieu thereof the word "*Provided;*" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amount proposed in said

amendment insert "$3,946,980;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,560,440;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,932,940;" and the Senate agree to the same.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.
J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

The report was agreed to.

POPULAR EDITION OF CONGRESSIONAL RECORD.

Mr. BACON. I ask leave to sumbit a resolution at this time. It will not lead to any discussion, I imagine. I ask for its present consideration.

The resolution was read and agreed to, as follows:

Resolved, That the Public Printer be directed to make examination into the cost of labor and material required and report to the Senate at the next regular session of the Fifty-ninth Congress the expediency of printing at a reduced price a special edition of the CONGRESSIONAL RECORD for sale to the general public, the said special edition to contain only the debates in the Senate and House of Representatives and excluding all other matter printed in the CONGRESSIONAL RECORD, and said special edition to be printed on paper of cheap quality, such as is ordinarily used in printing newspapers.

SUITS UNDER ANTITRUST LAW AND INTERSTATE-COMMERCE LAW.

The VICE-PRESIDENT laid before the Senate a communication from the Attorney-General, transmitting, in response to a resolution of the 25th instant, a statement of all suits instituted by the Department of Justice under the Sherman antitrust law and the interstate-commerce law, and the disposition made of such suits, etc.

Mr. NELSON. I move that the report be printed and referred to the Committee on the Judiciary.

Mr. LONG. As this is an important communication, I ask that 5,000 additional copies be printed for the use of the Senate.

The VICE-PRESIDENT. The Senator from Kansas moves that 5,000 additional copies of the report which has just been submitted be printed for the use of the Senate. Is there objection? The Chair hears none, and it is so ordered. The Senator from Minnesota moves that the report be referred to the Committee on the Judiciary and printed.

The motion was agreed to.

COAL AND COAL LANDS.

Mr. DANIEL. I offer a resolution of inquiry. I will state that it merely inquires of the Cabinet officers what coal is annually purchased this year and what is contemplated for the next, and what are the coal areas of the United States. It costs nothing to answer the inquiry.

The resolution was read, as follows:

Resolved by the Senate, That the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Attorney-General, the Postmaster-General, the Secretary of the Navy, the Secretary of the Interior, the Secretary of Agriculture, and the Secretary of Commerce and Labor be, and they are hereby, directed to inform the Senate:

First. What quantities and character of coal were purchased during the last fiscal year for the use of their Departments or any bureau or branch thereof, and what quantities have been contracted for the ensuing fiscal year, or will be needed, stating in all cases who were or are the contracting parties, prices paid or to be paid, and giving in full forms and conditions of contract.

Second. The Secretary of the Interior is directed to inform the Senate what areas of coal lands are now owned by the United States, with their location.

Mr. KEAN. One part of the resolution seems to be in regard to the use of coal in the Departments and the other as to the amount of coal lands in the United States. I do not see any objection to it, however.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

The resolution was considered by unanimous consent, and agreed to.

The VICE-PRESIDENT. Under the order of the Senate, a recess will be taken until 8 o'clock this evening.

The Senate thereupon (at 6 o'clock p. m.) took a recess until 8 o'clock p. m.

EVENING SESSION.

The Senate reassembled at 8 o'clock p. m.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills and joint resolution; in which it requested the concurrence of the Senate:

H. R. 8825. An act for the relief of Thomas H. Kent;

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas; and

H. J. Res. 177. Joint resolution authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 19659) granting an increase of pension to Margaret S. Miller.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia;

The message also announced that the House had passed a concurrent resolution requesting the President to return to the House the bill (H. R. 19047) granting an increase of pension to Susan C. Smith; in which it requested the concurrence of the Senate.

The message further announced that the House had passed a concurrent resolution relative to the holding of an isthmian exposition at Tampa, Fla., in January, 1908; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and they were thereupon signed by the Vice-President:

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 952. An act to authorize a patent to be issued to Stephen Feichner for certain lands therein described;

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 1291. An act for the relief of James W. Watson;

S. 1725. An act granting certain land to the Missionary Baptist Church of Rock Sink, Florida;

S. 1862. An act for the relief of Joshua T. Reynolds;

S. 1864. An act for the relief of James H. Oliver, a commander on the retired list of the United States Navy;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4197. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

S. 4593. An act for the relief of Francis J. Clay, a midshipman in the United States Navy;

S. 4880. An act granting an increase of pension to Emma K. Tourgee;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 5023. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 5769. An act to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," and so forth, approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903;

S. 6004. An act to provide an American register for the steamer yacht Waturus;

S. 6256. An act to authorize the Lake Schutte Cemetery corporation to convey lands heretofore granted it;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6359. An act granting an increase of pension to Francis D. Garnsey;

S. 6381. An act granting an increase of pension to John McDonough;

S. 6422. An act granting an increase of pension to John L. Wells;

S. 6443. An act granting to the city of Los Angeles, Cal., rights of way over and through public lands, and over and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, in the State of California, and for other purposes;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6492. An act to correct the military record of James Devlin;

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands on Controller Bay, in the Territory of Alaska;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

S. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. R. 12323. An act to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and for other purposes;

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant;

H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy;

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth at Leavenworth, Kans.; and

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains.

SUSAN C. SMITH.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

ISTHMIAN EXPOSITION AT TAMPA, FLA.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 19047) entitled "An act granting an increase of pension to Susan C. Smith."

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was ordered to lie on the table:

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition at Tampa, Fla., during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency, Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President be, and he is hereby, requested to hold a naval review in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

ANTICANTEEN LAW.

Mr. GALLINGER. I present a paper, being an answer based on official reports to the charges that insubordination and degeneracy are prevalent among the soldiers of the United States Army as alleged results of the operation of the anticanteen law. I move that the paper be printed as a document.

The motion was agreed to.

ANCHORAGE OF VESSELS IN HAMPTON ROADS.

Mr. NELSON submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News and adjacent waters, in the State of Virginia, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1; and agree to the same.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

The report was agreed to.

JUNCTION CITY POST, GRAND ARMY OF THE REPUBLIC.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas; which was read twice by its title.

Mr. LONG. I ask unanimous consent that the resolution may be considered at this time.

The VICE-PRESIDENT. The Senator from Kansas asks unanimous consent for the present consideration of the joint resolution. Is there objection?

Mr. LA FOLLETTE. I object, Mr. President.

The VICE-PRESIDENT. Objection is made.

JOSEPHINE V. SPARKS.

Mr. McCUMBER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17842) granting a pension to Josephine V. Sparks, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

P. J. McCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.

The report was agreed to.

ST. FRANCIS RIVER BRIDGE, ARKANSAS.

Mr. LA FOLLETTE. Mr. President, I ask that the Senate resume the consideration of the unfinished business.

Mr. BERRY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Arkansas?

Mr. BERRY. There is a bill which has just come from the other House, which I desire to have laid before the Senate, if the Senator from Wisconsin will yield for that purpose. It will only take a moment to dispose of it.

Mr. LA FOLLETTE. I will yield to the Senator if the bill does not lead to debate.

The VICE-PRESIDENT. The Chair lays before the Senate the bill referred to by the Senator from Arkansas.

The bill (H. R. 2407) to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River, in Arkansas, was read twice by its title.

Mr. BERRY. I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. BERRY. I am greatly obliged to the Senator from Wisconsin for his courtesy.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. I now ask that the unfinished business be laid before the Senate, Mr. President.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. LA FOLLETTE. Unless some Senator desires to discuss the bill, I ask that the amendments be now voted on.

Mr. KEAN. The Senator from Ohio [Mr. FORAKER] has some amendments which he desires to offer to the bill, and I do not see him present at this moment.

Mr. LA FOLLETTE. The Senator from New Hampshire [Mr. GALLINGER] has some amendments to the bill, and I do not see why we can not now proceed with the consideration of the bill.

Mr. GALLINGER. Mr. President, I understood that the Senator from Montana [Mr. CARTER] wanted to address himself to this bill. He has not yet come in. I have a few observations which I desire to make on the bill, and I shall avail myself of this time to do so, although I regret that I shall talk to so many empty seats this evening.

This morning, Mr. President, I received an anonymous letter concerning this bill, written by some person who was in the gallery the other day and heard an observation I made in reference to the hours of labor. I do not know whether it was a man or a woman, but I was roundly denounced as being an enemy to good government, the kind of man who ought not to be here or in any other place of responsibility or decency. The party who wrote that letter was laboring under a misapprehension. My correspondent understood me to say, in answer to an interrogatory by the Senator from South Carolina [Mr. TILLMAN], that any person who would have compelled me to work more than sixteen hours would have been the worst enemy I had in the world; but what I did say was, in answer to a question of the Senator who suggested that every good Republican was supposed to be in favor of the eight-hour law, that if anyone had compelled me to work only eight hours during a long period of my existence he would have been the worst enemy I had in the world.

There is another misapprehension abroad in the land because of this discussion, and that is a belief that it is the custom of the railroads to require the men on their trains to work sixteen hours a day. This impression, perhaps, has naturally been imbibed by a great many people because of the observations that have been made on this bill by some men in public life. The truth is—and if my anonymous correspondent is in the gallery to-night, I want him or her to understand it—that it is in very exceptional cases that a railroad requires sixteen hours' service, the rule being that the men are not overworked.

Mr. President, the observation I made concerning myself when this matter was under discussion a day or two ago—and I do not like to obtrude my personality in any discussion in the Senate—applied to a period of my life when if I had not worked sometimes eighteen hours a day I would not have gained the profession that it was my ambition to gain, and if I had not worked, as a rule, sixteen hours a day during a professional career of nearly twenty-five years, I would not have accomplished for myself or my family, to say nothing of those I tried to serve, what I did accomplish; and if any man had undertaken to limit my hours of labor, either during my pupilage or during my professional career, it would have been a great hardship to me.

While I think it is well to limit the hours of labor under some conditions, I doubt very much whether it is to the benefit of the laboring man who wants to work more than eight hours a day for the purpose of earning more money to require by law that he shall not be permitted to do so. That is all I care to say on that point.

Mr. CARTER. Will the Senator yield to me for an observation?

Mr. GALLINGER. Certainly; with pleasure.

Mr. CARTER. Mr. President, the Senator from New Hampshire seems to address himself to the Senate upon the theory that this bill is a bill intended to secure the safety of the traveling public and to prevent any company operating a railroad from requiring that any person shall work more than sixteen hours consecutively.

As I understand it, the two propositions stated constitute the only title of public favor presented by the bill. The bill really contemplates requiring ten hours' rest after any kind of a run by a railroad crew. An amendment has been offered limiting that period of rest to eight hours. This ten or eight hour rest clause will at once disorganize or paralyze the entire railway operating systems of the United States.

The suggestion that the bill is intended to prohibit the exaction of more than sixteen hours' consecutive service from the servants of a railroad seems to me a mere pretense, because I doubt if any railroad in this country between the two oceans requires any operative to perform sixteen consecutive hours of service.

Mr. GALLINGER. Except in emergencies.

Mr. CARTER. Oh, in emergencies, of course, or in the case the act of God——

Mr. GALLINGER. Yes; exactly.

Mr. CARTER. Should intervene to disconnect the affairs of men.

Mr. GALLINGER. That is right.

Mr. CARTER. Emergencies we can not legislate to meet; emergencies must be met by men as best they can meet them.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Jersey?

Mr. KEAN. Will the Senator yield to me, if he is going to make any lengthy observations?

Mr. CARTER. Mr. President, I desire merely to address myself to the situation as presented by the Senator from New Hampshire [Mr. GALLINGER].

This bill from the time of its presentation to the Senate has been presented upon two titles, to wit: To prevent the exaction of more than sixteen hours of consecutive service from the railroad employee, and to provide for the public safety. Both titles are misleading, because no railroad in this country requires sixteen consecutive hours of service from any employee. Perchance the president of the railroad works longer; perchance the general manager or superintendents at times work more hours; but it does require that there shall be ten hours' rest practically between runs on the railroads of the country. I desired before the Senator from New Hampshire took his seat to correct the impression with reference to the character of the bill.

Mr. President, I submit to the Senator from New Hampshire that legislation is necessary upon the subject of the safety to life and property in the administration of railroads; but I likewise submit that much misinformation has been given by the statistics comparing the operations and fatalities on American railroads with those on European roads.

It must be borne in mind that European roads are in the main short lines compared with our great transcontinental systems. It must further be borne in mind that the European roads are generally double track, and in most cases they have four tracks, whereas our railways, to an extent, perhaps, of 75 per cent of the total mileage, are operated by single tracks. Another peculiarity about the statistics with reference to fatalities connected with the operation of American roads must be taken into account. We have either been constructing or reconstructing the American railroads within the last quarter of a century. The transcontinental railroads are single-track railways. It is neither fair nor just to draw a deduction from the operation of a single-track railway across the continent and a four-track road running between two thickly settled portions of a European state.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I do not wish to interfere with the Senator to any great extent, but I think his theory concerning this bill, as stated in the course of his remarks, was a misconception of the real character of the bill. I am in favor, Mr. President, of a bill regulating the hours of employment upon railroads, but I desire the bill to be very carefully considered. Let me state further to the Senator——

Mr. GALLINGER. I want to interrupt the Senator right there.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. The Senator from New Hampshire has the floor in his own right.

Mr. GALLINGER. The Senator will remember he is speaking in my time. I do not want to interrupt him; I want him to continue his most interesting remarks, but I want to confirm what the Senator said about our single-track railroads as compared with the double and quadruple tracks of European railways. The Senator has traveled across the continent much oftener than I have. He doubtless has observed that on some of our transcontinental railroads it is utterly impossible even to construct a second track. They have single tracks because of

the timber or on the prairies because of the necessities of the moment in traveling on those roads.

Mr. President, I think likely the Senator may have misapprehended something I said. I think I have the correct theory of this bill, but I want to be enlightened by the Senator's superior knowledge, and I will yield to him to allow him to complete his remarks, after which I will have something further to say.

I will ask the Senator from Montana if he desires to continue at this time?

Mr. CARTER. I desire to present an amendment to the pending bill, Mr. President.

Mr. GALLINGER. Does the Senator desire to have it read now?

Mr. CARTER. I should like to have the amendment read. I send it to the desk, to be inserted as a new provision.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. It is proposed to insert as a new section the following:

SEC. —. This act shall take effect January 1, 1907, but the Interstate Commerce Commission may, from time to time, upon full hearing and for good cause, extend or temporarily suspend the period within which any common carrier shall comply with the provisions of this act.

Mr. CARTER. Mr. President, upon that amendment I should like to make a few observations.

Mr. KEAN. Mr. President, I ask the Senator from Montana to let me get through with a resolution I wish to have considered. The Senator from Wisconsin [Mr. LA FOLLETTE] is also interested in it, and I should like to get it through and out of the way.

Mr. LA FOLLETTE. I am unable to hear what the Senator says.

The VICE-PRESIDENT. The Senator from New Jersey asks the Senator from Montana if he will not allow him to have a resolution recently reported to the Senate, and in which the Senator from Wisconsin is also interested, considered.

Mr. LA FOLLETTE. Mr. President, I am interested in the consideration of that resolution and would have been glad to have had it presented days ago, but I am very much interested in seeing this measure, which concerns the public safety, passed, and I must insist upon the regular order.

The VICE-PRESIDENT. The Senator from Wisconsin objects.

Mr. CARTER. Mr. President, I think it will be conceded that the adoption of the pending bill would seriously disarrange the operation of the railways of the country. Very heavy fines and penalties are attached to any violation of the terms and conditions of the bill. It is very obvious, I think, both to the Senator who reported the bill and to the Senator who is urging its immediate passage, that upon the day after its adoption, without any possibility by any course of prudent action, a very large number of persons would become subject to penalties from which they could not escape. Fines of $1,000 would be imposed to-morrow or the day after this bill was approved upon any railway in all the United States operating the 220,000 miles of road being operated which, by any chance whatever required less than ten hours' rest for its employees at the end of a division. I take it that Congress does not contemplate needless hardship being visited upon innocent people.

In 1893 an act of Congress was approved requiring safety appliances on railway trains. A time in the future was fixed for the act to go into effect. The act required that every railway car in the United States should be equipped with a certain kind of coupler and with air brakes. Congress in 1893, realizing that perchance some railroads could not completely equip cars within the time limited, provided in section 7 of that act, as follows:

The Interstate Commerce Commission may from time to time, upon full hearing and for good cause, extend the period within which any common carrier shall comply with the provisions of this act.

To my certain knowledge the Interstate Commerce Commission, upon full hearing and for good cause shown, extended the time for complying with this act of 1893 to such an extent that the act was not finally and fully complied with by certain railroads until 1896 or 1897.

In the case of the bill under consideration it is proposed at once to reorganize the whole railroad service of the United States; to affect directly or remotely the present manner and method of train operation on all the railroads of the country. It must be freely and candidly stated that some of the roads would not be affected, but a vast majority of the mileage of the country would be instantly and materially affected by the passage of this bill.

Let me illustrate, Mr. President. In the great West beyond the Missouri River it happens that the railway employees desiring to have their families located at points where the children can go to school, extend divisions from centers of population to points in the timber or on the prairie out along the line of the road. Now, it is but natural that, fixing a division in the necessities of nature, and passengers are in peril every corporation operating the road, the employee is to stop during such time as his lay over requires at or near the roundhouse at the other end of the line.

What is more natural than that this operative, the engineer, brakeman, or conductor, should desire to make his stop at the end of the line in the timber or on the prairie very short, to the end that he might have more time with his family at the place where they reside? This bill, Mr. President, will require this railroad operative who desires to spend a major part of his time with the rest of his family to divide it equally between the family and the tall grass on the prairie where the terminal is fixed at the other end of the route.

This identical bill, or one in substance like it, was presented in the legislature of Montana eighteen months ago.

Mr. FORAKER. Mr. President——

Mr. CARTER. If the Senator will permit me a moment, I desire to complete the statement. I will be glad to have him correct me.

This bill, or one like unto it, was presented in the legislature of Montana about eighteen months ago. In that State of magnificent distances, 700 miles from east to west, there are pretty long railroad runs, and some of the terminals are at very uninviting places. I recall Rathdrum, in the midst of a forest of pine-pole timber just this side of the city of Spokane, in the State of Washington. At Rathdrum there is a roundhouse, a boarding house, a section house, and a place for a hand car. It is the desire of the engineers, the firemen, and the brakemen, coming from the east and going to the west, to make their stop at that place as short as possible, and to make their stop at their homes at the other end of the division as long as possible.

This bill introduced into the Montana legislature proposed to deprive those railway employees of a privilege which they sought to continue to enjoy and which they had long enjoyed. We had in that legislative assembly a railway conductor, a fireman, an engineer, and we had a railway lobby, if you please, made up of the men who operated the trains throughout that country. They were all intelligent, bright, capable, industrious, devoted men. The bill was given but limited consideration. The railroad men were opposed to it. They believed that they could manage their own business in their own way better than the Montana legislature could fix their business affairs for them.

I am reminded by that experience of the peculiar statements in the report on this bill. This bill was introduced into the Senate on the 15th day of March. This Congress had been in session from December until March before the bill was presented in the body. It was not reported to this body until the 9th day of June, 1906, and it is interesting to read the report. I send the report to the desk to be read, requesting the omission of the provisions of the bill. I ask that the Secretary read the report, omitting the reading of the bill which is embodied in the report, to give it some appearance of dignity and length.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[Report No. 4246. June 9, 1906.]

Mr. DOLLIVER, from the Committee on Education and Labor, submitted the following report:

The Committee on Education and Labor, having had under consideration the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon, make a favorable report thereon, with an amendment striking out all after the enacting clause and substituting therefor the following:

* * * * * * *

The committee believe that this legislation will be of value in view of the fact that many railroads are known to permit their trainmen to remain on duty for a length of time which is not only detrimental to the workmen, but dangerous to the life and property committed to their care.

It is proper to say that nearly all of the railways of the country have appreciated the necessity of limiting the hours of labor in the operation of trains and that the brotherhoods of railroad employees have at present liberal contracts with very many of the most important railway systems of the country.

The object of this bill is to correct conditions which exist here and there in the United States under which men are still worked beyond a reasonable time. The committee believe that sixteen hours of continuous labor in train service is all that any man should be required to perform, and, in the interests of the public safety, no man ought to be permitted to assume the difficult and responsible business of operating a railway train who has not had a proper time for rest.

The original bill left the discretion with the Interstate Commerce Commission to determine the hours of labor by an order in specific cases. It has been thought advisable, considering the whole subject, that Congress should itself, by the passage of this act, prohibit the employment of men in the operation of trains for a longer continuous period than sixteen hours. Rest and the refreshment of sleep after so great a length of time is not only necessary for the welfare of the men employed, but the public has a direct interest in the prevention of the accidents which too frequently follow the overworking of these employees.

Mr. CARTER. Now, Mr. President, this report which has just been read was made on the 9th of this month. There was not a Senator in this Chamber in favor of any railroad employee being required to work sixteen hours a day. There was not a Senator within this Chamber who would permit a railroad employee to be required to work fourteen hours a day. There was not a Senator in this Chamber who would by law require, or by sufferance permit, a railroad employee to be compelled to work twelve hours a day. In my humble judgment, Mr. President, no man in this world should be required to work in a position of any kind, character, or description for more than ten hours in any day. The man who talks of sixteen hours a day, by permission or requirement, speaks for an age for barbarism long passed away.

This bill, Mr. President, is misrepresented in this Chamber upon two propositions. First, it is put forward as a bill preventing men being required to work sixteen hours a day, and that upon the assumption, to be conveyed to ignorant or thoughtless minds, that somebody is being required to work sixteen hours a day. Nothing of that kind exists on any railroad in the United States.

Second, it is put forward as a measure in the interest of public safety upon the theory that public safety is to be conserved by permitting men to work voluntarily or permitting their employers to require them to work sixteen hours a day. No man intrusted with the lives of passengers should be permitted to work sixteen hours a day, nor should they be required to work sixteen hours a day; and the individual who upon this floor claims that he is trying to exempt public travel from imminent peril by permitting only sixteen hours a day of continuous service for an employee is giving a name to this bill which should be changed materially indeed.

Now, what does this report say, Mr. President?

It is proper to say—

Says the report—

that nearly all of the railways of the country—

Now, this is the report upon which the bill is presented here—

that nearly all of the railways of the country have appreciated the necessity of limiting the hours of labor in the operation of trains, and that the brotherhoods of railroad employees have at present liberal contracts with very many of the most important railway systems of the country.

The object of this bill is to correct conditions which exist—

Where?—

here and there—

That means in exceptional cases—

in the United States, under which men are still worked beyond a reasonable time.

The bill fixes sixteen hours a day as the maximum time. I venture to assert that in the light of the civilization of the age and the experience of the centuries the man is brutal and unjust who will require sixteen hours' continuous service at a post of peril from any man.

This bill has been ill-considered. It is inhumane in its provisions. If twelve hours were substituted for sixteen it would come within a century of the present time.

But, Mr. President, the difficulty with the bill does not rest in the maximum, but in the minimum which it establishes. It requires my neighbor and friend and constituent at Helena, Mont., who is either a conductor, or an engineer, or a fireman, to remain as long out in the timber at Rathdrum, in Idaho, as he remains with his family at Helena, Mont., where we have a liberal public school system, a good club, and a good time always.

I am with the man who wants to be with his family. I am not with the man who will throw a handful of sand into the works of a watch. We are dealing with a subject of supreme importance in this case. The report says that there is only a little difficulty "here and there," and yet while the brotherhoods have agreed all over the United States except "here and there," according to the report we propose in this bill, within two hours of the adjournment of Congress and within a few days after the report was made, to immediately interject our judgment as to how all the railroads in this country ought to be operated.

Now, Mr. President, this is a debatable question. It is not a one-sided question.

Mr. FORAKER. Mr. President——

Mr. CARTER. I hope the Senator from Ohio will not interrupt me for the present. I desire to complete my statement.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. FORAKER. The Senator desires not to be interrupted.

Mr. CARTER. I desire to continue, because I desire to have my observations somewhat consecutive, and I hope the Senator will not interrupt me.

Mr. GALLINGER. I trust——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. GALLINGER. I yielded to the Senator. I trust the Senator addressing the Chair will ask the Senator from New Hampshire to yield. The Senator from New Hampshire yielded to the Senator from Montana.

Mr. CARTER. It was a great lapse on my part, and I had entirely forgotten the Senator from New Hampshire in the midst of excitement.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the following bills: .

S. 1812. An act for the relief of Lieut. James M. Pickrell, United States Navy, retired;

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes; and

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 15673) for the relief of Harry A. Young.

The message further announced that the House had agreed to the second report of the committee of conference on the disagreeing votes of the two Houses on certain amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas managers at the conference on the part of the House.

The message further announced that the House had passed a concurrent resolution authorizing the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies is hereby authorized and empowered to insert in said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, etc.; in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; and it was thereupon signed by the Vice-President.

SILETZ INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, and asking a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. CLAPP. I move that the Senate recede from its amendments.

The motion was agreed to.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. CARTER. Now, Mr. President, before the interruption and the signing of the bill, which I hope will prove a beneficent measure, I stated that this was a debatable question.

It will be recalled that some years ago the Congress, desiring to find out a little something about everything, appointed what was known as the Industrial Commission. Its reports were printed and have been very rarely read. They were voluminous, but nevertheless instructive. Among others they examined on this subject under consideration one of the most thoughtful men ever placed at the head of organized labor in the United States. The eminent representative of organized labor to whom I refer was one of the most just, conservative, and capable men ever placed at the head of the organization in the United States. The man who finally laid down his life in that

service without a shade of suspicion at the close was P. M. Arthur, grand chief of the Brotherhood of Locomotive Engineers, who made a distinct statement before the Commission to which I have referred. The same is true with reference to the present chief of the Bureau of Immigration of the United States, Mr. Sargent, a man whose fidelity to organized labor has never been questioned, and in my humble judgment can not be justly questioned. Mr. Powell, of the Order of Railroad Telegraphers, also made his statement before the Commission. I will ask the Secretary to read the various statements made by these representatives of organized labor on this particular subject of train service and the absence of complaints with reference to hours of service.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

HOURS OF LABOR OF RAILWAY TRAINMEN.

The following are extracts from the testimony taken by the Industrial Commission, with reference to witness, volume, and page:

Signed statement by Mr. P. M. Arthur, grand chief, Brotherhood of Locomotive Engineers; Mr. F. P. Sargent, grand master, Brotherhood of Locomotive Firemen; Mr. E. E. Clark, grand chief, Order of Railway Conductors; Mr. R. H. Morrissey, grand master, Brotherhood of Railroad Trainmen, and Mr. W. V. Powell, grand chief, Order of Railroad Telegraphers: "Road, train, and engine men have little or no complaint as to hours of service. They are generally paid for all excess hours, and the necessity for their being wide awake acts as a protection against unreasonable demands upon them. Ten hours for 100 miles is the standard rule in freight service for road men." (Vol. IV, p. 66.)

Mr. F. P. Sargent, grand master, Brotherhood of Locomotive Firemen: "You can not put railroad men in the transportation department upon the same basis upon which men work at trades in factories and shops. The handling of transportation is an entirely different matter. For instance, I am called to-day to go out upon a run. I am on duty thirty-six hours before I am relieved. Certain conditions may arise, as have this year, to my knowledge—storms and conditions of weather—whereby the men are on duty for thirty-six hours before they are relieved from their engines. Those are conditions that can not be controlled by any specified law or regulation. We believe that there is manifest on the part of the railways a disposition to be as fair and equitable in the establishment of hours of labor for train-service employees as is practicable with the business to handle. At the present time the railroads are flooded with business and the men are working constantly, you might say—many of them under very severe strain. If a man is not able to go out, does not feel that he can go, as a general rule he has no trouble in getting excused, if they have a man to place in his position. Oftentimes trains are held while the men get a sufficient amount of rest to go and perform their duty."

"Q. (By Mr. PHILLIPS.) Could that be obviated by employing a larger number of men, or is it difficult to get trained men?—A. No; you can get plenty of men. It might be obviated to a certain extent by increasing the number of employees and increasing the machinery, but when the dull times come there would be that army of idle men. The men in the railway train service do not want an overproduction; they do not want the railroads loaded down with a great army of men in order that they may have it easy the whole year round. They are willing to take it rougher and work a little harder in the busy season, and then when the dull season comes there is plenty of time to rest up and earn fair wages. The railroad employees have an understanding with the employers that there shall be no more men employed than is necessary to move the traffic with dispatch, and during the busy times they take advantage of it and earn big wages, and when the dull season comes, of course, they earn an average wage."

"Q. (By Mr. CONGER.) Then, employees are generally satisfied and are not seeking additional legislation against long hours?—A. The train service, with which I am associated, the firemen, are not seeking any legislation to reduce the hours in which they work." (Vol. IV, pp. 86–87.)

Mr. E. E. Clark, grand chief, Order of Railway Conductors, and chairman of the executive committee of the Federation of American Railway Employees: "Q. Is there any serious complaint in regard to the hours of work of railway conductors at the present time?—A. No; there is no serious complaint at the present time, and I might say no complaint at any time unless in the time of great rush of business, where business is so heavy that it necessitates keeping motive power and cars moving all the time, and naturally railroad companies in times of that kind desire to put on as few new men as possible, because the more new men put on they feel the more possibility of accident; they rather depend on the old men, and sometimes there is a disposition to keep them going too long."

"Q. If you make extra runs you make extra pay in those busy seasons?—A. Yes; and I may say it is conceded by the managements of the roads that they do not want men to work beyond their physical ability, and it is the general rule that our agreements with companies provide that after a man has been on duty sixteen hours he may demand eight hour's rest; that does not mean if he is delayed by accident; nor can a man demand rest in the middle of a division." (Vol. IV, p. 110.)

Reply from the chief executive officers of Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railway Trainmen, and Order of Railroad Telegraphers to the following inquiry: "Is it desirable to regulate by State or Federal legislation the hours of labor in any branches of the railway service? If so, what legislation would you suggest?—A. The necessity of changing train and engine crews at established points where terminal facilities are provided renders it impracticable to arbitrarily fix the hours of labor of train and engine men. We think the hours of labor of yard and office men should be shortened, and we think they could reasonably be fixed by law." (Vol. IV, p. 761.)

Mr. CARTER. Mr. President, the document just read by the Secretary contains the deliberate, carefully prepared statement of gentlemen representing organized labor connected with the operations of trains throughout the United States. I wish to announce, coming from a State in which some 2,000 miles of railroad are being operated, that I have not received a single, solitary letter, telegram, or petition from any railroad operative with reference to any such legislation as this. I have read, and have never heard contradicted, statements of the chosen and honored representatives of these railroad men opposed to the interjection of ill-considered legislation to interfere with the progress of railroad operations.

Now it is suggested that the railroad men of the West are a hoggish set, that they want to make too much money, that the men are inclined to overtax themselves and, therefore, they are not responsive or enthusiastic in limiting the hours of labor. Let us see what that amounts to. The man who works on a run which terminates at a roundhouse in an isolated place desires, of course, even though he may have taken twelve hours in making the run, to return to his home at the earliest possible moment. He may run twenty-four hours with only six hours' rest. Persons will say that that involves a question in which the public is interested, that the public may be imperiled by virtue of his long-continued service there. But this man who runs out twelve hours to a point, rests five hours, and works on his return trip twelve hours, runs twenty-nine hours. He then rests twenty-four hours at his home. We do know that the matter of rest is a matter of habit. The man who works twenty-four hours, with a rest of five hours, and then rests twenty-four hours, gets ample rest beyond any question of doubt.

Now, our friends who advocate the passage of this measure say that this man is a hog in the railroad service; and yet what would happen if we disturbed the existing conditions?

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. HALE. Will the Senator yield that I may submit a conference report?

Mr. CARTER. Certainly.

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I submit the final conference report on the sundry civil bill.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other expenses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 14, 22, 47, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 78, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "to civilian instructors;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows: In line 4 of said amendment, after the word "necessary," insert ", not exceeding five thousand dollars;" omit all after the word "Molokai," in line 6 of said amendment, and insert in lieu thereof the following: ", and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Arena Light Station, California: For rebuilding of light station and keepers dwellings, seventy-two thousand five hundred dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose Channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank Light: Toward establishing a light-house on Staten Island, New York, and raising West Bank Light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of Refuge, Milwaukee, Wis.: Toward the construction of a light and fog-signal station on the south end of the breakwater, Harbor of Refuge, Milwaukee, Wis., fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Twelfth light-house district: Toward the construction of a steam tender for the use of the light-house engineer of the Twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Columbia River, Oregon: Toward the construction of a light vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$770,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May 26, 1906, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for 1906 and prior years, which is hereby reappropriated and made available on this account for the fiscal year 1907."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$257,900;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$33,940;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$5,720;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

"*Provided*, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year 1907, and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the amount paid for said publication and the total received therefor."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$565,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$1,463,320;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and, on page 78 of the bill, in line 13, after the word "acting," insert the words "after June 30, 1906;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior" and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$19,500;" and the Senate agree to the same.

That the House recede from its disagreement to the amend-

ment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$18;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$825,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$10,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$363,200;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$4,212,040;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "*Provided*, That no part of this appropriation shall be available after March 4, 1907, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment "; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "$125,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall have been so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per cent interest payable to the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 7. That from and after July 1, 1906, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid, one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year 1908, and annually thereafter, shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"SEC. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States from the Smithsonian Institution, the National Museum, and the Library of Congress such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American Republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress approved March 3, 1905, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered, and it shall be their duty, to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may, in his discretion, designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section, and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars.

"The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may, in their discretion, detail retired Army and Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. And to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for, so much thereof as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Army and Navy and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and Army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings or the materials composing the same, and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet,

there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers, extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefore and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries: *Provided*, That, as a condition precedent to the payment of this appropriation in aid of said exposition, the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at Jamestown Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of $15,000, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of $15,000 hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March 3, 1905.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of $10,000, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access to every part of the grounds of said association of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibtion at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of 1893, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder of a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of $100,000 is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for by this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March 3, 1905, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the

President of the United States for transmission to Congress."

And the Senate agree to the same.

EUGENE HALE,
GEO. C. PERKINS,
JAMES H. BERRY,
Managers on the part of the Senate.
JAMES A. TAWNEY,
WALTER I. SMITH,
GEO. W. TAYLOR,
Managers on the part of the House.

Mr. HALE. The only two items heretofore in dispute have been agreed to.

The VICE-PRESIDENT. The question is on agreeing to the report.

The report was agreed to.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives; which was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies, is hereby authorized and empowered to insert in said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; also, the additional amount necessary under the Interstate Commerce Commission required by the act H. R. 12987, commonly known as the "railroad rate bill."

JOHN THOMAS WIGHTMAN.

Mr. MORGAN. If the Senate is not otherwise engaged, I should like to ask unanimous consent for the present consideration of a resolution.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the consideration of a resolution.

Mr. LA FOLLETTE. I regret to do so, but I must insist upon the regular order.

Mr. FORAKER. What is the resolution?

Mr. MORGAN. It will probably not occupy five minutes. It is a resolution remedying a mistake that has been made under a resolution adopted at this session of Congress.

Mr. LA FOLLETTE. If it will not occupy any time, I shall not object.

The VICE-PRESIDENT. The Senator from Alabama asks unanimous consent for the present consideration of a resolution, which will be read.

The Secretary read the resolution, and the Senate, by unanimous consent, proceeded to its consideration, as follows:

Resolved, That the claim of John Thomas Wightman (S. 5115) for $3,180, now pending in the Senate, be, and hereby is, referred, with all the accompanying papers, to the Court of Claims, in pursuance of the provisions of an act entitled "An act to provide for the bringing of suits against the Government of the United States," approved March 3, 1887, and generally known as the "Tucker Act;" and said court shall proceed with the same in accordance with the provisions of such act and report the same to the Senate in accordance therewith.

Mr. MORGAN. This claim was by accident omitted from the general resolution (No. 167) adopted by the Senate. I have conferred with the chairman of the committee, the Senator from Oregon [Mr. FULTON].

The resolution was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

S. 1476. An act granting certain lands to the town of Tincup, Colo, for cemetery purposes;

S. 4298. An act to amend section 4471 of the Revised Statutes of the United States regulating steam vessels;

S. 6167. An act to improve the channels along the New Jersey seacoast; and

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

LANDS IN DURANGO, COLO.

Mr. CARTER submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House with an amendment as follows: Insert after the word "acre," in line 3, of the House amendment after line 5, page 4, the following: "in five equal annual installments, the first of which shall be payable April 1, 1907, and title shall remain in the United States until final payment is made;" and agree to the same.

THOMAS H. CARTER,
A. J. MCLAURIN,
FRANK P. FLINT,
Managers on the part of the Senate.
JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

The report was agreed to.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. CARTER. Mr. President, I am not inclined to detain the Senate longer, but I do desire to have it understood that a bill introduced here on the 15th of March, reported on the 9th of this month, which provides for a radical reorganization of the operation of all railroads of the United States, for an adjustment of the domestic affairs, for a change in the home life of not hundreds but thousands and tens of thousands of railroad men operating trains, shall not with my consent go into operation day after to-morrow, with fines and penalties of incalculable amount attached to persons who can not evade the penalty if they would.

Therefore I have offered an amendment providing that the bill shall go into effect after a reasonable time shall have been allowed for the changing of division ends, for the employment of new railroad crews, for the reduction of the income of employees, for the thousands of different conditions that will be brought about by the instant enactment of a law like this at the close of a session of Congress.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from North Dakota?

Mr. CARTER. I yield to the Senator from North Dakota.

Mr. McCUMBER. I was not present during the discussion of this matter, being in committee of conference during the entire period when it has been before the Senate.

I can easily see that it is a bill of very wide scope and that it will tend, or may tend, to disarrange everything in the way of railroad traffic west of the Missouri River. I am not certain that it will to any great extent, but it appears that it would upon the face of it. I want to know from any Senator, and possibly the Senator who has just spoken can give me the information, whether either the employers or the employees in the railroad business were heard before the committee which had this bill under consideration. In other words, has there been a demand made manifest in any way, shape, or manner on either side of the question before the committee. I know that no one from my section of the country, and we certainly have our railway organizations, has asked for it. The companies have not asked for it to my knowledge. Who is asking for this legislation, and who can speak definitely, clearly, scientifically, and as experts as to what the effect will be on the traffic west of the Missouri River?

Mr. CARTER. Mr. President, I am free to say that I never heard of this bill until three or four days ago. The bill was reported here on the 9th of June. It was introduced on the 15th of March, according to the record on the face of the bill. I have never heard from any of my constituents concerning the bill. I only know——

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I hope the Senator will permit me. I only

know that a bill of this kind was introduced in the Montana legislature, I am informed, some two years ago, and was opposed by the railroad operators of that State.

Mr. McCUMBER. I will give an instance of a later period. A similar bill was introduced in 1905 in the Nebraska legislature, and all the railway employees' organizations appeared against it, as I am informed.

Mr. CARTER. That is news to me. I will not state now that the intelligent railway men of Montana opposed this bill. I was in Montana at that time, but I was chiefly concerned in my own election to the Senate, which I thought was a matter of great public concern, and therefore did not pay as much attention to legislation as I otherwise would have paid. But my information is that the men this bill seemingly wishes to protect or serve were opposed to any legislative interference in their affairs.

Mr. FORAKER. Mr. President——

Mr. CARTER. I think they have the railroads under pretty good control in that country. No railroad officer can succeed there without the consent and cooperation of the men.

Mr. FORAKER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Ohio?

Mr. CARTER. I yield to the Senator from Ohio, and beg his pardon for taking so long.

Mr. FORAKER. I merely wanted to answer the question propounded by the Senator from North Dakota [Mr. McCUMBER] put to the Senator from Montana. The Senator from North Dakota wanted to know who has asked for this kind of legislation. The Senator asked that question doubtless not being aware of the fact that in the CONGRESSIONAL RECORD for June 27 there appears a statement put into the RECORD by the Senator from Wisconsin [Mr. LA FOLLETTE], showing that this legislation, or something similar to it, was petitioned for by over 7,000 railroad men. They did not set out precisely what they wanted in the bill, but simply, as I understand, that they might by appropriate legislation be protected from being required to serve an undue number of hours.

Mr. McCUMBER. If the Senator will permit me——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from North Dakota?

Mr. FORAKER. Certainly.

Mr. McCUMBER. As I have stated, I was not present during the discussion.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Iowa?

Mr. CARTER. I have yielded to the Senator from Ohio, and if he is through I will yield to the Senator from Iowa.

Mr. FORAKER. I am not quite through.

Mr. CARTER. I shall be glad to hear from the Senator from Ohio.

Mr. FORAKER. Mr. President, I do not want to trespass unduly on the time of the Senator from Montana, but if the Senator is willing that I shall occupy a minute I will take that much time to make a very brief answer to some other matter that was put into the RECORD by the Senator from Wisconsin [Mr. LA FOLLETTE].

There are some things in this bill, if I may preface what I want particularly to say, that I favor. There are some things in it I do not. I think the bill should be amended. I offered certain amendments when the bill was under consideration in the Senate Tuesday last. One of the provisions of this bill is that if a railroad company shall require or permit its employees to work longer than sixteen consecutive hours it shall be liable to punishment by fine. The purpose of this legislation is not alone to protect the employees, but also to protect the public, and if it be necessary so to legislate we ought in every way to guard against these unduly long hours of labor.

Now, I do not know whether it is true or not, but I have letters saying that in many instances where men have been on duty longer than sixteen hours it has not been because the railroad company required it, but because in some instances they permitted them, which hereafter will be unlawful, if we enact this legislation, and in other instances because the men have concealed the fact as to how long they had already been on duty and had procured themselves to be continued in the service longer than the time allowed by the railroad company.

I think there ought to be a provision making it punishable for men, who by concealment of the fact or who by false representations, as I put it in the amendment, procure themselves to be continued on duty longer than the sixteen hours allowed by the statute. I offered that kind of an amendment. The next morning, bright and early, long before I got to the Senate, I received a telegram from Bluefield, W. Va., signed by W. S. Stone, who I believe is at the head of the Brotherhood of Locomotive Engineers, protesting against penalizing railroad employees in the way proposed in that amendment. Later I received several other telegrams, all protesting against penalizing railroad employees. Later in the day when the Senator from Wisconsin spoke he introduced in the RECORD a letter from Mr. H. R. Fuller, legislative representative, as he signs himself, protesting against the railroad employees being penalized. So I came to the conclusion, in view of the similarity of all these telegrams, the first one coming from Bluefield, W. Va., where there could not have been any morning paper to fully advise as to what had taken place the day before in the Senate, the others coming from different parts of the country, that somebody was busy in Washington asking that telegrams be sent here protesting against this proposition.

That, Mr. President, took away from it some of the force of the telegrams as they appeared to me when I first received them. I have the very highest regard for Mr. Stone and the other officers of the Brotherhood of Locomotive Engineers. I have known them, or at least known of them in a general way, for a good many years, and I do not know any more honorable body of men than the Brotherhood of Locomotive Engineers and their official representatives; but I know, as anybody else would know, from all that appeared in the newspapers that they could not possibly have been advised, when I received the telegrams referred to, of the character of the amendment which I offered, unless they had been advised by private telegram from here, telling the nature of it and putting the construction upon it that the sender of the telegram may have seen fit to adopt. I do not believe that Mr. Stone or any other prominent official of the Brotherhood of Locomotive Engineers would protest against legislation that would protect the traveling public from men who, by wrongful affirmative act on their part, would procure themselves to be continued in the employment of a railroad company on duty for a length of time that would violate the law and make the work they would render dangerous in its results.

Now, Mr. President, as to penalizing. That was thought, doubtless, by the gentlemen who employed that term to be something very improper to be used in connection with legislation of this kind. It is not new that in legislating with respect to hours of labor there should be a punitive provision for men who labor as well as for men who employ them. I hold in my hand House bill 11651, limiting the hours of daily service of laborers and mechanics employed upon work done for the United States or any Territory or the District of Columbia, thereby securing better products, and for other purposes. I send it to the Secretary's desk and ask that it may be read. I call the attention of Senators to the fact that that bill provides a punishment by fine of $5 for each and every case where a man is permitted to work longer than eight hours a day, to be assessed or collected from the laboring man, who perhaps has a sick wife or children at home, to induce him to labor longer than eight hours a day. I ask that the bill may be read.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

Be it enacted, etc., That each and every contract hereafter made to which the United States, any Territory, or the District of Columbia is a party, and every such contract made for or on behalf of the United States or any Territory or said District, which may require or involve the employment of laborers or mechanics, shall contain a provision that no laborer or mechanic doing any part of the work contemplated by the contract, in the employ of the contractor or any subcontractor contracting for any part of said work contemplated, shall be required or permitted to work more than eight hours in any one calendar day; and each and every such contract shall stipulate a penalty for each violation of the provision directed by this act of $5 for each laborer or mechanic, for each and every calendar day in which he shall labor more than eight hours; and any officer or person designated as inspector of the work to be performed under any such contract, or to aid in enforcing the fulfillment thereof, shall, upon observation or investigation, report to the proper officer of the United States or any Territory or the District of Columbia all violations of the provisions in this act directed to be made in each and every such contract, and the amount of the penalties stipulated in any such contract shall be withheld by the officer or person whose duty it shall be to pay the moneys due under such contract, whether the violation of the provisions of such contract is by the contractor, his agents, or employees, or any subcontractor, his agents, or employees. No person, on behalf of the United States or any Territory or the District of Columbia, shall rebate or remit any penalty imposed under any provision or stipulation herein provided for, unless upon a finding which he shall make up and certify that such penalty was imposed by reason of an error in fact.

Nothing in this act shall apply to contracts for transportation by land or water, nor shall the provisions and stipulations in this act provided for affect so much of any contract as is to be performed by way of transportation, or for such materials as may usually be bought in open market, whether made to conform to particular specifications or not. The proper officer on behalf of the United States, any Territory, or the District of Columbia, may waive the provisions and stipulations in this act provided for as to contracts for military or naval works or supplies during time of war or a time when war is imminent. No penalties shall be exacted for violations of such provisions due to

extraordinary emergency caused by fire or flood, or due to danger to life or loss to property. Nothing in this act shall be construed to repeal or modify chapter 352 of the laws of the Fifty-second Congress, approved August 1, 1892, or as an attempt to abridge the pardoning power of the Executive.

Mr. FORAKER. That bill was drawn, I suppose, by the representatives of labor. In the case provided for in this eight-hour bill, no harm can result to the public at large, as in the case which we have under consideration, from a violation of the act; that is to say, if a man violates the act limiting him to eight hours of labor per day and labors nine hours or labors ten hours, he does not put the life of anybody in jeopardy thereby; but in the case we have under consideration, it is widely different. Here the provision is that he shall not labor longer than sixteen consecutive hours. This on his own account and also to protect the public. The proposition involved in the amendment I have offered applies to anyone who does this by any kind of false representation—to no one else:

I am sure the higher officials of the Brotherhood of Locomotive Engineers would not countenance anybody who would make a false representation, and yet they would recognize that in a case of that kind, where, by affirmative concealment or misrepresentation of any kind, a man should procure himself to be employed longer than sixteen consecutive hours, thereby putting in jeopardy the lives of all whom he may have in charge traveling on the train on which he is employed, there should be some punishment inflicted for it. The cases are widely different.

I do not mean to say that in the first case I think it is a wise or a proper or a necessary provision that a man shall not be permitted under any circumstances to work longer than eight hours a day, and that if he should be permitted to do so on his own request that he should be fined for it. I believe just the contrary. I do not believe there is any occasion for any such legislation, and I will never support any such punishment here or elsewhere. There is no occasion for it. Legislation of that character is running wild when you go to that extent. But in this case there is propriety in limiting the hours of labor and imposing a penalty for a violation of such a restriction. Therefore I shall most heartily support a bill of this kind when it can be put in proper shape.

I now, Mr. President, want to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to the fact that his bill, printed with the amendments that have been offered, is, in appearance, a tattooed kind of an instrument. In the first place, we have the bill covering two pages, as it was originally introduced by the Senator. That is all marked out. The bill reported by the committee is a substitute, and to that substitute there are some ten or twelve amendments offered and printed.

Mr. GALLINGER. Twenty-five.

Mr. FORAKER. Twenty-five amendments, the Senator from New Hampshire tells me. I have not stopped to count them. It is utterly impossible at this stage of the session to give anything like proper consideration to a measure of this importance. Therefore, Mr. President, in order that we may have some disposition of this matter, I will move that this bill may be recommitted—if the Senator from New Hampshire will allow me to make that motion, for I had forgotten that I was speaking in his time—I think the bill should be recommitted.

I sent to the Committee on Education and Labor, where this bill is supposed to have been considered, and where it was considered—the committee from which it was reported—to get a copy of the hearings before the committee, and I learned there were no hearings that were printed; that only one witness was heard, and that was Mr. Fuller, the legislative representative.

Mr. President, it must be manifest to everybody that this is an important matter, one we ought not to fail to give proper consideration to, and certainly one we should not think of voting upon until we have carefully considered it.

Every amendment I have offered has been offered in the utmost good faith, because I think it is calculated to better the bill; but whether it is or not, I can not discuss these amendments here to-night under existing conditions with any satisfaction to myself or to anybody else. So I hope the Senator from Wisconsin will not object to this bill being recommitted, for, manifestly, it can not be properly considered here at this time, and if we should pass it, it could not be considered in the other House.

Mr. GALLINGER. Mr. President, one hour and thirty-five minutes ago I yielded to the Senator from Montana [Mr. CARTER] for what I supposed was a question.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. Certainly.

Mr. CARTER. I desire to say to the Senator from New Hampshire that I had not completed my statement; but I will, of course, if he so desires, yield the floor, with the understanding that he is to be given the opportunity to answer the question which I propounded.

Mr. GALLINGER. I have felt, Mr. President, as though I had gotten, to use the phrase of the street, "lost in the shuffle." Now I will resume, and occupy a very few minutes in completing the remarks that I had in mind when I commenced more than an hour and a half ago.

The honorable Senator from Ohio [Mr. FORAKER] well says that this is a tattooed bill. When we were debating the rate bill I took occasion to say that it reminded me of Joseph's coat, and certainly this bill bears a resemblance to that scriptural garment.

The original bill, as reported from the committee by the Senator from Iowa [Mr. DOLLIVER], is stricken out, and I have been at a loss to understand why he is not in charge of his bill. Twenty-five amendments have been offered, and Senators tell me that they have others to offer in due course. The bill ought to be recommitted. If consent was given to make that disposition of it, I would not either weary myself or those who honor me with their hearing at this late hour of this exceedingly humid evening, and I trust that will be the disposition that will be made of it.

Mr. President, the Senator from Montana [Mr. CARTER] suggested that he thought from some observations I made in the beginning of the debate this evening, when I was waiting for that Senator to appear on the scene, that I did not understand this bill. I think I understood it fairly well then, and I think I understand it fairly well now. If I can read it, without stumbling over the numerous amendments printed in small capitals, I will endeavor to do so:

That it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

That it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad, or any of its officers or agents, to require or permit any employee engaged in or connected with the movement of any train in which such commerce is hauled, or to require or permit any employee engaged in or connected with the movement of any train by which such commerce is affected, to remain on duty more than sixteen consecutive hours, except when by casualty occurring after such employee has started on his trip he is prevented from reaching his terminal; or to require or permit any such employee to go on duty without having had at least ten hours for rest.

SEC. 2. That any such common carrier, or any of its officers or agents, violating any of the provisions of this act is hereby declared to be guilty of a misdemeanor, and upon conviction thereof shall be liable to a penalty of $1,000 for each and every such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to fully investigate all cases of the violation of this act and to lodge with the proper district attorneys information of any such violations as may come to its knowledge.

Mr. President, that is a plain, easily understood bill, and if I have failed in any observations I have heretofore made to correctly state precisely what the bill means, I certainly have been very unfortunate in the use of language.

When this bill was before the Senate a day or two ago the Senator from Wisconsin expressed—I will not quote his words accurately, for I have them not before me, but I will state the substance of them—he expressed profound surprise that any member of this body should be found in opposition to this most humane and meritorious bill. Mr. President, the Senator from Wisconsin need not disturb his virtuous soul over any position that I have or will take on a measure of this kind, because whatever position I do take, or whatever assertions I make in reference to it, are made in quite as much sincerity as anything that will fall from the lips of the Senator from Wisconsin.

I believe the bill to be a mischievous bill. I believe it will do harm and nothing but harm if it shall be enacted, and for that reason I shall say a few additional words in opposition to it, and will be glad to vote to have it recommitted to the committee, and, failing in that, I shall take pleasure in voting against it if it shall come to a vote.

The Senator from Wisconsin has on several occasions dwelt upon the preponderance of railroad casualties in this country over those of foreign countries. Mr. President, I think I can see a great many reasons why, in the very nature of things, we would have more casualties in this country than on European railways. But I want to ask the Senator from Wisconsin here and now if he is sure that his statistics concerning rail-

ways are as accurately compiled as those in reference to American railways? We know that the Interstate Commerce Commission compels a report upon every accident upon every railroad in the United States, and we get absolutely accurate statistics. Does the Senator know that foreign railway corporations are required to be as accurate in this matter as American railways are required to be?

As I suggested, Mr. President, the conditions are different between American railways and foreign railways. Not only that, but they are different between our own railroads in very many particulars.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Montana?

Mr. GALLINGER. I yield to the Senator.

Mr. CARTER. In line with the very profound argument of the Senator, I recall that a gentleman who was a principal contractor during the construction of the Northern Pacific Railway, a Mr. Muir, and who, I think, is still living, was a contractor at one time in Brazil. He was called upon to respond to a subpœna of a coroner's jury in the Territory of Montana. He said that this was a strange experience; that in Brazil the Government furnished the men, and that when they killed ten or twelve, they turned them over into the dump and nobody ever inquired about them at all. But we had the impertinence in the Territory of Montana in the Territorial days to hold a coroner's inquest. That was something new to the man who had contracted for the construction of a railroad in Brazil. I suppose the statistics are based upon Brazilian experience to some extent.

Mr. GALLINGER. It is a well-known fact, Mr. President, that so-called "statistics" can not always be relied upon. It has been sometimes said that figures do not lie, but those of us who have been in public life for some time know that we can take a table of statistics and prove almost anything from them. So when it is asserted with so much vehemence that our railroads are mismanaged, that we are behind the times so far as a great many things that conduce to the comfort of the people and the safety of human life as compared with European railways, I should like to pause and have statistics as accurately compiled as they are in this country presented to me for comparison.

But, however that may be, it is claimed that this bill is in the interests of the American people. On a previous occasion, Mr. President, I said I had been in public life for about twenty years and not one single complaint had come to me from any section of the United States along the lines that this bill proposes to correct so-called "evils;" and it is a most astonishing thing to me, because I am the receptacle of complaints of almost every conceivable variety, as I apprehend every other Senator is, that no man or woman has taken the trouble to call my attention to the fact that the men who run on our railroads demand this legislation.

The Senator from Montana has put in the RECORD extracts from the report of the so-called "Industrial Commission"—a book which, as the Senator suggested, is full of matter that public men ought to read, but which is seldom resorted to, and which, when we come to examine it, oftentimes proves very illuminating to us. I had myself looked into that question somewhat in connection with the report, and I had discovered the fact that Mr. Arthur and Mr. Sargent and Mr. Clark, a gentleman whose name has been suggested as a good man to put on the Interstate Commerce Commission, and other representatives of labor in this country gave testimony before that Commission in which they placed themselves unqualifiedly against the idea that any legislation of this kind was needed.

Mr. President, that was not many years ago. That a petition has since been secured I do not doubt. The gentleman who sits in this gallery day after day representing these men would be out of work if he could not get up something of this kind once in a while. The walking delegate would not be of any account in this country if he did not get up a strike now and then; and it is not to be wondered at that Mr. Fuller, with his enterprise and ingenuity and his intelligence—an honorable man—should be able to get signatures to a petition asking for legislation along these lines. But I do not think, Mr. President, that that proves anything as opposed to the testimony that these distinguished men at the head of the labor organizations of this country gave the Industrial Commission only a few years ago. They spoke words of truth and soberness; they knew what they were talking about; they found that the men were not asking for legislation of this kind. Some of them, at least, testified that the railroads were treating their men compassionately and kindly, and that there was, as I said on a former occasion, mutual agreement, conciliation, and kindness existing between those men and the railroad managers.

The Senator from Montana did wisely, Mr. President, in having the report of the committee read in the hearing of the Senate this evening, and it is significant that the author of that report, the distinguished Senator from Iowa [Mr. DOLLIVER], said:

> The object of this bill is to correct conditions which exist here and there in the United States.

Well, Mr. President, that is the trouble with our present-day legislation. We are chasing phantoms; we are scared at spooks; we are legislating for conditions that exist here and there, and trying to correct everything under the sun by legislation. There is no evidence that this is a widespread evil; there is no evidence that the men themselves have asked for this legislation. It is found but here and there in isolated spots. Some men perhaps, have been required to work a little longer than they ought to be required to work. Some of them have asked to work those additional hours, they being the offenders rather than the men who were employing them.

Not only, Mr. President, have we during this session of Congress been treated more than once to a picture of the devastation by the American railways, of the ruthless destruction of human life by the men who manage these great and beneficent corporations, but we have been told more than once that the exactions of these men, so far as fares are concerned, are exorbitant; and it has been suggested more than once that we ought to pattern after European railways in that regard as well as in some other respects.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 186) relating to the printing of 12,000 copies of the Report on the Progress of the Sugar-Beet Industry; in which it requested the concurrence of the Senate.

The message also returned to the Senate, in compliance with its request, the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body under the laws of the United States.

REPORT ON BEET-SUGAR INDUSTRY.

Mr. DOLLIVER. I ask that the joint resolution which has just been sent over from the House be laid before the Senate.

The joint resolution (H. J. Res. 186) relative to the printing of 12,000 copies of the Report on the Progress of the Beet-Sugar Industry was read the first time by its title, and the second time at length, as follows:

> *Resolved, etc.*, That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States for 1905, 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, and 8,000 copies for the use of the Department of Agriculture; and that the Secretary of Agriculture be authorized to print and distribute annually hereafter 8,000 copies of such annual reports covering the progress of the beet-sugar industry: *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture.

Mr. DOLLIVER. I ask unanimous consent that the joint resolution be put on its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate as in Committee of the Whole resumed consideration of the bill (S. 5233) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. GALLINGER. Mr. President, the Senator from Montana has complained to me that I cut him off somewhat abruptly, and so, for the purpose of permitting him to complete his remarks, I will occupy the floor but two or three minutes longer.

I was alluding a moment ago to the fact that it had been stated over and over again that the fares on American railroads were exorbitant, as compared with those of other countries. Under date of June 8, 1906, the Senator from Massachusetts [Mr. LODGE] had printed as Senate Document No. 479 a most interesting table on this subject. It shows that an examination of about 115 routes of substantially the same length in this country and in Europe prove conclusively that

in almost every instance the fares on American railroads are less than those on the railroads of France, Germany, and Great Britain.

Mr. NELSON. Will the Senator allow me to interrupt him for a minute?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. With pleasure.

Mr. NELSON. I think a comparison of the rates in this country with the rates in Europe is fallacious and can not be depended upon, for the reason that the rates in Europe include what we call express matter and the carrying of the mails. Here in the figures that they give they eliminate from their transportation rates what they receive for express matter, and as we all know they receive a very high rate for that.

Then, the railroads in this country receive in one way and another nearly $50,000,000 for carrying the mail. There is no class of freight for which there is paid so high a rate as for carrying the mails. I do not suppose there is a car run by any railroad in this country, I mean a car carrying any kind of freight, that earns as much per year as our postal cars.

If the express matter and the carrying of mails were taken into account, as they are in the statistics of foreign countries, I think it would be found that those figures are unreliable.

I trust the Senator will forgive me for this interruption.

Mr. GALLINGER. The Senator does not need to ask my forgiveness. But I do want to ask the Senator a question. It is this: When a traveler purchases a ticket to go, we will say, from Paris to Orleans, for instance, in France, do they charge him express matter and postage? [Laughter.] The Senator knows they do not. So the statistics are not, as the Senator says, fallacious. They have been very carefully compiled by a gentleman who is an expert in this business and show conclusively that we are carrying passengers for a less rate than they are carried in Europe.

Mr. NELSON. I supposed when I replied to the Senator that he referred to their freight rates.

Mr. GALLINGER. Not at all.

Mr. NELSON. And not passenger rates.

Mr. GALLINGER. Passenger rates.

Mr. NELSON. In respect to that I want to call attention to certain facts that anyone conversant with passenger rates in the old country knows. They have first, second, and third class rates there. The first and second class rates are higher than ours, but the great body of the people travel there in third and fourth class cars.

Mr. GALLINGER. Except Americans.

Mr. NELSON. And those rates are very much lower and cheaper than they are here. Americans do not travel third and fourth class, I know, and it is a common saying there that noblemen, princes, and Americans travel first class.

Mr. GALLINGER. On that point I want to present an object lesson. In New England there is not a very big territory, but it stands for something, nevertheless. We travel for 2 cents a mile, no more and no less. I buy a mileage ticket for 1,000 miles. I can use it myself or let the Senator from Minnesota take it and use it; I can let anybody use it. Does the Senator believe that in all Europe there is as generous a rate of travel for passengers in the kind of cars we use in this country as that?

Mr. NELSON. If the Senator will allow me to answer him, I think that if we take into consideration the character of our cars, the manner in which they are upholstered and furnished, and everything, our people get better accommodations for their money than there. The third and fourth class cars in the European countries are poorly furnished. The lower class of cars, in fact, are not upholstered at all. The great body of the people travel there at rates that are strikingly low.

Speaking about railway rates, mileage tickets at 2 cents a mile, I have for years had the opinion, and still have it, that it would be a wise and judicious thing for the railroads of this country to make a uniform flat rate of 2 cents a mile for everybody, abolishing mileage tickets, abolishing everything, and have it so that whether a poor man travels 10 miles or a rich man travels 10,000 miles he can travel for 2 cents a mile.

Mr. GALLINGER. Does not the Senator think we are coming to that pretty rapidly?

Mr. NELSON. I hope so. I think that day may come, because it is the poor people who travel short distances, and I think poor people ought to have the same rate per mile for their benefit as those who are wealthy and travel thousands of miles. I would abolish mileage tickets and all that, and I would have one uniform rate throughout the country.

Mr. BEVERIDGE. I will say to the Senator on that point that we have made it a platform declaration in the State of Indiana.

Mr. NELSON. Platform declarations are not always reliable.

Mr. BEVERIDGE. They are in Indiana. This great reform, to which the Senator calls somewhat belated attention, is being actually put into practical effect in the State of Indiana.

Mr. GALLINGER. Did the Senator from Indiana write the platform?

Mr. BEVERIDGE. I wish the Senator would not question me about that.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from North Dakota?

Mr. GALLINGER. I yield to the Senator from North Dakota with pleasure.

Mr. HANSBROUGH. In connection with the question of railroad passenger rates, I wish to call the attention of the Senator from New Hampshire, and also of the Senator from Minnesota, to the fact that two of the great trunk line railroads in the Northwest are now selling mileage tickets of 5,000 miles for $100—2 cents a mile—and the tickets are interchangeable; they are good on either one of the roads.

Mr. NELSON. Will the Senator from North Dakota tell me how a poor man would buy a 5,000-mile ticket?

Mr. HANSBROUGH. I only mentioned it to show that what the Senator from New Hampshire said—that the tendency is toward a lower rate—is illustrated by the facts to-day.

Mr. BEVERIDGE. What we propose to do——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Indiana?

Mr. GALLINGER. I yield to the Senator from Indiana. I yield to any Senator.

Mr. BEVERIDGE. What we propose to do in Indiana is not to make a 2-cent mile rate for 5,000 miles or 1,000 miles, but for 1 mile, 10 miles, or any other distance. This is a reform which has actually begun.

Mr. McCUMBER. Will the Senator from New Hampshire yield to me for morning business?

Mr. GALLINGER. I will, with pleasure.

Mr. McCUMBER. I report from the Committee on Pensions favorably the following bills, and ask for their immediate consideration.

The VICE-PRESIDENT. Under the rule, reports are not in order. The Senator from New Hampshire has the floor. After the Senator from New Hampshire has concluded the Chair will recognize the Senator from North Dakota.

Mr. McCUMBER. Will the Senator yield to me for a moment?

Mr. GALLINGER. Certainly.

Mr. McCUMBER. I was not here, Mr. President, as I said, when this matter was discussed, and I want to put a few questions to the Senator from New Hampshire, who has been discussing it several times on the floor and who perhaps can give me the information. I know this at least about the railway business in my section of the country and in the section west of us, that a great many of the runs are what we call "round-trip runs," so far out from a given place. There they meet another freight train coming the other way. The crew takes that freight train and comes back east again with the expectation of getting back to their homes in the evening. There may be nothing but a roundhouse at the end of their journey, generally a section house, at the place which is made the end of the division.

Now, suppose a crew has taken its train out on time, taken it to the proper place to meet the train to come back on, and that train is delayed an hour or two or three hours; delayed not by reason of any casualty, but delayed sometimes, I think, by reason of the laziness of the crew in handling the freight, because in my experience in traveling upon the accommodation trains I have very often thought that the crew themselves were rather anxious to get the long hours, and therefore they were in no hurry to get back from the place from which they started, because eight hours constitute the day, and for every hour in addition to that they are paid extra time.

On the freight trains they make these round-trip runs back and forth. Under this bill, as I understand it, if the train which they are to take back is belated by reason not of a casualty or an accident, but is delayed by reason of the great amount of freight that they have or the lack of steam or poor coal, or anything of that kind, then the entire crew would either have to remain there in the roundhouse overnight or else they would have to run back to some other place and sidetrack for the entire night rather than to run an hour or ten minutes beyond the given time.

Mr. GALLINGER. The Senator is undoubtedly right, and if he——

Mr. McCUMBER. Now, I want to know what demand there is for that character of legislation in those particular cases.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. GALLINGER. Yes, sir.

Mr. NELSON. I think both Senators are proceeding on a wrong theory. My understanding is that train men, as a rule, do not work by the hour, but they work by the mile. Am I not correct about that?

Mr. GALLINGER. That is the rule.

Mr. McCUMBER. So many miles constitute the day. One hundred and twenty miles, I think, or 100 miles constitute the day. Then, if they put in extra time they are paid for the extra number of miles, and it does not make any difference whether it is in hours or in miles, they are paid for that extra time.

Mr. GALLINGER. I was about to remark that the Senator from North Dakota is undoubtedly right that they would have to camp in the roundhouse, and if the train was loaded with live stock it would have to stay there on the siding on the ground, I suppose.

Mr. McCUMBER. How would that affect the bill we have already passed requiring live stock to be unloaded in so many hours?

Mr. GALLINGER. I think it would affect it very seriously.

Mr. McCUMBER. Then they would have to turn the live stock out on the prairie, if the train got belated for any reason.

Mr. GALLINGER. That might happen.

Mr. McCUMBER. It seems to me there are so many of these exigencies, so many of these contingencies, that no Senator can vote on this subject intelligently, and I hope that with the great amount of railway legislation which we will have enacted at this session we shall not be now forced to vote on something which may be all right, but of which none of us can foresee the result. I sincerely hope that the Senator will be willing to be satisfied with the legislation that we have already enacted at this session and let this matter go over until we can investigate it, not only from the information that we secure here, but investigate it from our own homes and see what the conditions are there, seeing what the people want there and approve of, and ascertaining whether or not the damages would be far greater than the benefits.

I am free to say, Mr. President, that it may be that it is an exceptionally good bill; it may be that it is better than we think it is at present; but whether it is or not, we ought to take sufficient time to digest it, to consider it thoroughly and consider it after we have secured the proper information.

I do not know how we are going to secure proper information unless we have this measure before the committee and then invite those who are interested in the bill, the railway employers and also the employees, to present their case before the committee as the case of the rate matter was presented by the shippers and by the common carriers themselves. It is only by that means that we can get proper and intelligent legislation.

Mr. HALE. Will the Senator from New Hampshire yield to me to make a statement as to the order of business?

Mr. GALLINGER. Certainly.

The VICE-PRESIDENT. The Senate will be in order.

Mr. HALE. A concurrent resolution has passed both Houses providing that there be put upon the deficiency bill by the conferees—it could only be done by a resolution—the items made necessary for appropriation under the public buildings bill. That bill does not carry appropriations, but provides the amount to be expended upon each building, and the proportion of money needed for the next year.

The Senate conferees on the deficiency bill have agreed upon that bill and are waiting until the figures can be made up of the amounts necessary to be appropriated for the next year on the public buildings bill. I hope to receive those figures before a long time and they will be incorporated in the deficiency bill and then I shall report that bill to the Senate. That is the last of the appropriation bills. I hope that we shall very soon get the results of the estimates that are being made, and I assure the Senate that I will hasten then to report the bill.

I make the explanation because the Senate is waiting, I know, while attending in the meantime to the bill before it, for the deficiency appropriation bill.

Mr. GALLINGER. Mr. President, I gave a rough guess that there were in this document 115 routes of about the same length in this country and in Europe, and it shows that in almost every instance the rates are very much lower in the United States than in France, Germany, and the British Empire, in some cases 40 per cent lower.

There are fifteen routes of almost identically the same length, where a comparison is made that is very striking, for the reason that in these cases the charges include a berth in a sleeping car as well as the ticket. While I have not had the misfortune to travel in foreign sleeping cars, some of my friends have told me that they are not the most luxurious arrangements they have found in their human experience. They do not compare with ours, I am told.

We will take, for instance, from Baltimore, Md., to Pittsburg, the distance is 342 miles. From Paris to Strassburg it is 313 miles, a few miles less. The American rate is $10; the European rate is $13.84.

From New York to Rochester, N. Y., the distance is 371 miles, and from Paris to Carlsruhe is 365 miles. The American rate is $10.18; the European rate is $16.53.

From New York to Batavia, N. Y., the distance is 404 miles. From Paris to Heidelberg it is 390 miles, a few miles less. The American rate is $10.30; the European rate is $17.57.

From Washington, D. C., to Buffalo, N. Y., it is 438 miles; from Paris to Stuttgart it is 422 miles. The American rate is $13.70; the European rate is $19.06. And so on, Mr. President.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Certainly.

Mr. NELSON. The European rate in all those instances is not a fair basis of comparison. Those are the figures only for first class, and nobody travels first class there except princes and a few foolish and vainglorious Americans. The mass of the people travel third class, and therefore the first-class rates ought not to be cited here.

Mr. GALLINGER. What do the Europeans sleep in? This says "berths in sleeping cars." Do they not sleep in beds when traveling in Europe?

Mr. NELSON. As a rule sleeping cars are not used there because the distances are generally short.

Mr. GALLINGER. But they are used on these fifteen routes, which are selected routes.

Mr. NELSON. They may be used in a few instances, but most of the travel there is for short distances, 50 miles or 100 miles, and there is little occasion for dining cars and sleeping cars.

Mr. GALLINGER. The Senator makes it worse than I have made it. If they do not have as good accommodations as the Americans, then it is all the worse, because they pay 40 per cent more. The Senator will see that he has given me an argument instead of refuting my argument. If I had said they had better accommodations, then perhaps my argument would have been fallacious.

Now, Mr. President, these fifteen routes on American roads aggregate 12,594 miles; the European roads 12,115 miles, 400 miles less. The rates on the American roads are $378.38; on the European roads, $523.89, or just 40 per cent more than we pay in this country.

While I know that this has not any very direct relation to the bill under consideration, yet in view of the many statements that have been made during this session I felt that it might be well to put these figures in the RECORD, so that when we are told hereafter that our American railroad managers are extortionate, and that they are imposing upon the traveling public, and we are pointed to England, France, and Germany as countries where people are treated better than they are here, we can say to them that this record disproves that statement.

Now, Mr. President, I am through. I did not intend to take so much time, but I have been interrupted, and I shall regret to see in the body of my speech the eloquent remarks of the Senator from Montana, who arraigned me because of my ignorance of this bill. I simply desire to add that if this bill shall be recommitted and a fair hearing shall be had, where the men who are at the head of these labor organizations shall be invited to appear, and if I was conducting that investigation I should insist that some of the men themselves should appear, and the railroad managers be given an opportunity to be heard, and if the committee then in its wisdom feels that we ought to pass a bill of this kind I certainly would not obstruct it.

But inasmuch as there has been no hearing on this bill, inasmuch as the only man heard was the man who is at the head of these organizations in a legislative capacity, who is looking down upon us as we try to legislate from day to day and noting whether we are good or bad from his point of view—I say, inasmuch as he seems to be the only man who gave testimony before the committee, I do not feel like giving my assent to this legislation. I trust that the motion of the Senator from Ohio to recommit the bill will prevail. If he had not made it, I would have made it myself.

Mr. CARTER. Mr. President, I am under obligations to the

Senator from New Hampshire [Mr. GALLINGER] for having yielded to me in such liberal manner, and I shall not detain the Senate much longer in the conclusion of the observations I was proceeding to make when he justly and properly reasserted his right to the floor.

As I have suggested, in the State which I have the honor to represent in part on this floor the railroad operatives, situated as I have suggested, desiring to spend what is known as the lay off at their homes instead of at the terminals in the woods or on the open plains, defeated a bill of this kind in the legislature of the State. I did not pay particular attention to the debate in the Montana legislature on that bill. I am not prepared to say just what particular objections were urged against its passage. But it is probable that Montana was included in the category mentioned in the report, which says:

It is proper to say that nearly all of the railways of the country have appreciated the necessity of limiting the hours of labor in the operation of trains, and that the brotherhoods of railroad employees have at present liberal contracts with very many of the most important railway systems of the country.

I have no doubt that the railway operatives who opposed the violent and unsought interjection of the legislative arm into their affairs had satisfactory contracts with the railroads for which they were working. With 2,000 miles of railroad operated in that State, and probably 10,000 men engaged in their operation, I have not received one word, one line, one syllable, from any railroad operative in the State complaining of the conditions there existing. I have for my guidance the reputed opposition of the railway men of that State to any needless legislative interference with their affairs. Under such conditions I am not willing, unadvised by them, uninstructed and uninformed as I am, to have the National Government or the Senate, as far as it can, interpose its arm to interfere with the peaceful and satisfactory relations there existing.

Mr. President, we have in the United States 220,000 miles of railway. This vast mileage of railways is being operated by probably 2,000,000 men, and a more intelligent, capable, and devoted body of men can not be found engaged in any vocation in this world. When we leave this Chamber to repair to our respective homes, we will each retire in perfect confidence, relying upon the judgment, the fidelity, and the devotion to duty of the engineer, the fireman, the brakeman, and the men who handle the switches along the line. They all pass the best civil-service examination provided for any body of employees in any service in the world. We have passing over the great transcontinental lines at regular periods expert men who compel all the employees to pass an examination not only with reference to intellectual capacity and a knowledge of rules, but likewise with reference to the accuracy of their eyesight and hearing and all the physical attributes necessary to the best possible physical and intellectual service. From all these men, 2,000,000 in number, I will warrant to-night not a half a dozen Senators in this Chamber have received five letters recommending the passage of this bill. Is not that astonishing?

When we the other day touched a point where the free transportation of the families of employees was about to be interfered with in the railway rate bill, this Chamber was made yellow with telegrams received from thousands of sources, from the Gulf of Mexico to the Lakes and from the Atlantic to the Pacific. What about this bill, reported here on the 9th of June, never called up by the committee which reported it, introduced for the first time on the 15th of March, proposing violently to interject a new rule of action into the management of the 220,000 miles of railroad in this country? Has anybody received a telegram about it, except the Senator from Ohio [Mr. FORAKER]? How many did the Senator from Ohio receive?

Mr. FORAKER. I got two.

Mr. CARTER. Two out of 2,000,000 people! The eyes of the country are upon us to-night! Let me suggest——

Mr. FORAKER. I made a mistake. I received three.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the reports of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the following bills:

H. R. 17842. An act granting a pension to Josephine V. Sparks; and

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.; and

H. R. 19750. An act to amend an act entitled "An act to simplify the laws in relation to the collection of revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States; and

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas.

SUITS BY THE GOVERNMENT.

The VICE-PRESIDENT laid before the Senate the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body under the laws of the United States, which was returned from the House of Representatives in compliance with the request of the Senate.

Mr. CLARK of Wyoming. I move that the vote by which the bill was passed be reconsidered, and that the bill be indefinitely postponed.

The VICE-PRESIDENT. The Senator from Wyoming moves that the vote by which the bill was passed by the Senate be reconsidered. Without objection, the vote is reconsidered, and without objection the bill is indefinitely postponed.

HOUSE BILL REFERRED.

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr., was read twice by its title, and referred to the Committee on Commerce.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. BERRY. Will the Senator from Montana yield to me to make a report from a committee?

Mr. CARTER. I will withhold for a moment.

Mr. BERRY. I am directed by the Committee on Commerce to report the bill——

The VICE-PRESIDENT. A report is not now in order under the rule of the Senate. The Chair will recognize the Senator from Arkansas in his own right after the Senator from Montana has concluded.

Mr. NELSON. Will not the Senator from Montana quit entirely for a moment?

Mr. CARTER. Mr. President, I am prepared to yield the floor, but before yielding it I wish to submit in all seriousness to the committee that this bill came originally into this Chamber, as introduced, containing three pages, all of which was stricken out by the committee and a substitute reported, and that substitute has been so mutilated by amendment that it has extended to four pages and a part of another page; and I will warrant at this moment there is not a Senator in this Chamber outside of the Senator having charge of the bill who can tell anything about the bill or any two amendments proposed to it.

It is proposed within a brief time of the adjournment of Congress to commit the Senate of the United States, the conservative element of the Federal Government, to a measure of this sort, which, if enacted into law, would possibly—perchance not—bring chaos and confusion into the operation of the most majestic transportation system this world has ever known.

Much has been said in derrogation of our railroads. I had the privilege at one time of going to Europe. I was just four weeks absent from the dock in New York, and I was mighty glad to get back. I went from Paris to Cologne, from Cologne to Mayinz, from Mayinz back to Cologne, from Cologne to Ostend, from Ostend to London, from London to Southampton. That is the measure of my European travel. Let me say to the Senator from Minnesota that the Jim Crow car of the South is a traveling palace compared with the continental third and

fourth class cars. I traveled in a first-class car from the city of Antwerp to Paris.

Mr. NELSON. Then you must have had a prince with you.

Mr. CARTER. I did not have a prince. I had a second-class ticket, but they ran out of second-class cars and they had to put me in a first-class car.

Mr. NELSON. With a prince?

Mr. CARTER. We did not even have a prince with us. What is more, there was not a drink of water on the train, so far as I heard. As we went into the city of Paris, trying to preserve the little children of mine from being taken for colored children, I had to buy Rhine wine and Apolinaris to wash their faces on the train. To compare that system of jerk-water railroads with our splendid system, Mr. President, is perfectly ridiculous. We do not in this country appreciate the good things we have. I think we have in the United States the most intelligent, the most aggressive, the most progressive railroad men that this world has known. We have the best operated railroads and the best equipped railroads in the world. It is said the best railway train in Europe is that which runs from St. Petersburg to Ostend. I rode upon that train. I saw its sleeping cars and its dining car. I can go out on a jerk-water railroad in the West and get as good equipment as that railroad has. There is no comparison with our best roads.

The men who operate the roads—the engineers and firemen and conductors and brakemen—whom it is desired by this bill to put into a strait-jacket of law, are a most intelligent, effective body of men. You can select conductors of intelligence fairly comparable with the intelligence of members of this body. Mr. President, most of these men, it is said by this report, have already entered into amicable and satisfactory arrangements with the railroads of the country, and only here and there is a dissatisfied person. Now, we propose to make the vast majority dissatisfied by putting a strait-jacket on them in order to reach the few dissatisfied people. I am unalterably opposed to any measure which provides that any man shall work sixteen hours anywhere or in any occupation, and this bill proposes that as the maximum, and to that proposition in the bill I am opposed.

Mr. President, I think we are undertaking to legislate too much for the American people. They are a people of high intelligence and capable of understanding and managing their own affairs to an extent we little suspect. The spirit of paternalism is being developed in this country as it has been developed rarely in any other country. We are endeavoring to think for the people, to fix rules of action from the cradle to the grave, and to destroy that freedom of action which has been the glory of American life and has led to the magnificent achievements in literature, science, and art of which we are so proud.

Let us legislate next winter, if legislation be necessary upon this subject. If the railroad men do not know how to take care of themselves and make contracts, we will then provide for them by law. But I desire to consult upon these questions the man who handles the throttle and the man who punches the ticket and the man who sets the brakes and the individual who knows something about the business rather than the professional representative.

I ask that the bill may go over or be recommitted to the committee, where the man who operates the railroad as general manager may be heard, where the head of the locomotive engineers may be heard, where the men who are at the head of the firemen and the conductors' organizations may be heard, before we undertake to railroad through this body a piece of legislation which will affect all these persons to an extent we can not conceive of and in our ignorance must confess we do not understand.

MISSOURI RIVER BRIDGE AT SOUTH OMAHA, NEBR.

Mr. BERRY. Mr. President, is it in order for me to make a report at this time?

The VICE-PRESIDENT. Yes.

Mr. BERRY. I ask unanimous consent to report from the Committee on Commerce the bill (H. R. 17972) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

Mr. NELSON. I ask unanimous consent for the present consideration of the bill.

The VICE-PRESIDENT. The Senator from Minnesota asks unanimous consent for the present consideration of the bill which has just been reported. Is there objection?

Mr. LA FOLLETTE. I am sorry that I can not consent.

The VICE-PRESIDENT. Objection is made.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

Mr. CARMACK. Mr. President, I do not rise to debate this measure. There has already been more debate than the bill itself called for. I am struck with some remarks made by the Senator from Montana [Mr. CARTER] on the general subject that we legislate too much. I do not know that that is a just criticism, but I am inclined to think we are governing too much. There is too much activity in certain quarters of Government, too much of a disposition to interfere with the business of the people and to assume that certain things are in the province of the Government or certain departments of the Government which ought to be left to the people.

This, however, is not at all a new subject of comment or criticism. It has been commented upon by others many years ago, and I wish to read a little statement pertinent, I think, to the general subject on which the Senator from Montana [Mr. CARTER] has been commenting and of which I think he will entirely approve. I have no doubt the Senator will recognize the picture, drawn by one of the master portrait painters of all the ages, Thomas Babington Macaulay. This portrait was drawn many years before the subject of it was born, but nevertheless it is as true to life as if the subject had been sitting in the presence of the painter:

> Most of the vices of Frederick's administration resolve themselves into one vice, the spirit of meddling. The indefatigable activity of his intellect, his dictatorial temper, his military habits, all inclined him to this great fault. * * * He interfered with the course of justice as well as with the course of trade, and set up his own crude notions of equity against the law as expounded by the unanimous voice of the gravest magistrates. It never occurred to him that men whose lives were passed in adjudicating on questions of civil right were more likely to form correct opinions on such questions than a prince whose attention was divided among a thousand objects, and who had never read a law book through. The resistance opposed to him by the tribunal inflamed him to fury. He reviled his chancellor. He kicked the shins of his judges. He did not, it is true, intend to act unjustly. He firmly believed that he was doing right and defending the cause of the poor against the wealthy. Yet his well-meant meddling probably did more harm than all the explosions of his evil passions during the whole of his long reign. We could make shift to live under a debauchee or a tyrant, but to be ruled by a busybody is more than human nature can bear. * * *

PUBLIC BUILDINGS BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 8, 9, 10, 23, 28, 34, 36, 37, 41, 42, 46, 47, 48, 52, 55, 59, 60, 61, 62, 63, 65, 68, 69, 74, 79, 80, 82, 89, 93, 97, 98, 109, 121, 123, 127, 128, 129, 130, 131, 132, 145, 148, 156, 157, and 158.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 12, 13, 15, 16, 18, 19, 20, 22, 24, 25, 26, 29, 31, 32, 33, 35, 39, 43, 45, 49, 51, 53, 56, 57, 64, 67, 71, 75, 76, 85, 86, 87, 88, 90, 91, 94, 95, 99, 100, 101, 102, 103, 104, 105, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 124, 125, 126, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 147, 154, 160, and 162; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: After the word "post-office" insert the words "and court-house." Strike out the words "Government buildings" and insert in lieu thereof the words "governmental offices;" so that said section shall read as follows: "United States post-office and court-house and other governmental offices at San Juan, Porto Rico, three hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: After the word "hundred" insert the words "and twenty;" so that the section shall read as follows: "United States post-office and custom-house, and land office at Eureka, California, one hundred and twenty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert in lieu thereof the word "fifty-five;" so that said section shall

read as follows: United States post-office at Manistee, Mich., fifty-five thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty" and insert in lieu thereof the words "two hundred;" so that said item shall read as follows: "United States post-office, court-house, and land office at Great Falls, Mont., two hundred thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the word "eighty-five" and insert in lieu thereof the word "eighty;" so that same shall read as follows: "United States post-office at Kearney, Nebr., eighty thousand dollars;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out the word "sixty-five" and insert in lieu thereof the word "seventy;" so that same shall read as follows: "United States post-office at Olean, N. Y., $70,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the word "fifty" and insert in lieu thereof the word "seventy," making said amendment read as follows: "United States post-office at Yonkers, N. Y., $170,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out the word "seventy-five" and insert in lieu thereof the word "eighty," making said amendment read as follows: "United States post-office and other governmental offices at Lead, S. Dak., $80,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: After the word "post-office" insert the words "and court-house;" so that said amendment shall read as follows: "United States post-office and court-house at Sheridan, Wyo., $150,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: On page 42 of the bill, after line 7, insert the following:

"SEC. —. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That $30,000 of the $50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 42 of the bill, line 18, after the word "condemation," insert the words "or otherwise;" and the Senate agree to the same.

And disagree on the following amendments, numbered 11, 14, 17, 21, 27, 30, 38, 40, 54, 58, 70, 108, 120, 146, and 159.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

Mr. SCOTT. Mr. President, the disagreements between the conferees of the other House and those of the Senate number fourteen. One is as to New York City, amounting to $450,000; the others are as to Detroit, Mich.; Columbus, Ohio; Chattanooga, Tenn.; Cedar Rapids, Iowa; Des Moines, Iowa; Fernandina, Fla.; Osceola, Fla.; Moscow, Idaho; Boston, Denver, Minneapolis, Richmond, and as to the site for the three Department buildings in the District of Columbia.

I move that the Senate further insist on its amendments disagreed to by the House of Representatives, ask for a further conference with the House, and that the Chair appoint the conferees on the part of the Senate.

The VICE-PRESIDENT. The question is on agreeing to the report of the committee of conference.

The report was agreed to.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Senate still further insist upon its amendments in dispute, ask for a further conference with the House of Representatives, and that the conferees on the part of the Senate be appointed by the Chair.

The motion was agreed to; and the Vice-President appointed as the conferees on the part of the Senate Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON.

Mr. SCOTT. Mr. President, it is the intention of the conferees on this bill to remain in session to-night, but we do not think we should be justified in holding either branch of Congress in session. We understand there are other bills which have been passed which can not be enrolled to-night, and that we shall have to meet to-morrow. I simply suggest that there is no other business to be pressed this evening. The conferees will work and try to reach an agreement by to-morrow morning, so that we can present our report at the earliest possible moment when the Senate then convenes.

Mr. PENROSE. I desire to offer a concurrent resolution pertaining to the pending conference report, and wish to ask for its present consideration.

The VICE-PRESIDENT. The resolution will be read.

The Secretary read the resolution, as follows:

Resolved by the Senate (the House of Representatives concurring), That the conferees on the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," be directed to add to said bill an item of $100,000 toward the construction of a public building at Albuquerque, N. Mex.

Mr. PENROSE. I understand the chairman of the committee will not object to the resolution, and I am also informed that the other House will accept it.

Mr. BEVERIDGE. I merely wish to say, Mr. President, that this amendment providing for an appropriation of $100,000 for Albuquerque, N. Mex., is very reasonable and urgently needed. All of us who have been there agree to that.

Mr. BAILEY. I understand this is a proposition for a committee of conference to add an item to a bill in conference between the two Houses.

Mr. PENROSE. That has been done in the last few days in the case of another bill.

Mr. BAILEY. I am not going to oppose it.

Mr. CARTER. This is a concurrent resolution.

Mr. BAILEY. I am not going to oppose it, but I wanted to observe that I thought it was a very bad practice.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the District of Alaska; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Vice-President:

H. R. 3933. An act granting a pension to James P. Flewellen;

H. R. 7236. An act granting an increase of pension to Abel W. Payne;

H. R. 8867. An act granting an increase of pension to George Stillman; and

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. HALE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

20403) to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 15, 16, 21, 24, 38, 39, 52, 53, 54, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "day;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "$250;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lines 7 and 8 of said amendment, omit the words: ", to be expended only for service rendered in the District of Columbia;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "numbered," insert "five hundred and twelve;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "China," insert "to be available during the fiscal year 1907;" and the Senate agree to the same.

EUGENE HALE,
J. H. GALLINGER,
JAMES H. BERRY,
Managers on the part of the Senate.

LUCIUS N. LITTAUER,
JAMES A. TAWNEY,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.

The report was agreed to.

HOUR OF MEETING.

Mr. HALE. Mr. President, I move that when the Senate adjourns to-night it be to meet at 10 o'clock to-morrow morning.

The VICE-PRESIDENT. The question is on the motion of the Senator from Maine.

The motion was agreed to.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Ohio [Mr. FORAKER] to recommit the pending bill to the Committee on Education and Labor.

Mr. LA FOLLETTE. Mr. President, I shall take the time of the Senate to say just a few words in reply to so much of the discussion as bears on the bill before the Senate. Legislation as important as is this, not only to the thousands of men engaged in this hazardous service, but to all the people of this great country of ours who use the railroads day and night, it seems to me should not be made the subject of jest and ridicule in the Senate of the United States.

The Industrial Commission, in 1899, after taking much testimony upon the subject of legislation such as that with which this bill deals, submitted this recommendation to Congress:

> On the subject of railway labor (Chap. VII), which is undoubtedly covered by the interstate powers of Congress, the Commission are of opinion that Congress should adopt a consistent code of law regulating all matters concerning employment in that industry—such as the hours of labor, the limitation of continuous runs by engineers, or continuous service by telegraph operators or switchmen, without period of sufficient rest.

For many years, Mr. President, not only the railway employees of this country, but the Interstate Commerce Commission, the Industrial Commission, and other authoritative bodies which have investigated this subject have urged upon Congress the legislation covered by this bill. In 1904 the Interstate Commerce Commission stated in its report to Congress:

> The part played by excessive hours of labor in causing railroad accidents is a question that calls for serious consideration. The bulletins published by the Commission record many accidents where the employees involved have been on duty an excessive number of hours, and many complaints from employees that they have been required to work for excessive periods of time have been brought to the attention of the Commission. There are a few roads that have stringent rules to guard against the overworking of trainmen, but in most cases the matter is left entirely to the discretion of the men and to subordinate officials immediately in charge. These subordinate officials, in their eagerness to keep traffic moving, frequently overtax the men, and in many cases the men themselves, through greed for making big pay, willingly remain on duty for excessive periods of time. If there is a reason for limiting the hours of labor in any employment it applies with peculiar force to the operation of railroad trains, since the safety of the traveling public is so largely dependent on the alertness and intelligence of train employees.

There has been no session of Congress for many years when this subject has not been earnestly pressed upon those charged with the responsibility of legislation. It is idle, it is belittling, for Senators to rise now, after having occupied the time of the Senate in various ways for the last few days in order to prevent the consideration of this bill, with a pretense that here is a new proposition for the consideration of Congress. Why, sir, the President of the United States in every message, I think, since he came to that high office has recommended this legislation to Congress.

Senators say that they have heard no complaint. I do not think it strange that certain Senators on this floor are not addressed by the men who labor for the railway companies of this country. The Senator from New Hampshire [Mr. GALLINGER] stated that he has never had a letter or a telegram from a railway employee complaining with respect to the need for legislation here; but he did present to the Senate the other day communications from railway officials. I do not think it strange, in view of the attitude of the Senator, that railway employees have not addressed him in the hope of having any assistance from him in this legislation.

I read to the Senate two or three days ago, when this matter was under debate, a few words from the messages of President Roosevelt. In view of the character of the discussion here to-night I will repeat them now, because, if action upon this bill is prevented at this session of Congress, I shall do what I can here to-night to impress upon the country that it is in the face of the recommendation of the Interstate Commerce Commission, of the recommendation of the Industrial Commission, of the appeals of railway employees of this country, whose petitions come from 194 of the largest brotherhoods of locomotive engineers in the country, which lie upon the table of the Senate, and of the recommendations of the President of the United States, who authorized me to-day to say on this floor that it was his earnest hope that the Senate would take action upon this bill, which is so reasonable in the limitations which it purposes to impose upon the railroads of the country.

In his message to the third session of the Fifty-eighth Congress the President said:

> I would also point out to the Congress the urgent need of legislation in the interest of the public safety, limiting the hours of labor for railroad employees in train service upon railroads engaged in interstate commerce.

In his message to this Congress, nothing having been done by the Congress pursuant to the message from which I have just quoted, he repeated the recommendation, and emphasized it in the following language:

> The excessive hours of labor to which railroad employees in train service are in many cases subjected is also a matter which may well engage the serious attention of the Congress.

To some of the Senators, Mr. President, who have been participating in this discussion to-night, who have proclaimed from this floor to the country that they have heard no demand for this legislation, I commend these words of the President of the United States:

> The strain, both mental and physical, upon those who are engaged in the movement and operation of railroad trains under modern conditions is perhaps greater than that which exists in any other industry, and if there are any reasons for limiting by law the hours of labor in any employment, they certainly apply with peculiar force to the employment of those upon whose vigilance and alertness in the performance of their duties the safety of all who travel by rail depends.

It is doubtless scarcely worth while to call them to the attention of the Senators who have declared that there is no occasion whatever for "meddling," as they term it, between the railway employees and the railroad companies, and that there are no instances reported or recorded where railway employees have been required to labor excessive hours, but I will, nevertheless, put into the RECORD, that it may go to the country with those assertions, the following instances taken from the report made by the House committee which had charge of this legislation:

I find here one instance where injury occurred and where the employee had been required to serve twenty-one consecutive hours; another, where the employee injured had been required to serve twenty-one consecutive hours; another, where the accident resulted in death; the employee had been required to serve twenty-five consecutive hours, with only four hours' rest; another, twenty-one consecutive hours without rest; another, twenty-three consecutive hours without rest; another, thirty-two consecutive hours; another, twenty consecutive hours; another, twenty-four consecutive hours; another, where the whole train crew fell asleep; they had been constantly employed for twenty-seven consecutive hours, with only four hours' rest; another, where they had been constantly employed twenty-nine consecutive hours, with only an hour and a half's rest; another, where the crew fell asleep and the accident resulted in injury; they had been employed twenty-four consecutive hours without rest; another, where they had been employed twenty consecutive hours without rest; another, where they had been employed twenty consecutive hours without rest; another, seventeen consecutive hours, with only four hours' rest; another, where they had been employed twenty consecutive hours without rest; another, twenty-two consecutive hours, with only five hours of rest; another, twenty-two consecutive hours, with only five hours of rest; another, twenty-one consecutive hours, with only five hours of rest; another, twenty-four consecutive hours without rest; another, twenty-five consecutive hours without rest.

The Senator from New Hampshire inquires whether I know anything about the accuracy of the reports made by the foreign governments with which I instituted comparison with the reports of accidents in this country when this measure was last under discussion. I know this in a general way, that the statistics of the foreign governments, the Prussian government and the English Government, from which I read are the most thorough and reliable statistics in the world. I want to say to the Senator from New Hampshire [Mr. GALLINGER], who referred to the statistics reported by the Interstate Commerce Commission with respect to accidents here as being so extremely accurate and so certain to include every instance of injury, that I need but read to him from a late report by the Interstate Commerce Commission. The Interstate Commerce Commission have no account of railroad accidents, except as they are furnished by the railroad companies of this country. The railroad companies furnish such reports with reluctance. They are slow to make these reports. They are slow to report upon these accidents in detail where the detail shows gross carelessness upon their part. Upon that subject the Interstate Commerce Commission, in its report two years ago, which ought to have come to the knowledge of the Senator from New Hampshire and the other Senators who have opposed this measure, said:

> Railway officials often seem to think it is their duty to withhold facts on account of some real or supposed liability to make disclosures which may impair the railroad's rights or interests in further judicial proceedings. Some companies seem to have adopted a settled policy to give the least possible information at all times on any and all subjects.

Mr. President, I want to suggest to those who for many days have interposed every possible objection to a vote upon this bill that in so doing they are assuming a grave responsibility. Scarcely a sun rises, Mr. President, on this country that it does not witness some accident, due to the fact that the railroad employees have been overtaxed in their service. If this legislation is to be withheld from the statute books at this session by methods such as have been employed here to defeat it, those who have engaged in that business will have to assume the responsibility for whatever casualties may befall the traveling public and the railway employees of this country, which the passage of this bill might have served to prevent.

I read from the account of one accident which appears in the Railroad Gazette, a copy of which has been handed to me. This is not a publication issued in the interests of the railway employees or the public; it is a publication issued in the interest of the railroad companies themselves, but I find in it, nevertheless, this account of one of the most serious accidents which has occurred within the past year—and we have had an appalling number, Mr. President.

Mr. FORAKER. Mr. President, if I may interrupt the Senator from Wisconsin, may I inquire if there is any other conference report to come in to-night?

Mr. HALE. I hardly think so.

Mr. FORAKER. If the Senator from Wisconsin will allow me to make a suggestion, it is getting very late. The Senator's speech is interesting, and I should like to hear him further; but I hope the Senator will remember that it is half after 11 o'clock, and that we have to meet to-morrow at 10 o'clock.

Mr. LA FOLLETTE. I will say, Mr. President, that I will conclude in a very few minutes. I have not taken very much of the time that has been consumed in debate here to-night.

Mr. FORAKER. That is quite true, and I dislike to make a suggestion to the Senator, but we are all very much tired.

Mr. LA FOLLETTE. The suggestion is quite in order, and I will say to the Senator that I take it kindly, but I should like to conclude, and I will be able to in just a few moments. I want to read, Mr. President, the account of an accident which cost thirty-five lives a few months ago:

> Only yesterday an officer of an eastern trunk line told us of continued difficulty in getting operators and signal men on his roads. Not long ago a road in Pennsylvania deferred the adoption of the block system on certain lines because of the difficulty of getting reliable men who would work all day (or all night) in the woods, remote from civilization. Clearly, it will be necessary, if competent men are to be secured, not only to pay more money, but also to give the good treatment, vacations, and careful instruction and counsel that competent men desire. And how about moral courage among superintendents and dispatchers? Only a few months ago we had occasion to report an instance on an eastern road—another trunk line—of a signalman working thirty-six hours on a stretch. As we have said, going to sleep is not the greatest fault in the signal or telegraph service, for the rules, in a very simple way, provide against disastrous results from that kind of neglect; but how can a superintendent bear to be responsible even for the secondary cause of a collision? The Denver and Rio Grande apparently empowered dispatchers to permit overwork. Other roads do the same. Do we realize how very cautiously such power ought to be exercised?

In the case of that operator whose continued service caused him to go to sleep with a telegraph key in his hand resulting in a sacrifice of thirty-five lives, the dispatches record this:

> A warrant for the young man's arrest has been sworn out by the railroad officials, but he was allowed to continue at work all day.

I suppose his arrest was deferred in order to have the benefit of his services for another stretch of twenty-four hours after this accident had occurred.

Now, Mr. President, I want to say just one word in response to the remarks of Senators with respect, first, to the hearings upon this legislation. At the present session of Congress hearings were held before the Committee on Interstate and Foreign Commerce of the House of Representatives upon this bill and extended over 107 pages of printed testimony.

Mr. FORAKER. What committee is that?

Mr. LA FOLLETTE. The Committee on Interstate and Foreign Commerce of the House of Representatives.

Mr. FORAKER. Oh, I was speaking of the Senate committee.

Mr. LA FOLLETTE. I understand, and I will come to that in a moment. There is attached to this also a further report of testimony of some thirty or thirty-two pages taken by the same committee upon the same subject.

Mr. President, the extreme difficulty of the railroads in making any sort of opposition to this legislation I suppose was discovered in the House hearings, and when the subject was taken up in the Senate committee there was no appearance on the part of the railroad companies to offer objection to this legislation.

Now, Mr. President, Mr. Fuller, the representative of the railroad organizations of the country, has been referred to in the course of this debate as a walking delegate, and as one who is a mere hired man; not a practical railway employee himself, but for money alone; not because of any personal interest that he has in this legislation, he is here pressing this subject upon the attention of Congress.

Mr. Fuller is a railway conductor, and is at present in the service of the Pittsburg and Lake Erie Railroad Company as such conductor. I hold here a statement signed by the general superintendent of that company certifying to that fact.

> THE PITTSBURG AND LAKE ERIE RAILROAD COMPANY,
> *Pittsburg, Pa., December 27, 1899.*
>
> *To whom it may concern:*
>
> This is to certify that Mr. H. R. Fuller is a passenger conductor at present in the employ of the Pittsburg and Lake Erie Railroad Company, and is granted leave of absence at his own request.
>
> His term of service is as follows: From April 1, 1887, to May 17, 1889, freight brakeman. From May 17, 1889, to October 25, 1898, freight conductor. From October 25, 1898, to date, passenger conductor.
>
> Yours, truly,
>
> J. B. YOHE, *General Superintendent.*

He is here as the representative of the railway employee organizations of the country, as is shown by the following statement:

> [Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen.]
>
> DECEMBER 1, 1905.
>
> *To whom these presents may concern, greeting:*
>
> This is to certify that the bearer hereof, Mr. H. R. Fuller, whose signature appears below, has been duly chosen to serve as the repre-

sentative of the above-named organizations at Washington, D. C., during the first session of the Fifty-ninth Congress, in matters pertaining to national legislation.

W. S. STONE,
Grand Chief Engineer B. of L. E.
JOHN J. HANNAHAN,
Grand Master B. of L. F.
E. E. HART,
Grand Chief Conductor O. of R. C.
O. H. MORRISSEY,
Grand Master B. of R. T.

H. R. FULLER, *Representative.*

I have no doubt, Mr. President, that when the Senator from Ohio offered his amendment imposing a penalty upon railway employees under certain conditions, their representative, Mr. Fuller, promptly wired the organizations, or the heads of the organizations, apprising them of that fact. And I have no doubt that it was in response to the telegrams he sent that telegrams were received by the Senator from Ohio and that telegrams have been received by myself protesting against the amendment which he offered.

I say, Mr. President, that Mr. Fuller would have been derelict in his duty here as their representative and neglectful of the important interests which they have committed to his keeping had he not promptly reported to the heads of those organizations the amendment which he regarded as seriously harmful to their interests.

Now, Mr. President, with respect to that amendment, I have, in the few minutes that I could devote to the subject, examined the statutes of the various States which have adopted legislation similar to the legislation proposed in the pending bill. In the statutes of those States which have such statutes I am not able to find that the legislators in those States thought it essential to incorporate in those enactments any proposition to impose a penalty upon the railroad employees, and there is very good reason for its not being done. It is impossible for the railroad employees to impose upon the railroad companies with respect to the time which they have been employed in the runs upon which they are engaged. A record is kept of the time when they are called out and assigned to duty. Every train dispatcher, every official who has charge of those men in making that assignment has before him at all times an accurate record of the length of time in which they have been continuously engaged in the service upon that car.

I find that Arizona has legislated upon this subject, limiting the hours of employment for railway men engaged in the movement of trains—and that includes dispatchers and switchmen and those who have charge of the tracks as well as the train crews—and they have imposed no penalty upon the railway employees; that the State of Arkansas has such a statute, and that it never occurred to the legislators there to impose a penalty upon the employees; neither so in Florida, nor in Georgia, nor in Indiana, nor in Nebraska, nor in Texas, nor in New York, nor in the State of the Senator from Ohio, which has a statute from which I quote the following:

> Any company operating a railroad over 30 miles in length, in whole or in part within the State, shall not permit or require any conductor, engineer, fireman, brakeman, or any train man on any train, or any telegraph operator who has worked in his respective capacity for fifteen consecutive hours, to again be required to go on duty or perform any work until he has had at least eight hours' rest, except in cases of detention caused by accident, unavoidable or otherwise.

And now as to the penalty.

> Any railroad company or corporation knowingly violating any of the provisions of this act (sec. 3365–14) shall be liable to a penalty of not less than $500 nor more than $1,000 for the first offense, and for any subsequent offense of not less than $1,000 nor more than $1,500, which shall be recovered in a civil action in the name of the State.

Mr. President, a motion is pending to recommit this bill. The bill before the Senate is simple in its provisions, clear in its meaning. The amendments which have been offered have been printed and are upon the desks of Senators. They are here in their place in connection with the provisions of the bill. Each of those amendments is plain and simple. Their purpose with respect to this legislation can not be misunderstood. There are no perplexities. There is nothing to require this bill to go back to the committee excepting to hold it up and delay it as much as possible. The Senate considers important legislation, adopts amendments, complex in their character, affecting large interests, oftentimes here upon the floor without ever having those amendments printed or in any form before them upon their desks.

I submit, Mr. President, that this motion to recommit should not prevail, and I move to lay it on the table.

The VICE-PRESIDENT. The Senator from Wisconsin moves to lay the motion of the Senator from Ohio on the table. [Putting the question.] The noes seem to have it.

Mr. LA FOLLETTE. I ask for a division on that motion.

Mr. GALLINGER. I move that the Senate adjourn.

Mr. PENROSE. I ask the Senator to withdraw that motion in order that I may move for a brief executive session.

Mr. GALLINGER. I will withdraw my motion for that purpose.

Mr. LA FOLLETTE. I call for a division on that motion.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

The VICE-PRESIDENT. The Senator from Wisconsin has, in the opinion of the Chair, a right to call for a division on his motion.

Mr. CARTER. Pending that motion, I move that the Senate adjourn.

Mr. LA FOLLETTE. The Senator has not the floor to make that motion.

Mr. GALLINGER. Mr. President, I was recognized and moved that the Senate adjourn. I yielded to the Senator from Pennsylvania to move to proceed to the consideration of executive business. Those motions have priority.

The VICE-PRESIDENT. Technically, perhaps, the Senator is correct, but as the Senator was about rising, the Senator from Wisconsin demanded a division.

Mr. PENROSE. Mr. President, I wish to make a statement. It is evident that there is no quorum present, and that a division will disclose the absence of a quorum.

Mr. LA FOLLETTE. Mr. President, I press the motion.

Mr. PENROSE. I will state to the Senator from Wisconsin that I have no interest in these nominations, but many other Senators have.

The VICE-PRESIDENT. The Senator has a right to move that the Senate adjourn, and that is a motion that would take precedence.

Mr. GALLINGER. I yielded to the Senator from Pennsylvania to make a motion for an executive session.

Mr. PENROSE. The Senator from New Hampshire yielded to me.

Mr. GALLINGER. I withdrew my motion.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. I call for a division upon that motion.

Mr. CARTER. Pending the call for a division, I move that the Senate adjourn.

The VICE-PRESIDENT. The Senator from Montana moves that the Senate adjourn.

The motion was agreed to; and (at 11 o'clock and 45 minutes p. m.) the Senate adjourned until to-morrow, Saturday, June 30, 1906, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate June 29, 1906.

CONSUL.

Herman L. Spahr, of South Carolina, to be consul of the United States of class 8 at Breslau, Germany, vice Ernest A. Man, promoted to be consul-general of class 7 at Copenhagen.

RECEIVER OF PUBLIC MONEYS.

J. Austin Jordan, of Fargo, N. Dak., to be receiver of public moneys at Fargo, N. Dak., vice De Witt C. Tufts, term expired.

POSTMASTERS.

CALIFORNIA.

Lorenzo A. Rockwell to be postmaster at Compton, in the county of Los Angeles and State of California. Office will become Presidential July 1, 1906.

IOWA.

W. C. Williams to be postmaster at Atlantic, in the county of Cass and State of Iowa, in place of Jacob A. Conerd, deceased.

MISSOURI.

Charles E. Gross to be postmaster at Boonville, in the county of Cooper and State of Missouri, in place of Charles E. Gross. Incumbent's commission expired January 22, 1906.

NEW YORK.

Lyle Bennehoff to be postmaster at Alfred, in the county of Allegany and State of New York, in place of Milo B. Greene. Incumbent's commission expired June 27, 1906.

Alfred E. Greene to be postmaster at Hunter, in the county of Greene and State of New York. Office will become Presidential July 1, 1906.

OREGON.

Frederick W. Valentine to be postmaster at St. Johns, in the county of Multnomah and State of Oregon. Office will become Presidential July 1, 1906.

SOUTH DAKOTA.

John Bell to be postmaster at Spearfish, in the county of Lawrence and State of South Dakota, in place of John Bell. Incumbent's commission expired May 19, 1906.

Robert Z. Bennett to be postmaster at Beresford, in the county of Union and State of South Dakota, in place of Robert Z. Bennett. Incumbent's commission expired April 2, 1906.

John D. Cotton to be postmaster at Parker, in the county of Turner and State of South Dakota, in place of John D. Cotton. Incumbent's commission expired May 7, 1906.

George L. Fish to be postmaster at Woonsocket, in the county of Sanborn and State of South Dakota, in place of George L. Fish. Incumbent's commission expired May 14, 1906.

Henry Heintz to be postmaster at Elkton, in the county of Brookings and State of South Dakota, in place of Henry Heintz. Incumbent's commission expired January 20, 1906.

George Reed to be postmaster at Arlington, in the county of Kingsbury and State of South Dakota, in place of George Reed. Incumbent's commission expired January 20, 1906.

John Reich to be postmaster at Scotland, in the county of Bon Homme and State of South Dakota, in place of John Reich. Incumbent's commission expired January 21, 1906.

Frank S. Myers to be postmaster at Redfield, in the county of Spink and State of South Dakota, in place of Frank S. Myers. Incumbent's commission expires June 30, 1906.

Delbert W. Wilmarth to be postmaster at De Smet, in the county of Kingsbury and State of South Dakota, in place of Delbert W. Wilmarth. Incumbent's commission expired May 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 29, 1906.

INTERSTATE COMMERCE COMMISSIONER.

Franklin Lane, of California, to be an Interstate Commerce Commissioner from January 1, 1906, for the term ending December 31, 1909.

CONSUL.

Robert J. Thompson, of Illinois, to be consul of the United States of class 7 at Hanover, Germany.

SECRETARY OF LEGATION.

Henry L. Janes, of Wisconsin, now secretary of the legation at Habana, to be secretary of the legation of the United States at Santiago, Chile.

PROMOTIONS IN THE ARMY.

ORDNANCE DEPARTMENT.

To be colonels.

Lieut. Col. Stanhope E. Blunt, Ordnance Department, from June 25, 1906.

Lieut. Col. Frank Heath, Ordnance Department, from June 25, 1906.

To be lieutenant-colonels.

Maj. Rogers Birnie, Ordnance Department, from June 25, 1906.

Maj. Ira MacNutt, Ordnance Department, from June 25, 1906.

Maj. Frank Baker, Ordnance Department, from June 25, 1906.

Maj. Orin B. Mitcham, Ordnance Department, from June 25, 1906.

Maj. Lawrence L. Bruff, Ordnance Department, from June 25, 1906.

To be majors.

Capt. John T. Thompson, Ordnance Department, from June 25, 1906.

Capt. Charles B. Wheeler, Ordnance Department, from June 25, 1906.

Capt. William S. Peirce, Ordnance Department, from June 25, 1906.

Corps of Engineers.

Lieut. Col. Daniel W. Lockwood, Corps of Engineers, to be colonel from June 27, 1906.

Maj. James L. Lusk, Corps of Engineers, to be lieutenant-colonel from June 27, 1906.

Capt. Chester Harding, Corps of Engineers, to be major from June 27, 1906.

POSTMASTERS.

ALABAMA.

Charles Doud to be postmaster at Sheffield, in the county of Colbert and State of Alabama.

Felix T. Hudson to be postmaster at Auburn, in the county of Lee and State of Alabama.

A. G. Negley to be postmaster at Florence, in the county of Lauderdale and State of Alabama.

CALIFORNIA.

William M. Tisdale to be postmaster at Redlands, in the county of San Bernardino and State of California.

CONNECTICUT.

William F. Bidwell to be postmaster at Killingly, in the county of Windham and State of Connecticut.

William C. Hungerford to be postmaster at Oakville, in the county of Litchfield and State of Connecticut.

George W. Merritt to be postmaster at Greenwich, in the county of Fairfield and State of Connecticut.

GEORGIA.

John M. Barnes to be postmaster at Thomson, in the county of McDuffie and State of Georgia.

William Fleming to be postmaster at Athens, in the county of Clarke and State of Georgia.

James J. Gordy to be postmaster at Richland, in the county of Stewart and State of Georgia.

Kate W. Kirkpatrick to be postmaster at Decatur, in the county of Dekalb and State of Georgia.

Albert S. J. McRae to be postmaster at McRae, in the county of Telfair and State of Georgia.

Robert S. Middleton to be postmaster at Vienna, in the county of Dooley and State of Georgia.

Robert K. Turner to be postmaster at Nashville in the county of Berrien and State of Georgia.

IDAHO.

Harry W. Ingalls to be postmaster at Mullan, in the county of Shoshone and State of Idaho.

ILLINOIS.

Frank J. Clendenin to be postmaster at East Moline, in the county of Rock Island and State of Illinois.

INDIAN TERRITORY.

J. M. DeLozier to be postmaster at Sapulpa, in District Eight Ind. T.

IOWA.

Isaac Patterson to be postmaster at St. Ansgar, in the county of Mitchell and State of Iowa.

W. C. Williams to be postmaster at Atlantic, in the State of Iowa.

KANSAS.

Isaac B. Davis to be postmaster at Marysville, in the county of Marshall and State of Kansas.

MASSACHUSETTS.

George M. Solomon to be postmaster at Hinsdale, in the county of Berkshire and State of Massachusetts.

MISSOURI.

Charles E. Gross to be postmaster at Boonville, in the State of Missouri.

R. K. Megown to be postmaster at Monroe City, in the county of Monroe and State of Missouri.

William H. Yancey to be postmaster at La Belle, in the county of Lewis and State of Missouri.

MISSISSIPPI.

Mattie O. Golden to be postmaster at Hollandale, in the county of Washington and State of Mississippi.

James J. Scarborough to be postmaster at Poplarville, in the county of Pearl River and State of Mississippi.

NEW JERSEY.

Joseph Hodapp to be postmaster at Spotswood, in the county of Middlesex and State of New Jersey.

NEW YORK.

Henry D. Ford to be postmaster at Central Valley, in the county of Orange and State of New York.

John A. Hanna to be postmaster at Dover Plains, in the county of Dutchess and State of New York.

NORTH CAROLINA.

Seymour W. Hancock to be postmaster at Newbern, in the county of Craven and State of North Carolina.

NORTH DAKOTA.

David Larin to be postmaster at Mayville, in the county of Traill and State of North Dakota.

OHIO.

Abner Allison to be postmaster at Mount Gilead, in the county of Morrow and State of Ohio.

John W. Bath to be postmaster at Elyria, in the county of Lorain and State of Ohio.

Sherman H. Eagle to be postmaster at Gallipolis, in the county of Gallia and State of Ohio.

John B. Elliott to be postmaster at Greenfield, in the county of Highland and State of Ohio.

Henry S. Euck to be postmaster at Leipsic, in the county of Putnam and State of Ohio.

Frank A. Gamble to be postmaster at Van Wert, in the county of Van Wert and State of Ohio.

Allan Graham, jr., to be postmaster at Ottawa, in the county of Putnam and State of Ohio.

William F. Hains to be postmaster at Wilmington, in the county of Clinton and State of Ohio.

Homer L. House to be postmaster at Deshler, in the county of Henry and State of Ohio.

John Ramsey McElroy to be postmaster at New Comerstown, in the county of Tuscarawas and State of Ohio.

Leslie E. Meyer to be postmaster at Oakharbor, in the county of Ottawa and State of Ohio.

OREGON.

Frederick W. Valentine to be postmaster at St. Johns, in the State of Oregon.

PENNSYLVANIA.

G. Gillette Saxton to be postmaster at Tioga, in the county of Tioga and State of Pennsylvania.

PORTO RICO.

Robert A. Miller to be postmaster at Ponce, in the county of Ponce, Porto Rico.

SOUTH CAROLINA.

Thomas Tolbert to be postmaster at Abbeville, in the county of Abbeville and State of South Carolina.

SOUTH DAKOTA.

John Bell to be postmaster at Spearfish, in the State of South Dakota.

George L. Fish to be postmaster at Woonsocket, in the State of South Dakota.

Henry Heintz to be postmaster at Elkton, in the State of South Dakota.

TENNESSEE.

Gillis T. Johnston to be postmaster at Kingston, in the county of Roane and State of Tennessee.

VERMONT.

William G. Foss to be postmaster at Wells River, in the county of Orange and State of Vermont.

VIRGINIA.

Arthur M. Stimson to be postmaster at Hot Springs, in the county of Bath and State of Virginia.

James M. McLaughlin to be postmaster at Lynchburg, in the county of Campbell and State of Virginia.

WYOMING.

Derealous C. Bowman to be postmaster at Basin, in the county of Big Horn and State of Wyoming.

HOUSE OF REPRESENTATIVES.

FRIDAY, *June 29, 1906.*

The House met at 11 o'clock a. m.

Prayer by Rev. OLIVER JOHNSON, of Leslie, S. C.

The Journal of the proceedings of yesterday was read and approved.

RECORD.

Mr. DALZELL. Mr. Speaker, I desire to call attention to a change in the RECORD.

The SPEAKER. The gentleman will state it.

Mr. DALZELL. And I ask the attention of the gentleman from Wisconsin, Mr. COOPER. Mr. Speaker, on yesterday I introduced a rule and during the discussion of that rule I yielded time to the gentleman from Wisconsin [Mr. COOPER]. When the gentleman concluded, I said:

> Mr. Speaker, only one word. So far as the assertion of the gentleman from Wisconsin is concerned—that this is a deliberate attempt to continue an evil—it is untrue. If I thought as meanly of my colleagues in this House as the gentleman from Wisconsin does, I would retire from it.

Mr. Speaker, the speech which preceded that remark of mine justified it, and I have a right, as a matter of justice to myself, to have the speech that was made in the RECORD, and not another speech which entirely changes the sense.

Mr. COOPER of Wisconsin. Mr. Speaker, I want to say right here that I deny that the substantial character of my speech was changed in any particular, and the gentleman can insert it all. I am perfectly willing, except the report which came to me was so ungrammatical and distorted and mistaken in many ways that I tried to make it as smooth as possible; but it contains the exact ideas I expressed on the floor.

Mr. DALZELL. Mr. Speaker, before I left the House last evening I went to the stenographers' desk and obtained a copy of the speech delivered by the gentleman from Wisconsin, which I hold in my hand now. It is a remarkably well-reported speech. There are very few inaccuracies of grammar. The right of the gentleman from Wisconsin to correct those nobody will deny. The right of the gentleman to make insertions and to take out parts in so far as they do not affect the meaning and purpose of the speech, no one will deny, but no gentleman has the right to change the substantial character of a speech which involves the sense and meaning of another gentleman's speech. Now, the gentleman in his speech yesterday impugned the motives and belittled the intelligence of his colleagues in this House. He impugned my motives, and whether or not the changes are substantial I will let the House and not the gentleman from Wisconsin judge. The gentleman from Wisconsin said in answer to what I had said:

> The gentleman says this is an effort to carry out the spirit of the rule. In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule.

If that was not an imputation upon my motive, then I am unable to understand the English language. The gentleman from Wisconsin very cunningly changes that sentence to read in this way:

> In my judgment this is an effort which distinctly and deliberately violates the spirit of the rule.

In other words, for an imputation against my motives he suggests the results to follow the adoption of the rule. I leave it to the House to judge whether that is a substantial change or not. The gentleman said, amongst other things, after reciting certain facts:

> We go to work worse than a lot of town supervisors ever do in the most ordinary case, worse than anybody anywhere pretending to an ordinary intelligence upon serious problems, to legislate, etc.

Now, the gentleman from Wisconsin did not allow that sentence to remain in the RECORD. On the contrary, he suggested this:

> Thus compelling the House to go to work, as a board of town supervisors would not do, to legislate, etc.

The gentleman further said, gauging the intelligence of his colleagues, that we were compelled—

> to take it (the report) upon the ipse dixit practically of some one who brings in a report that it contains this or that, that it made this provision in accordance with this section and leaves out a few words in another section, but "phraseologically" it does not do anything important. We have to take everything for granted without an opportunity to read.

And yet not a single solitary word of that sentence appears in the speech printed by the gentleman in the RECORD this morning. I will allow the House to judge as between the gentleman and myself, as to whether or not he changed the substance of his speech; as to whether or not he did a dishonorable thing not only with respect to the House in the mutilation of its record, but an indecent thing in respect to his colleagues, whose motives he impugned upon the floor of the House, when he came in the silence of his chamber to read over what he had said here, and had not the courage to stand by it, but deliberately, no one else being by, took it out of the RECORD.

Mr. Speaker, when words are uttered upon the floor of this House in the heat of debate for which he who utters them afterwards experiences a sense of shame there is only one manly way in which to retract, and that is to recall the words in the presence of those in whose presence they were uttered. It is not manly, it is not becoming a Member of this House to do in the privacy of his chamber that which his manhood did not call on him to do in public in the presence of his colleagues. [Applause.]

The SPEAKER. Does the gentleman from Pennsylvania submit a motion?

Mr. DALZELL. Mr. Speaker, I move to insert in the RECORD the speech of the gentleman from Wisconsin as it was delivered.

Mr. COOPER of Wisconsin. I am perfectly willing.

Mr. DALZELL. In lieu of the speech in the RECORD this morning.

The SPEAKER. The gentleman moves that in the RECORD of this morning, in the place indicated, the reporter's notes be inserted in place of the words that appear in the RECORD.

Mr. DALZELL. With such grammatical corrections as the gentleman may see fit to make.

Mr. COOPER of Wisconsin. Mr. Speaker, this is not entirely unexpected by me. The gentleman from Pennsylvania [Mr. DALZELL] attacked the gentleman from Wyoming [Mr. MONDELL], I think, for something of a similar character, in a speech which he delivered, as I recall, upon the statehood bill. What the gentleman from Pennsylvania [Mr. DALZELL] said was quite in the nature of a philippic. It is only fair for me to suggest, and I do not say it in any spirit of boasting or braggadocio, that I never say to anybody, anywhere, anything that I am afraid to repeat; and nothing that the gentleman from Pennsylvania [Mr. DALZELL] can intimate or insinuate will have the slightest intimidating effect upon me here or elsewhere.

What I intended to say yesterday was that the special rule,

as brought in, did amount to a direct and deliberate violation of the spirit of the standing rule adopted by the House. I said that to hold up conference reports until the last hours of the session and then to come in with a sort of an omnibus special rule saying that thereafter no conference report shall be printed was in distinct violation of the spirit of the rule.

Mr. DALZELL. Mr. Speaker, I beg to suggest to the gentleman that what he did say is in the RECORD and in that report; that nothing that he can now say that he said amounts to anything in the presence of the witnesses.

Mr. COOPER of Wisconsin. I will digress and answer that. Here is what I said: The gentleman will have it that I desire to impugn motives, perhaps his own motives, or the motives of some other individuals in the House; but the House will distinctly recall what I said; and I now read verbatim from the report:

Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or to anybody else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports have been held up, or rather, this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up with the view to getting this rule.

Mr. DALZELL. Why did the gentleman alter that sentence? Why did the gentleman cut out a large portion of that sentence?

Mr. COOPER of Wisconsin. I did not.

Mr. DALZELL. I think you did.

Mr. COOPER of Wisconsin. Wait a moment. The gentleman has been so sort of edgewise at me ever since I voted against the Lake Erie Canal bill, which had in the first section of it a dragnet proposition that would have allowed the company to engage in any business practically, and to buy real estate anywhere in the United States, even though it might not be necessary for the purposes of the canal, that he is now and has ever since been unable properly to interpret statements like those I made. If the gentleman will retain himself in patience until after I conclude I will demonstrate that I have not impugned his motive nor said anything improper, nor in changing what I said have I done anything that I ought not to have done, because I leave in the RECORD in substance exactly what I said. Now, let me read that quotation once more. Mr. Speaker, I ask for order. This is somewhat important to me.

The SPEAKER. The House will be in order.

Mr. COOPER of Wisconsin. I am reading from the report of my speech.

The SPEAKER. All gentlemen will be seated.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask that the reporter please read to the House the last statement of the gentleman from Pennsylvania—the one that he made just a moment ago.

The SPEAKER. The Chair did not catch the gentleman's request.

Mr. COOPER of Wisconsin. I ask that the reporter read the notes of what the gentleman from Pennsylvania just said.

The SPEAKER. Without objection, the reporter will furnish the notes to the Clerk, or by consent he will read them.

Mr. COOPER of Wisconsin. May I ask that there be order?

The REPORTER (Mr. Gray). "Mr. DALZELL. Mr. Speaker, I beg to suggest to the gentleman that what he did say is in the RECORD and in that report; and nothing that he can now say that he said amounts to anything in the presence of witnesses."

Mr. COOPER of Wisconsin. Is that the last?

The REPORTER. That is the last statement.

Mr. COOPER of Wisconsin. The gentleman from Pennsylvania by that expression gave the House to understand that I had not read correctly, or that I had read my amended speech. I read, gentlemen of the House, word for word, without emendation or omission, what the reporter gave the gentleman from Pennsylvania and gave to me as a report of my utterance on the floor yesterday; and I will now read it again. I read this to show to the House and to my friends everywhere that I did not impugn the motives of any Member of the House.

I distinctly said that I did not impugn the motives of the gentleman from Pennsylvania or of any other Member of this House. I disavowed any such intention. Here is what I said: I propose to follow it with the statement of the gentleman from Pennsylvania himself to justify my assertion that the special rule was a deliberate violation of the spirit of the original rule of the House. Now, I will read again the report of what I said yesterday, without changing a letter.

Without desiring to impute anything wrongfully by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or to anyone else, because they are well-meaning gentlemen, it is much more reasonable, I think, to say that these reports—

Now mark this, gentlemen of the House—

that these reports have been held up, or rather, this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up, with the view to getting this rule.

I will now read what the gentleman from Pennsylvania himself said yesterday, before I made that statement. The only reason, gentlemen of the House, that I did not take the floor yesterday after he indulged in his very severe criticism of me was because I thought possibly I had misunderstood the remarks he did really make in his first speech, and as I wanted to be quite accurate about it, I said nothing. But this morning on getting the RECORD I find that I had correctly heard what he said.

In my reply to what he said to the House, I told the exact truth; and I have no apology to make here or elsewhere. I stand by every word I said. And now listen. The gentleman from Pennsylvania [Mr. DALZELL], in reply to the gentleman from Mississippi [Mr. WILLIAMS], said:

Mr. Speaker, the gentleman from Mississippi discusses this resolution as though it had reference solely to the conference report on the rate bill. *There are a great many other conference reports on other bills that are being held up because of this rule requiring them to be printed,* and they are delaying the business of the House.

What did I say not justified by that statement of the gentleman from Pennsylvania? I said that to bring in the special rule after the gentleman from Pennsylvania had announced that these conference reports—"a great many"—were being held up because they would have to be printed in the RECORD under the rule, and therefore delay the House, was in violation of the spirit of the rule, because the spirit of the rule is this: That, when possible, conference reports ought to be printed. To get up anything in the Senate of the United States, even the most minor resolutions, it has to be printed. The most honest man in the world may make a mistake when he arises and says that this or that is the proper interpretation of a proposed amendment.

Mr. MANN. Will the gentleman yield?

Mr. COOPER of Wisconsin. One moment. Lord Coke said that no man should ever tell the meaning of a statute unless he have the statute before him. That rule ought to appeal strongly to the judgment of every Member of this House. We are making statutes. When a conference committee brings in a report here upon important amendments, and as honest a man as the chairman or as any other Member of this House—yes, as honest as the gentleman from Pennsylvania himself—arises and says that such is the interpretation or such is the interpretation; "We have left out this, we have added that, but the meaning is unchanged," it throws a very great responsibility upon the man that makes the utterance and an equally great responsibility upon the legislator who accepts it and writes it into the statutes of the United States. And therefore I said that the spirit of the rule—and what I had in mind will be apparent to every candid and intelligent listener here—that the spirit of the rule was that every conference report ought to be printed; that during either of the last six days, however, it may be possible (the rule says on either day) to provide that such reports shall not be printed; but the fact that that proviso is there does not change the spirit of the rule. The spirit of the rule is that the House of Representatives ought to be able to read an amendment before it puts it into the law; that it ought to read a conference report before it takes the statements of the conferees as facts, because of the liability of men to err as to the meaning of certain phraseology. So much for that. I expressly disavowed any purpose to impugn the motives of the gentleman from Pennsylvania or of anybody else.

Now, how did I amend the report of that disavowal?

I amended it in this way: I struck out the word "thing" and I left it in this way:

Without desiring to impute any wrong motive.

Yesterday my remarks were:

Without desiring to impute anything wrongful by way of motive to the gentleman from Pennsylvania [Mr. DALZELL] or anybody else.

I changed "anybody else" to "any other Member."

I said yesterday:

They are well-meaning gentlemen.

I changed that to "honorable" gentlemen. The meaning is exactly the same. Any man who is a well-meaning man is an honorable man. An then I said:

It is much more reasonable, I think, to say that these reports have been held up, or, rather, that this rule has been brought in after these reports have been held up, and it is perhaps possible that these reports have been held up with a view to getting this rule.

I inserted the word "special" before "rule," at the end of the paragraph, because the previous sentence ends with "this rule," and I wanted to distinguish it from that sentence. Mr. Speaker, the gentleman says that I cunningly changed the sentence:

In my judgment this is an effort distinctly and deliberately to violate the spirit of the rule.

As it now reads:

In my judgment this is an effort which distinctly and deliberately violates the spirit of the rule.

That change was not made through any fear of consequences or through any desire to change the essential statement. It amounts practically to a stronger statement of fact than the one that I made, if anything, although it does not change the meaning to any candid listener; but I made it because I had in mind this, that the gentleman from Pennsylvania had said:

There are a great many other conference reports on other bills *that are being held up because of this rule requiring them to be printed.*

Now, all this occurred late in the afternoon yesterday. We could not dispose of a "great many other conference reports" yesterday afternoon, and we did not. The balance of the "great many other conference reports" are still unprinted, and every one of them could have been printed in the RECORD this morning. Is not that true? Did not that violate the spirit of the rule? Does not the spirit of the rule mean that every conference report that can be printed shall be printed? I do not know how many other conference reports there are. There may not be another one, but in what I said I relied upon the statement of the gentleman from Pennsylvania [Mr. DALZELL] that there were then a "great many other conference reports that were being held up because of the rule requiring them to be printed." If that were true, I knew and everybody else knew that between the hour of 3 and 4 o'clock yesterday afternoon and 6 o'clock, the usual hour for taking a recess, we could not dispose of a "great many conference reports," when the rate bill report was not yet acted upon, and one other—I have forgotten what it was—a very important one, was still pending.

A MEMBER. The meat amendment.

Mr. COOPER of Wisconsin. The pure-food bill was reported before this and had already been printed, and I supposed, and everybody else supposed, that it would be taken up yesterday. It was perfectly impossible to dispose of all of these conference reports yesterday. There was nothing to prevent their being printed in the RECORD this morning, so that every Member might have seen them. Now, after listening to the first statement of the gentleman from Pennsylvania, and making my remarks in perfect good faith, for him to rise and characterize my conduct as contemptible and my subsequent conduct as cowardly is grossly unjust.

The gentleman complains because I struck out this:

And to take it up on the ipse dixit practically of somebody who brings in a report that it contains this or that, that it made this provision in accordance with this section and leaves out a few words under another section, but phraseologically it does not do anything important. We have to take everything for granted without the opportunity to read.

That simply says in another way, in a needlessly elaborate way, what I did say later. I struck it out because it adds nothing to the sentence in which it appears. Here is the way that sentence occurs as I printed it in the RECORD:

The rule was adopted to prevent what has been done here, holding up day after day exceedingly important bills, vitally important bills, until everyone is anxious to get away, and then bringing in a special rule that all conference reports on such bills shall not be printed, thus compelling the House to go to work, as a board of town supervisors would not do, to legislate concerning these reports without having read what we are legislating about.

Practically every word of this quotation was in the original sentence.

I simply omitted the ipse dixit part, which everybody knows was true. If the report be not printed we do have to rely on the statements of gentlemen who arise and say that the report means so and so, or that an amendment means so and so. We take some gentleman's ipse dixit. There is nothing wrong about that statement. It does not impugn the motives of anybody, and, Mr. Speaker, it states an undeniable fact. If you do not have the written report to examine, what do you rely upon necessarily but the statement of some gentleman who takes the floor?

Mr. Speaker, I desire to call the attention of the House one moment to what I think may have something to do with this matter. When the Lake Erie Canal bill was before the House, I opposed it in a speech and voted against it on the ground that the first section did not limit that corporation in its purchase of real estate to canal purposes, but would allow it to buy real estate anywhere for any purpose. The bill contained this provision:

Under the name and style of "The Lake Erie and Ohio River Ship Canal Company," and by that name, style, and title shall have perpetual succession, may sue and be sued, plead and be impleaded, make and use a common seal, receive and acquire by purchase or otherwise real and personal property and rights of property, and may hold, use, lease, sell, mortgage, encumber, charge, pledge, grant, assign, and convey the same, and generally have and exercise all the powers usually granted to and vested in corporations of the United States of America, and especially full powers to carry out the purposes of this act.

In addition to this, the company was to have the power of eminent domain. I said at that time that the bill by its first section would permit that corporation to buy real estate anywhere for any purpose. The Senate of the United States saw fit to amend the bill by providing specifically that the company should have the right to buy real estate only for the purposes of a canal, the purpose for which it was organized. I do not know; it may be that I am entirely wrong in attributing the course of the gentleman from Pennsylvania to my position in this matter.

Mr. DALZELL. The gentleman is absolutely wrong; nothing of that sort ever entered my mind for a minute.

Mr. COOPER of Wisconsin. I am very glad to know that fact, because the action of the Senate and House conferees in accepting the Senate amendment shows that in my speech and in my vote against the bill as it was introduced by the gentleman from Pennsylvania I was absolutely justified.

Mr. DALZELL. The gentleman from Pennsylvania will say that he told the gentleman from Indiana, Judge CRUMPACKER, at the time, that the gentleman from Wisconsin was entirely correct, and that that would go out in the Senate, but under the rules of the House he did not want anybody to offer an amendment, because that would have given him an hour, and he asked for the previous question. But this has nothing to do with what is before the House.

Mr. WILLIAMS. Mr. Speaker, I ask that the colloquy between the Members be conducted so that other Members of the House can have the benefit of what is going on.

Mr. COOPER of Wisconsin. Mr. Speaker, the gentleman from Pennsylvania never intimated to me that my contention as to that proposition of law was correct. I always understood from his smile when I was making the contention that he did not believe what I said. I am glad to know that he justified my position. If the gentleman from Pennsylvania believed then what he now admits, he allowed to go through the House of Representatives a charter to a corporation which would permit it in its discretion to buy land anywhere for any purpose.

Mr. PAYNE. Mr. Speaker, I make the point that the gentleman is not confining himself to the matter under discussion.

The SPEAKER. Does the gentleman yield to the gentleman from New York?

Mr. PAYNE. My suggestion was the gentleman was not talking to this resolution. The bill about which he is talking has already been disposed of.

The SPEAKER. The gentleman makes the point of order?

Mr. PAYNE. I do.

The SPEAKER. The Chair sustains it. The gentleman will discuss the matter before the House.

Mr. COOPER of Wisconsin. Mr. Speaker, I was unable to find in anything I said yesterday any motive which would actuate a Member of the House of Representatives to be so exceedingly bitter as the gentleman from Pennsylvania was yesterday and again this morning toward me, because my remarks contained a distinct disavowal of any desire to impute anything wrongful by way of motive to him or to any other man on this floor. I confess to the gentleman from New York, who is so solicitous lest I be out of order in trying to defend myself here——

Mr. PAYNE. It is simply on a question of time that I interposed. We want to get on with the appropriations.

Mr. COOPER of Wisconsin. My feelings in this matter ought to be taken into consideration a little by the distinguished gentleman from New York. I have been accused here this morning——

Mr. PAYNE. So far as I am concerned, I withdraw the point of order if the gentleman's honor is involved in the bill.

Mr. COOPER of Wisconsin. I have been accused of being dishonorable, of being cunning, of being what amounts to disreputable, and I have demonstrated that the remarks which I made were based absolutely upon a statement of fact made by the gentleman from Pennsylvania himself. And now I put it to the candor and to the intelligent judgment of Members of the House. I said, after the statement of fact made by the gentleman from Pennsylvania, that to bring in a special rule providing that thereafter no conference report should be printed, was in violation of the spirit of the House rule. Now, then, I ask if that was not true? This is the most serious charge against me. The rule in the House provides that all conference reports shall be printed except on either of the last six days of the session. There has been no resolution adopted by Congress fixing adjournment. There was nothing definite to show when the last six days would begin. Heretofore, ordinarily, the two Houses have adopted a resolution fixing definitely the hour for adjournment. When did the last six days of this session begin?

Up to this time the day for the adjournment has not been fixed. When did the last six days of this session begin?

Mr. BURKE of South Dakota. Will the gentleman permit an inquiry?

Mr. COOPER of Wisconsin. Yes.

Mr. BURKE of South Dakota. During the Fifty-sixth and Fifty-seventh Congresses there was no such rule as we now have on that subject, was there? We adopted it, did we not, in the Fifty-eighth Congress?

Mr. COOPER of Wisconsin. We adopted it on account of complaint——

Mr. MADDEN. Mr. Speaker, I make the point of order that the gentleman is not discussing the question at issue.

The SPEAKER. The gentleman from Wisconsin will suspend. The gentleman from Illinois makes the point of order that the gentleman is not talking to the matter before the House. As near as the Chair has been able to follow the gentleman as he is now talking, or has been for the last few minutes, the Chair sustains the point of order, and the gentleman will continue his remarks in order.

Mr. BURKE of South Dakota. Mr. Speaker, I have the consent of the gentleman to ask a question. I want to ask him if in the closing days of the long session of the Fifty-eighth Congress, by unanimous consent, a rule was not adopted in line with the rule submitted and voted in the House yesterday?

Mr. MADDEN. Mr. Speaker, I insist upon my point or order.

The SPEAKER. To the question the gentleman has asked?

Mr. MADDEN. Yes, sir.

The SPEAKER. The Chair sustains the point of order.

Mr. COOPER of Wisconsin. Well, Mr. Speaker, I thought when I was interrupted by the gentleman from South Dakota that I was discussing——

Mr. BURKE of South Dakota. My question was exactly in line with what you were discussing——

Mr. COOPER of Wisconsin. I thought I was talking in order. I regret very much that I was not.

Now, Mr. Speaker, what the gentleman said in concluding his remarks was this:

> So far as the assertion of the gentleman from Wisconsin [Mr. COOPER] is concerned, that this is a deliberate attempt to continue an evil, it is untrue. [Applause.]

I did not say anything that would justify the gentleman in making that statement. I did not say it was an attempt to continue an evil. I said that, in my judgment, this was an effort distinctly and deliberately to violate the spirit of the rule, the spirit of the rule being, after it was adopted, that all conference reports should be printed when possible, of course, but that during either of the last six days a special rule might be brought in allowing them to be considered without having been printed. That is the fair interpretation of the rule and the proper interpretation of the spirit of the rule, otherwise there is no use of having the rule at all. The gentleman from Pennsylvania had informed the House that a "great many"—those are his words—"conference reports were being held up because of this rule requiring them to be printed," and I thought that was in violation of the spirit of the rule. We could not consider a "great many" of them yesterday, and but for the special rule they would have all been printed in the RECORD, except the one or two that we considered yesterday. That is all I have to say.

I regret exceedingly that the gentleman from Pennsylvania [Mr. DALZELL] has seen fit to use vituperation in his remarks, when I especially disavowed the slightest intention of impugning his motives or the motives of any other man on this floor.

The SPEAKER. The gentleman from Pennsylvania [Mr. DALZELL] moves to expunge from the RECORD the remarks of the gentleman from Wisconsin made on yesterday, as indicated by him, on page 9813 of the RECORD, and insert what was said according to the reporter's notes.

The question was taken; and the Chair stated that he was in doubt.

Then, on a division, there were—ayes 66, noes 43.

So the motion was agreed to.

PUBLIC BUILDINGS BILL.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent that the bill H. R. 20410, the public buildings bill, be taken from the Speaker's table, and that the House nonconcur in the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] asks unanimous consent to take from the Speaker's table the bill known as the "public buildings bill," H. R. 20410, with Senate amendments, and to nonconcur in the Senate amendments, and asks for a conference. Is there objection?

Mr. SULZER. Mr. Speaker, reserving the right to object, I desire to say that the State of New York unfortunately is not now represented in the Senate, and that the Senate has struck out of this bill the appropriation for $450,000 passed by the House to finish the new custom-house in New York City. I hope the gentlemen will see that the $450,000 goes back in the bill during the conference. It is a very important matter to all the people of New York, and it never should have been stricken out.

The SPEAKER. The question is on the motion of the gentleman from Missouri [Mr. BARTHOLDT]. Is there objection?

There was no objection.

The SPEAKER announced the following conferees: Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD.

LAKE ERIE AND OHIO RIVER CANAL.

Mr. DAVIDSON. Mr. Speaker, I call up the conference report on the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce.

The SPEAKER. The gentleman from Wisconsin [Mr. DAVIDSON] calls up the conference report on the bill H. R. 14396, which the Clerk will read.

Mr. DAVIDSON. Mr. Speaker, I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 16, 42, 73, 75, and 77.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 69, 70, 71, and 74; and agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: Strike out the words "and with their legislative consent;" and the Senate agree to the same.

Amendment numbered 68: That the House recede from its disagreement to the amendment of the Senate numbered 68, and agree to the same with an amendment as follows: Strike out the words as proposed and also the word "canals" following them, and insert in lieu thereof the words "main canal;" and the Senate agree to the same.

Amendment numbered 72: That the House recede from its disagreement to the amendment of the Senate numbered 72, and agree to the same with an amendment as follows: Strike out the language as proposed and in lieu thereof insert the following:

"SEC. 20. That the Government of the United States may, at any time after fifty years from the opening of the main canal to navigation, upon notice to said company of not less than one year, assume possession, control, and ownership of the said main canal, its feeders and appurtenances, and of all the rights and privileges thereunto belonging, full title to which shall, upon such assumption, be fully vested in the United States, and the United States shall thereupon pay to the said company the value of the same, to be ascertained and fixed by three arbitrators, or a majority of them, one of whom shall be appointed by the President of the United States, another by said Lake Erie and Ohio River Ship Canal Company, and the third by the arbitrators thus selected, and said arbitrators, in fixing the value of the main canal and works appurtenant thereto so acquired by the United States, shall not consider or allow any value for the franchise conferred by this act or for earning capacity or good will: *Provided*, That nothing contained in this act shall be construed as imposing any obligation upon the United States to purchase, take charge of, or operate the canals herein named, or to assume any obligation or liability therefor."

And the Senate agree to the same.

Amendment numbered 76: That the House recede from its disagreement to the amendment of the Senate numbered 76, and agree to the same with an amendment as follows: In the lan-

guage inserted by the amendment strike out the words "Sec. 22" and insert "Sec. 23;" and the Senate agree to the same.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
Managers on the part of the House.
KNUTE NELSON,
J. H. GALLINGER,
WM. J. STONE,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 14396) to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the amendments, viz:

Amendments 2, 4, 6, 7, 9, 11, 12, 17, 18, 19, 20, 22, 23, 24, 27, 28, 29, 31, 33, 34, 37, 38, 39, 40, 41, 44, 46, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 59, 60, 61, 62, 63, 64, 65, 67, 68, 69, 73, 74, and 75 are changes in phraseology from which the House recedes.

Amendment 1 strikes out a portion of the provision of the first section conferring power on the company, and grants to the company power to construct, equip, maintain, and operate its canals and to pledge, incumber, and mortgage its property.

Amendments 3, 5, and 8 increase the authorization of the capital stock from $300,000 to $400,000 per mile and increase the total of stock issued and bonded debt created from $600,000 to $800,000 per mile.

Amendment 10 provides that the stock subscribed for may be paid in in money or property at its fair value.

Amendment 13 makes all stocks, bonds, and other evidences of indebtedness issued in excess of the amount allowed under the act null and void.

Amendment 15 provides that no dividends shall be paid by the issue of additional capital stock or the creation of additional indebtedness, and from these the House recedes.

Amendment 16 provided that if a sinking fund for the redemption of bonds was created, it must be in lieu of dividends to stockholders, and from this the Senate recedes.

Amendment 21 is a restatement of the provision by which Congress reserves the right to regulate tolls, fares, and rates to be charged on interstate and foreign commerce, and makes the company subject to all the provisions of the interstate-commerce act.

Amendments 25 and 26 relate to a branch canal proposed to be constructed.

Amendments 30, 32, 36, and 45 compel the company to exercise the right of eminent domain and to alter and relocate other highways, etc., in conformity with the laws of the State through which the canals may be constructed.

Amendment 35 strikes out the House provision with reference to proceeding in the United States courts to determine the question of damages for altering highways or other works, for the reason that the laws of each State, respectively, are entirely sufficient for this purpose, and from these the House recedes.

Amendment 42 permitted the company to use all the flow of any river or stream except the normal minimum discharge of the same. The Senate recedes from this and restores the House provisions, which restrains the company from using the flow of any river or stream below the reasonable requirements of any city, village, or municipality using the same.

Amendment 43 restrains the company from diverting any water from the Niagara River or from any of its tributaries above the Falls.

Amendment 50 provides that the canals shall always be open to the use of all suitable and proper vessels, no matter by whom owned or operated, upon fair and equal terms.

Amendment 58 provides that freight classifications established by the company must be subject to the approval of the Interstate Commerce Commission.

Amendment 66 strikes out the clause which expressly provides that tolls on commerce within the several States should be subject to the laws of those States, for the reason that in section 9, under amendment 21, the right to regulate tolls is especially limited to interstate and foreign commerce.

Amendment 70 reduces the time in which a sum equal to 10 per cent of the capital stock must be expended in the construction of the canal from six to three years.

Amendment 71 reduces the time in which the main canal must be finished from fifteen to ten years from the passage of this act, and from these the House recedes.

Amendment 72 strikes out section 20, under which the Government of the United States might at any time after fifty years acquire title to the canal upon payment of the value, which value was to be fixed by three arbitrators, and in the fixing of such value no valuation should be given to the franchise conferred by this act or for the earning capacity or good will of the canal. From this amendment the Senate recedes, with an amendment, so that section 20 of the House bill is restored practically as it was, with an amendment providing that nothing in this act shall be construed as imposing any obligations upon the United States to purchase the canal or to assume any obligation or liability therefor.

Amendment 73 simply changes the number of a section, and the Senate recedes.

Amendment 76 makes the company subject to the laws, with reference to the taxation of corporations, of the States in which it operates, and from this the House recedes.

J. H. DAVIDSON,
ERNEST W. ROBERTS,
Managers on the part of the House.

Mr. DAVIDSON. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. DAVIDSON, a motion to reconsider the last vote was laid on the table.

IMMIGRATION AND NATURALIZATION.

Mr. BONYNGE. Mr. Speaker, I desire to call up the conference report on the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States; and I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization and to provide for a uniform rule for the naturalization of aliens throughout the United States, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1 and 2.

That the House recede from its disagreement to the amendments of the Senate numbered 3, 4, and 5.

That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows:

Strike out the words "one year" where they occur in said amendment and insert in lieu thereof "two years;" and the Senate agree to the same.

ROBT. W. BONYNGE,
BENJ. F. HOWELL,
JOHN L. BURNETT,
Managers on the part of the House.
WM. P. DILLINGHAM,
BOIES PENROSE,
A. J. MCLAURIN,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The managers on the part of the House on the committee of conference on the disagreeing votes of the two Houses on the bill (H. R. 15442) to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States, submit the following written statement in explanation of the effect of the action agreed upon and submitted in the accompanying conference report as to each of the following amendments:

Amendments Nos. 1 and 2 are for the purpose of conferring jurisdiction upon the United States court for Porto Rico to naturalize aliens, and the Senate recedes from the amendments.

Amendments Nos. 3, 4, and 5 relate to the question of polygamy, and change the phraseology from "belief in polygamy" to "belief in the practice of polygamy," and the House recedes from its disagreement on those disagreements and agrees to the Senate amendment.

Amendment No. 6 is in reference to naturalization of persons not citizens who owe permanent allegiance to the United States and who take up a residence in any of the States or Territories in the United States. It permits them to become naturalized American citizens by complying with the general naturalization law, and provides that the residents within the jurisdiction of the United States owing permanent allegiance shall be regarded as residents within the United States within the meaning of the five years' residence clause of the naturalization laws. It requires such applicants to make declaration of their intention two years prior to their admission. The House recedes from its disagreement and agrees to the amendment with an amendment making two years' notice of intention instead of one year, as provided in the original Senate amendment; and the Senate agrees to the same.

ROBT. W. BONYNGE,
BENJ. F. HOWELL,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. BONYNGE. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the motion was agreed to.

On motion of Mr. BONYNGE, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 20410. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message also announced that the Senate had passed bill of the following title; in which the concurrence of the House of Representatives was requested:

S. 1532. An act for the relief of the legal representatives of the late firm of Lapène & Ferré.

The message also announced that the Senate had passed without amendment bills and joint resolutions of the following titles:

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains; and

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.

The message also announced that the Senate had, in compliance with concurrent resolution No. 33 of the House of Representatives, appointed Mr. FULTON, Mr. CLAPP, Mr. SUTHERLAND, Mr. MARTIN, and Mr. OVERMAN members of the joint committee on the part of the Senate to examine, consider, and submit to Congress recommendations upon the revision and codification of laws prepared by the Statutory Revision Commission heretofore authorized to revise and codify the laws of the United States.

JOHN E. ENGLISH.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House the bill (H. R. 18901) granting a pension to John E. English.

Mr. LOUDENSLAGER. I move the adoption of the resolution.

The question was taken; and the resolution was agreed to.

DIVERSION OF WATERS OF LITTLE RIVER.

The SPEAKER laid before the House the bill (H. R. 20173) authorizing Henry T. Henderson and his associates to divert the waters of Little River from the lands of the United States for the use of electric light and power plant, with Senate amendments, which were read.

Mr. BURNETT. Mr. Speaker, I move to concur in the Senate amendments.

The motion was agreed to.

ANCHORAGE OF VESSELS IN HAMPTON ROADS.

Mr. RYAN. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia.

The bill was read, as follows:

A bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia.

Be it enacted, etc., That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Hampton Roads, the harbors of Norfolk and Newport News, and the waters adjacent thereto, in the State of Virginia; and for the purpose of enforcing the obedience of such regulations the Secretary of the Treasury may, at the request of the Secretary of Commerce and Labor, detail one or more revenue cutters for duty on said waters to enforce the provisions of this act.

SEC. 2. That all officers of the Revenue-Cutter Service who are directed to enforce the rules and regulations prescribed by the Secretary of Commerce and Labor, pursuant to the authority vested in him by this act, are hereby empowered and directed, in case of necessity or when a proper notice has been disregarded, to use the force at their command to remove from channels or stop any vessel found violating the prescribed rules.

SEC. 3. That in the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of $100, and the said vessel may be holden for the payment of such penalty and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which such vessel may be, and in the name of the officer designated by the Secretary of Commerce and Labor: *Provided,* That the Secretary of Commerce and Labor may, in his discretion, remit or mitigate such fine: *Provided, also,* That nothing in this act shall be construed to amend or repeal the act entitled "An act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States."

The SPEAKER. Is there objection?

Mr. BURTON of Ohio. Reserving the right to object——

Mr. JONES of Virginia. Reserving the right to object, I desire to ask a question of the gentleman. I understand, Mr. Speaker, this is a bill providing for the movements and anchorage of vessels in Hampton Roads during the proposed Jamestown Exposition. But the act does not limit its operation to that period. If the gentleman in charge of the bill will consent to an amendment limiting the operation of the act to the year 1907, I will not object to the consideration.

The SPEAKER. Does the gentleman modify his request?

Mr. RYAN. I will accept the amendment, as the purpose of the bill is to authorize and direct the Secretary of Commerce and Labor to adopt and prescribe rules and regulations governing the movement and anchorage of vessels and rafts in the waters named in view of the proposed display of naval and other vessels which will probably take place in connection with the Jamestown Exposition.

The SPEAKER. The gentleman will indicate the amendment.

Mr. JONES of Virginia. I will give the amendment. After the last word insert:

And provided further, That this act shall not go into force and effect until the 1st day of January, 1907, and shall not remain in force longer than the 1st day of January, 1908.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill insert: "*And provided further,* That this act shall not go into force and effect until the 1st day of January, 1907, and shall not remain in force longer than the 1st day of January, 1908."

Mr. RYAN. I accept that amendment, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. Without objection, the amendment will be agreed to.

There was no objection.

The bill as amended was ordered to a third reading, read the third time, and passed.

On motion of Mr. RYAN, a motion to reconsider the vote by which the bill was passed was laid on the table.

BRIDGE ACROSS ST. FRANCIS RIVER, ARKANSAS.

Mr. MACON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 20407.

The bill was read, as follows:

A bill (H. R. 20407) to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas.

Be it enacted, etc., That the Baldwin and Dague Lumber Company, of Dague, Ark., its successors and assigns, be, and it is hereby, authorized to construct, maintain, and operate a logging road bridge and approaches thereto across the St. Francis River, at or near the corner line between the northwest corner of section 1, township 9 north, range 5 east, in Cross County, and the southeast corner of section 35, township 10 north, range 5 east, in Poinsett County, in the State of Arkansas, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. MACON, a motion to reconsider the vote by which the bill was passed was laid on the table.

CONSTRUCTION OF LOCK AT PLAQUEMINE, LA.

Mr. BROUSSARD. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The Clerk read as follows:

House resolution (No. 625) for an investigation of the delay in the completion of the lock at Plaquemine, La.

Resolved, That the Speaker of the House of Representatives be, and he is hereby, directed to appoint, from the membership of the House, a committee of three, with full power, and whose duty it shall be, to make a full and complete investigation of all contracts connected with the project of the construction of the locks at Plaquemine, and the improvement of the waterways immediately connected with said project, the canceling of contracts connected therewith, and the extensions granted contractors in the performance of their contracts, and report their findings and conclusions to the House; the said committee to have full power to send for persons and papers, to summon and compel the attendance of witnesses, to administer oaths, to take testimony and reduce the same to writing, to employ such clerical and stenographic help as may be necessary, and to proceed, if it deems it necessary, to the locality for these purposes, all expenses to be paid out of the contingent fund of the House.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The question was taken; and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee: Mr. BURTON of Ohio, Mr. LORIMER, and Mr. BURGESS.

POSITION OF FIRE PUMP ON STEAM VESSELS.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 4298.

The Clerk read as follows:

A bill (S. 4298) to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels.

Be it enacted, etc., That section 4471 of the Revised Statutes of the United States be, and it is hereby, amended by striking out after the words "is afloat," and before the words "Every steamer," the words "and no fire pump thus provided for shall be placed below the lower deck of the vessel;" so that said section when amended shall read as follows:

"SEC. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than 100 pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding 200 tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the 28th day of February, 1871, shall be of sufficient capacity to contain not less than 100 cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order and shipped up and ready for immediate use. On every steamer not exceeding 200 tons one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof."

The SPEAKER. Is there objection?

Mr. GAINES of Tennessee. Mr. Speaker, I have no objection, because I do not understand what the bill is. I ask the gentleman to give an explanation.

Mr. GROSVENOR. I can make a very brief statement. Under the present law, Mr. Speaker, the fire pump is required to be below the lower deck of the steamer. The present style of building these vessels—the present type of vessels—in many instances requires that the fire pump shall be contiguous to the position of the engineer, and the only change made in the present law is to authorize this stationing of the fire pump above the lower deck if necessary, in order to be contiguous to the position of the engineer. The bill is recommended unanimously by the Committee on Merchant Marine and Fisheries of the House, and it passed the Senate unanimously.

The bill was ordered to a third reading, read the third time, and passed.

THOMAS H. KENT.

Mr. SHERMAN. Mr. Speaker, I desire to call up the bill H. R. 8825 under the rule adopted yesterday. It is a bill for the relief of Thomas H. Kent.

The SPEAKER. The gentleman from New York calls up the following bill from the Private Calendar, under the special order of yesterday. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay to Thomas H. Kent, of Sweet Grass County, Mont., the sum of $2,007.20, out of any money in his possession otherwise unappropriated, for the reimbursement of the said Thomas H. Kent for money actually expended by the said Kent in causing to be made the survey known as the "Bundock survey," within the boundaries of land ceded by the Crow Indians in Montana to the United States, under treaty dated August 27, 1892, a map or plat of said survey having heretofore been filed in the office of the Commissioner of Indian Affairs and marked "11622, Indian Office."

With the following amendments recommended by the Committee on Claims:

In line 4, after the word "pay," insert "out of any money now in his hands or hereafter received from the sale of Crow lands in Montana."

In line 7, after the word "cents," strike out "out of any money in his possession otherwise unappropriated."

In line 9, after "reimbursement," strike out "of" and insert "to."

In line 10, after the word "by," strike out "the said Kent" and insert "him."

The amendments recommended by the committee were agreed to.

The bill as amended was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERMAN, a motion to reconsider the last vote was laid on the table.

KENNETH G. CASTLEMAN.

Mr. SHERLEY. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 20461) to reinstate Kenneth G. Castleman as a lieutenant in the Navy.

The bill was read, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to appoint, by and with the consent of the Senate, Kenneth G. Castleman a lieutenant on the active list of the Navy, to take rank next after Lieut. Willis G. Mitchell, United States Navy, subject to the usual examination for such grade.

SEC. 2. That the said Kenneth G. Castleman shall be additional to the number of officers prescribed by law for the grade of lieutenant in the Navy and to any grade to which he may hereafter be promoted, and that for the purpose of computing his pay the time of his former service as an officer in the United States Navy, from September, 1892, to January, 1905, namely, the period of twelve years and three months, shall be allowed in the longevity estimate.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

On motion of Mr. SHERLEY, a motion to reconsider the last vote was laid on the table.

EMMA K. TOURGÉE.

Mr. FULLER. Mr. Speaker, under the rule adopted yesterday, I desire to call up for consideration two Senate pension bills.

The SPEAKER. The gentleman calls up the following on the Private Calendar, under the special order adopted yesterday.

The bill (S. 4840) granting an increase of pension to Emma K. Tourgée was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Emma K. Tourgée, widow of Albion W. Tourgée, late of Company E, Twenty-seventh Regiment New York Volunteer Infantry, and first lieutenant Company G, One hundred and fifth Regiment Ohio Volunteer Infantry, and pay her a pension at the rate of $17 per month in lieu of that she is now receiving.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

JOHN L. WELLS.

The next business was the bill (S. 6422) granting an increase of pension to John L. Wells.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of John L. Wells, late of Company F, One hundred and eleventh Regiment Pennsylvania Volunteer Infantry, and pay him a pension at the rate of $55 per month in lieu of that he is now receiving.

The bill was ordered to a third reading, and was accordingly read the third time, and passed.

ST. MARYS RIVER WATER POWER.

Mr. BURTON of Ohio. Mr. Speaker, I ask the passage of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Ohio presents a resolution, which the Clerk will report.

The resolution (H. Res. 624) was read, as follows:

Resolved, That the Secretary of War be requested to transmit to the House, if not inconsistent with the public interests, a statement of all permits, licenses, or other privileges granted by his Department in the St. Marys River at or near Sault Ste. Marie, Mich., for the creation of water power or for the occupancy of the waters of said river or any land adjoining the same. Also, of all permits for diversions from Lake Superior which might in any way affect the flow of the water in St. Marys River or in the canal and locks constructed by the United States Government in or adjacent to said river, or affect prospective improvements in that locality, together with such regulations and agreements as may have been promulgated or entered into by his Department relating to such licenses, permits, and other privileges.

The resolution was agreed to.

CHANNELS ALONG THE NEW JERSEY SEACOAST.

Mr. BURTON of Ohio. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 6167) to improve the channels along the New Jersey seacoast.

The bill was read, as follows:

Be it enacted, etc., That authority be given to the State of New Jersey, or, through it, to any commission, individual, corporation, or municipality, singly or collectively, designated by the legislature of said State, or by a commission appointed or authorized by said legislature, to improve the channels on the New Jersey seacoast, or any portion of said coast, or the waters adjacent thereto, lying between 38 degrees 56 minutes and 40 degrees 20 minutes north latitude, by dredging, or by the construction of piers, jetties, or breakwaters, or other river and harbor work of any description or nature adapted to attain the ends now pursued by the United States Government for the advantage of said coast or the relief of commerce: *Provided*, That such operations shall not encroach upon those portions of said coast, or the channels adjacent thereto, for which the United States Government may undertake similar work according to its own plans: *And provided*, That the plans for said work shall be placed on file with the Chief of Engineers of the War Department for thirty days, during which time he is authorized to disapprove said plans and forbid such work if, in his judgment, the improvements when completed will interfere with navigation or with any works of the United States Government commenced or proposed to be made: *Provided further*, That no tolls or other charges upon commerce shall be imposed by those making such improvements: *And provided further*, That this act shall not be construed as affecting in any way the jurisdiction and control of the Federal Government over any waters that may be improved in pursuance of the provisions thereof, nor as exempting such waters from the operation of the laws heretofore or hereafter enacted by Congress for the preservation and protection of navigable waters.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to a third reading; and it was accordingly read the third time, and passed.

On motion of Mr. BURTON of Ohio, a motion to reconsider the last vote was laid on the table.

POSTAL SAVINGS BANKS.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of House resolution 602.

The resolution was read, as follows:

Resolved, That the Secretary of State be directed to send to the diplomatic representatives of the United States abroad a circular letter instructing them to obtain from the several foreign governments to which they are accredited as full information as possible touching the operation of postal savings banks, from 1896 to the present time, in the several countries which have adopted them; such information to consist chiefly of the aggregate amounts on deposit, and the aggregate number of depositors, at a stated date each year during the period aforesaid, the rates of interest paid, and copies of the present laws relating to such banks; the reports received in response to said circular letter to be sent to the House of Representatives at the opening of the regular session of Congress in December next, or as soon thereafter as possible.

With the following committee amendment:

On page 1, in line 1, strike out "directed" and insert "requested."

The SPEAKER. Is there objection to the present consideration of the resolution?

There was no objection.

The amendment was agreed to.

The resolution as amended was agreed to.

BRONZE CANNON FOR JUNCTION CITY POST, KANSAS.

Mr. CALDERHEAD. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 177, authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas.

The Clerk read as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to deliver to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas, at Junction City, Kans., if the same can be done without detriment to the public service, one 12-pounder bronze field gun, now at Fort Riley, Kans., with its carriage, limber, and accessories belonging to it, to be the property of said post: *Provided*, That the donation shall be without expense to the United States.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

CONDUCTORS OF ELEVATORS.

Mr. CASSEL. Mr. Speaker, by direction of the Committee on Accounts I present the following substitute for House joint resolution 160.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay out of the contingent fund of the House, miscellaneous items 1905, to the conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of $1,200 per annum from July 1, 1904, to June 30, 1906, inclusive, each, as follows: L. B. Cook, $200; George Winters, $200; M. N. O'Donnell, $200; Elmer Stanley, $239.53; Charles E. Walker, $200; J. K. Duncan, $200; in all, $1,239.53.

The resolution was considered, and agreed to.

STENOGRAPHER TO JOURNAL CLERK.

Mr. CASSEL. Mr. Speaker, I also present the House resolution No. 610.

The Clerk read as follows:

Resolved, That the stenographer to the Journal clerk of the House of Representatives, whose employment was directed pursuant to House resolution adopted December 19, 1905, be, and the same is hereby, continued for the remainder of the present Congress at the same rate of compensation, to be paid out of the contingent fund of the House.

The resolution was agreed to.

HENRY E. RHOADES.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 3506) for the relief of Henry E. Rhoades, assistant engineer, United States Navy, retired, and to postpone it indefinitely.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

ADMINISTRATIVE CUSTOMS BILL.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 19750, and upon that I move that all general debate be closed.

The SPEAKER. The gentleman from New York moves that the House resolves itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill, and pending that he moves that all general debate be closed.

Mr. WILLIAMS. Mr. Speaker, before that motion is put, I have things reduced down on this side of the Chamber to a request for forty-five minutes. Could not the gentleman give us that time before general debate ceases?

Mr. PAYNE. If this side was accommodated too it would take three hours. I will say to the gentleman that after the bill is read through for amendment, and the amendments agreed upon, if there is any time for general debate, I will not object.

Mr. WILLIAMS. With that understanding, Mr. Speaker, I will not object.

The SPEAKER. Is there objection to the request of the gentleman that general debate be closed?

There was no objection.

The motion of Mr. PAYNE was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union for the further consideration of the customs administration bill, with Mr. CAPRON in the chair.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That sections 5, 7, 13, 14, and 15 of the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An

act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same are hereby, amended so as to read as follows:

"SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port at the time of entry by the owner, importer, consignee, or agent; which declaration so filed shall be duly signed by the owner, importer, consignee, or agent, before the collector or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel, which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise of which the invoices or bills of lading are not produced shall not be included in such entry, but may be entered subsequently.

"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT.

"I, ——— ———, do solemnly and truly declare that I am the consignee (importer or agent) of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— ——— is master, from ——— ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor, to my knowledge, on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief [insert the name and residence of the owner or owners] is [or are] the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost (if purchased) or the actual market value or wholesale price (if otherwise obtained) at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the owner, by purchase, of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ——— ———, whereof ——— ——— is master, from ———; that the invoice and entry which I now produce contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same at their actual market value or wholesale price at the time of exportation to the United States in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district."

With the following committee amendments:

Page 1, line 3, after "seven," insert "twelve."
Page 5, line 1, strike out "specifies" and insert "specify."

The CHAIRMAN. The question is on the committee amendments.

The question was taken; and the committee amendments were agreed to.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. I would like to ask the gentleman from New York a question. On page 4 of this bill appear the words "discount, bounty, or drawback," and on page 7 the words "and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise" appear. Will the gentleman tell us what discount or drawback or what bounty is now allowed under the law?

Mr. PAYNE. Oh, that is not a question of allowance under the law. It is a question of allowance on the purchase or on the consignment of the goods—a matter between private parties.

Mr. GAINES of Tennessee. There is a discount, bounty, or drawback allowed now?

Mr. PAYNE. That is when goods are reexported. I want to say to the gentleman that the only change in this section from the present law occurs in line 18, on page 4, where the words "by purchase" are inserted after the word "owner."

Mr. GAINES of Tennessee. I just want to get at what discounts or drawbacks or what bounties are now allowed under the law.

Mr. PAYNE. There are no bounties allowed. I want to say——

Mr. GAINES of Tennessee. What drawbacks are allowed?

Mr. PAYNE. Where merchandise is imported and afterwards manufactured in the United States, and then the manufactured article is exported, upon proof of that the party who imported the merchandise and who paid the duty received a drawback of the whole duty, or of 99 per cent of the whole duty.

Mr. GAINES of Tennessee. Will the gentleman tell me what the difference is between a "rebate" and a "drawback?"

Mr. PAYNE. Oh, they are words that are used sometimes indiscriminately. In the law it says "drawbacks."

Mr. GAINES of Tennessee. We have used the word "rebate" in some of the statutes. Now, then, what is the difference in allowing a drawback, as the gentleman has described, from allowing what is called a "rebate?" You import foreign-made goods and bring them into the United States, and when the party has paid the tariff on them you reimburse him for that—give him a rebate. Say he pays $10 or $100 tariff tax. Now, what is the difference between the two—a rebate and a drawback?

Mr. PAYNE. Oh, that is an increase of the duty. If a man undervalues his goods and the board of appraisers raises the value, then he has to pay not only the duty on the present value, but also an additional duty of 1 per cent on the goods for each 1 per cent of the raised value.

Mr. GAINES of Tennessee. But a rebate is as valid as a drawback, is it not?

Mr. PAYNE. This is not a drawback. This is an additional duty. This draws it out of the individual, not out of the Government.

Mr. GAINES of Tennessee. A rebate is as valid as a drawback, and permissible, is it not?

Mr. PAYNE. A rebate is hardly the proper term, because the law calls it a drawback. Still, they are used indiscriminately.

Mr. GAINES of Tennessee. You import an article and remit the duty to the person who has paid for that article?

Mr. PAYNE. If he reexports it after manufacturing.

Mr. GAINES of Tennessee. That is not exactly my question. I fully understand that. We import a foreign-made article; and say it costs $100 and there is a $10 tariff on it. I import it and I pay $110 for that article, and the Government rebates or gives me $10 in the nature of a rebate or a drawback. Now, what is the difference in that case and the case you first stated?

Mr. PAYNE. What is that?

Mr. GAINES of Tennessee. What is the difference between

the case I have stated and the case which the gentleman stated himself?

Mr. PAYNE. There is no difference, only we pay back 99 per cent; in a hundred dollars it would be $99.

Mr. GAINES of Tennessee. They were equally valid propositions of legislation?

Mr. PAYNE. Yes.

Mr. GAINES of Tennessee. I thank the gentleman for that information.

The Clerk read as follows:

SEC. 7. That the owner, consignee, or agent of any imported merchandise which has been actually purchased may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry or such deduction therefrom to the cost or value given in the invoice or pro forma invoice, or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; but no such addition shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty, or to a duty based upon or regulated in any manner by the value thereof, shall exceed the value declared in the entry by more than 5 per cent there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent that such appraised value exceeds the value declared in the entry, but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued, and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to 100 per cent of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted, nor payment thereof in any way avoided, except in cases arising from a manifest clerical error, nor shall they be refunded in case of exportation of the merchandise, or on any other account, nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than 100 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same and forfeiture shall be adjudged, unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *Provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice, shall be alike applicable to merchandise entered by a pro forma invoice, or statement in the form of an invoice, and no forfeiture or disability of any kind, incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

Mr. OLCOTT. Mr. Chairman, I desire to offer the following amendment.

Mr. PAYNE. Can not the gentleman wait until the committee amendments are read?

The CHAIRMAN. The Chair will say the section is not yet completed.

Mr. PAYNE. I think if there be no objection it would be better to read the sections of the original law and pass the amendments to those sections as we go along.

The CHAIRMAN. If there be no objection, that course will be pursued.

The Clerk read the committee amendments, as follows:

Page 8, line 3, after the word "addition," insert the words "or deduction."

Page 8, line 22, strike out the words "on account of" and insert in lieu thereof the word "upon."

Page 8, lines 23 and 24, strike out the words "if the appraised value did not exceed" and insert in lieu thereof the words "by law upon."

The question was taken; and the amendments were agreed to.

Mr. OLCOTT. Mr. Chairman, I am offering an amendment to section 7. There are four separate amendments there which I offer to section 7, which I will ask the Clerk to read.

The CHAIRMAN. The Clerk will report the amendments.

The Clerk read as follows:

Page 7, line 18, strike out the words "which has been actually purchased."

Mr. PAYNE. Mr. Chairman, that makes, although a simple appearing amendment, a radical change in the law. This privilege is granted only now under the law, and has been under the law as it has stood since 1890, on goods actually purchased. This would seek to extend it to consigned goods. Now, the collectors have had more difficulty with consigned goods than with any other species of goods, and for many years it was the custom of large importers, the best firms in the country, such a firm as Marshall Field & Co., of Chicago, to say that they could not import goods themselves when they bought abroad, because they could buy them cheaper of consignees here. Those consignees are generally the consignees of the manufacturers abroad. A great source of fraud on the Government has been from these consignees. We do not wish to extend this privilege to them. The committee considered this amendment, we had hearings before us on the subject, and that was the judgment of the committee.

Mr. OLCOTT. Mr. Chairman, I would say in connection with this matter that I offer the amendment which has been read, and the other three which are on the Clerk's desk, because of information which I obtained from the State Department. It seems that in a recent arrangement made, a modus vivendi between the State Department and the German Government in connection with the restriction sought to be placed by the German Government on American goods, the State Department, I think after consultation with the Treasury Department, made an agreement for a temporary agreement. Letters passed between the Secretary of State and the German ambassador, and my impression and my feeling is, on information from the State Department, that unless these amendments which I have proposed are placed in this bill, it will be an evidence of bad faith by us or show that there is something in the nature of bad faith in the relations between our Government and the German Government. I certainly do not wish to do anything to interfere with the proper collection of customs or proper administration of our tariff laws, but I would rather temporarily have something disturb the system than that a well-grounded charge should be made against our Government that we had been guilty of bad faith in our relations with any other government.

Mr. SULZER. I quite agree with the gentleman from New York. What I want to find out is this: This amendment of yours would continue the matter until a new treaty was made, would it not?

Mr. OLCOTT. It is quite true it would amend the law, of course. Of course if this law should go into effect, it seems to me that our Government would not be able to carry out what it promised to carry out with the German Government.

Mr. SULZER. Briefly stated, what does your amendment do?

Mr. OLCOTT. My amendment, as the gentleman from New York has stated, makes this law apply to consigned goods as well as purchased goods.

Mr. PAYNE. Mr. Chairman, it is true that there was some negotiation between the State Department and the German ambassador, and it is true that the State Department recommended to Congress a change similiar to the change involved in this amendment, and I think the Secretary of the Treasury was present at the time. Whether he agreed to that change or not, he did agree to recommend another change in another particular in the bill, which will be read later, and I presume the gentleman from New York [Mr. OLCOTT] has an amendment to cover that which will follow soon after this. That arrangement did not permit the appraisers appearing before the committee and telling the truth; that did not permit the committee investigating this matter and getting at the facts, and we are unwilling, whether the State Department recommends it or not, to concede this amendment proposed to the law.

In my judgment it amounts to a change in duty or a loss in duty, not only on goods consigned from or brought in here from Germany, but goods brought in here from the whole world. We make anther concession in the bill, not going to the limits which were talked of between the Secretary of State and the German ambassador; and that was all of concession the committee was willing to make after full hearings on the subject before it. It will be remembered that by the modus vivendi the German concession lasts only a year from the 1st of July, and the change in this bill not only is conceded to Germany a year from July, as well as all other countries, but on after that, until the bill is again amended. We think we have given a good deal more to Germany than she has given to us when we make the trade we have made, and we did not feel like going to the extent recommended by Secretary Root. Therefore the bill is as it is, and I hope the amendment will be voted down.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. PAYNE. Yes.

Mr. PARSONS. I would like to ask the gentleman to explain more at length how this change proposed by my colleague from New York would interfere with full collection of the revenue? Why does it make any difference whether the goods are consigned or purchased?

Mr. PAYNE. Well, the whole question of the appraisal of the goods comes in under this section, and the question of allowance of 5 per cent for guesswork on the value, and everything of that kind. And while we can reach with some reasonable

certainty the value of the goods—that is, a fair appraised value, where the goods are purchased—when any manufacturer consigns the whole product of his factory to the United States or for foreign trade, it is almost impossible to establish a market value for those goods in the country where they are produced. Hence it has resulted that the great frauds against the revenue laws have been committed on consigned goods. As I said a moment ago, reputable people purchasing abroad are not able to bring in the goods and pay the duties honestly; they have to buy of the agents of consigned goods on this side, who have brought in the goods on the undervaluation and who by paying a reduced duty can get them cheaper here than we can get them from abroad. It opens a vast door for fraud that we do not want to open.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. WALCOTT].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. PAYNE. I ask for a division, Mr. Chairman.

The House divided; and there were—ayes 23, noes 32.

So the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 8, lines 3, 4, and 5, strike out the words "But no such addition or deduction shall be made upon entry to the invoice value of any imported merchandise obtained otherwise than by actual purchase."

Mr. PAYNE. That is a similar amendment to the other, and I hope it will take the same course.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment, offered by the gentleman from New York [Mr. OLCOTT].

The Clerk read as follows:

Page 9, line 6, after colon immediately following the word "drawback," insert the following: "*Provided*, That where the appraised value of any merchandise exceeds the entered value by not more than 10 per cent the Secretary of the Treasury may remit the additional duties, if the board of general appraisers shall report that, in their opinion, there was no fraud or intentional undervaluation on the part of the owner, importer, or consignee of said merchandise, and shall recommend such remission."

Mr. PAYNE. Mr. Chairman, when the administrative act was adopted, in 1890, it had a provision similar to that, giving the importer 10 per cent leeway on a guess, and, as a rule, he guessed about 9½ per cent. In other words, they undervalued 9½ per cent, and strained their consciences to that extent. When we came to pass the act of 1897, the committee was unanimously in favor of abolishing this 10 per cent leeway. Now, if the goods have been undervalued and the valuation is raised by the board of appraisers over and above the price at which they are entered by the importer, the duties are paid according to the increased value, and an additional duty, which outsiders sometimes call a "penalty,"—but which is not a penalty, because, under the law, it is a duty—an additional duty of 1 per cent on the undervaluation is exacted upon the goods. Now, it does seem that at some time the Secretary of State agreed to recommend, and did recommend, an amendment similar to this amendment offered by my colleague from New York, but the committee did not feel it was safe to go back to the old plan of 1890 to 1897. It was sought to get this 10 per cent clause of the section in the bill, but we then thought we would go as far as 5 per cent and give them a chance to guess 4½ per cent; but we did not want to go any further than that, because it might make too great a reduction of revenues, and certainly would give the dishonest importer an advantage over the honest importer, who honestly appraised his goods and swore to his invoices when he tried to enter them. Now, by the action of the committee, after consideration, we concluded to give not to exceed 5 per cent, which we have given in this section which has just been read. So that I hope this amendment will be voted down.

Mr. OLCOTT. Mr. Chairman, it naturally makes me feel embarrassed to object to anything the chairman of the Committee on Ways and Means has to say relative to protection and high tariff, because I entirely believe in both, and always have. But I merely wish to say in regard to this matter that my interest in both of the amendments, and my desire to have them pass, is because of the fact that I believe it is the only way the Government of the United States can keep absolute faith with the German Empire.

A resolution was adopted in the House of Representatives (H. Res. No. 346) asking information from the President as to this arrangement with the German Government and was referred to the Committee on Ways and Means, and the following is a copy of the adverse report:

[House Report No. 1833, Fifty-ninth Congress, first session.]

The Committee on Ways and Means, to whom was referred the resolution (H. Res. No. 346) calling upon the President of the United States for information as to what arrangement or agreement the Department of State has made with the German Government, reports back the resolution with the recommendation that it be laid upon the table.

The resolution was submitted by the Committee on Ways and Means to the Secretary of State, who replies, under date of February 28, instant, transmitting the entire arrangement or agreement and all papers relating thereto between the United States and the German Government in reference to the subject-matter of the resolution. This correspondence and the papers received from the Secretary of State are made a part of this report, as follows:

DEPARTMENT OF STATE,
Washington, February 28, 1906.

MY DEAR MR. PAYNE: I have your letter of to-day inclosing copy of a resolution introduced in the House yesterday requesting "information as to what arrangement or agreement the Department of State has made with the German Government in reference to tariff relations between the United States and Germany."

Perhaps the simplest treatment of the subject will be to give you the information now. There has been no arrangement or agreement made with the German Government in reference to the tariff relations between the United States and Germany, except as appears in the inclosed correspondence.

The proclamation referred to in my letter of February 19, 1906, continuing the duties of section 3 of the Dingley tariff act, has been issued. The amended Consular Regulations, Nos. 678 and 680, referred to in my letter of February 16, 1906, have been prepared and will probably have been signed by the President by the time your committee meets.

Very sincerely, yours,

ELIHU ROOT.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
House of Representatives.

DEPARTMENT OF STATE,
Washington, February 16, 1906.

EXCELLENCY: I have received from the Secretary of the Treasury a formulation of the various changes in the Customs Laws and Regulations, to which the Treasury gives its assent, upon the several points as to which you desire changes.

1. You said in your letter of November 21: "It is now almost entirely the rule that the exporter has to appear personally before the American consul in order to get his invoice legalized. Could the rule be made the exception?"

I inclose herewith, marked "A," a proposed amendment of section 678 of our consular regulations, which I think accomplishes what you desire.

2. You say: "Would it be possible to have the invoice legalized, at the choice of the exporter, in the district where the goods have been bought or in the district where the importer lives?"

The proposed amendment of regulation 678, above referred to, also provides that the invoice may be legalized, at the choice of the exporter, in the district in which the goods were bought or in the district where they were manufactured. This I understand to be a substantial compliance with your wish.

3. You say: "Could, under certain circumstances, the American consul in making his inquiries about the dutiable value be instructed to cooperate with competent German chambers of commerce?"

I inclose a proposed amendment of consular regulation No. 680, making it the duty of consular officers to confer with the German chambers of commerce and making it their duty also to report the communications which they may receive from such bodies, so that their views and action shall be before the appraising officers in this country. The proposed amended regulation 680 is marked "B."

4. You say: "Could the special agents or commissioners sent by the United States to Germany (special Treasury experts and agents), in order to investigate in cases of special importance the market value, be notified to the German Government and in certain cases cooperate with the competent German chambers of commerce?"

I inclose a proposed instruction to the agent of our Treasury Department charged with such matters in Germany which I think will accomplish what you desire. It is marked "C."

5. You say: "Could, in certain cases in which the accuracy of the value declared by the importer had been rendered probable by certificates of German official chambers of commerce, the importer be allowed, if, nevertheless, the American customs authorities do not accept his declaration, the possibility of defending himself in a more efficient way than he now can? Could the appraisers be instructed to give the motives of their decisions in all cases in which they decide against the certificates of these chambers of commerce?"

I inclose a proposed rule or order from the Secretary of the Treasury to the Board of General Appraisers, which requires them to make the hearing in such cases open and in the presence of the importer or his attorneys whenever the public interests will not be prejudiced thereby. It is believed that this will accomplish what you desire as fully as is practicable. It does not seem to be practicable to require a regular trial, as in a court of law, upon every case of appraisement. That would be something unknown to the administration of customs laws anywhere in the world and wholly incapable of practical operation. The whole theory under which our customs laws are administered is that the appraising officer shall reach a conclusion as to the value upon the best information that he can get. The rule now proposed goes as far in the direction of turning this ascertainment of value into a trial as our Treasury thinks it is possible to go. This proposed rule is marked "D."

6. You say: "Could it be arranged that an additional duty be levied only in case the appraised value exceeds the declared value more than 10 per cent?"

This would require Congressional action. I inclose, marked "E," a proposed recommendation, from the Secretary of the Treasury to Congress, which applies the rule for which you ask to the extent of 5 per cent and as to the remaining 5 per cent gives the Secretary of the Treasury authority to waive or remit the additional duty upon a certificate that the undervaluation was the result of honest difference of

opinion—that is to say, under the proposed rule the additional duty would be imposed only in case the appraised value exceeds the declared value more than 5 per cent and could then be remitted up to the point of a 10 per cent difference upon a certificate of good faith.

7. You say: "Could goods on consignment be treated like goods that have been sold as regards the reexamination of costs of production?"

You will recall that in an interview with Baron Bussche he indicated this was intended to call for an application of section 7 of the customs administration law, which permits the owner or consignee of purchased merchandise at the time of entry an addition to the cost or value given in the invoice, so as to raise the invoice value to the actual market value or the wholesale price of such merchandise at the time of exportation to the United States. The second paragraph of the proposed recommendation by the Secretary of the Treasury, marked "B," contains a further recommendation for the necessary amendment of section 7 to comply with your wish regarding consigned goods.

I beg you to believe, my dear Baron, that in our treatment of all these subjects we have been actuated by a strong desire to comply with the wishes of your Government and to obviate any annoyances or hindrances to German producers and merchants in the conduct of their trade with the United States. We would greatly deplore any interference with that trade, and we are anxious to avoid, so far as it can possibly be done, every occasion for irritation on the part of the persons engaged in it. We sincerely hope that the trade between our countries may continue and increase upon both sides with mutual satisfaction and profit.

Accept, Excellency, the renewed assurance of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

A.

CONSULAR REGULATIONS.

SEC. 678. Invoices of merchandise purchased for export to the United States must be produced for certification to the consul of the district at which the merchandise was purchased, or in the district in which it was manufactured; but, as a rule, consular officers shall not require the personal attendance at his office of the shipper, purchaser, manufacturer, owner, or his agent, for the purpose of making declarations to invoices, but he shall certify invoices sent to him through the mails or by messenger. To conform to the statute which requires that merchandise shall be invoiced at the market value or wholesale price of such merchandise as bought and sold in usual wholesale quantities at the time of exportation to the United States, in the principal markets of the country whence imported, consuls will certify to invoices, the additional cost of transportation from the place of manufacture to the place of shipment whenever the invoice is presented to be consulated in a country other than the one from which the merchandise is being directly exported to the United States.

B.

CONSULAR REGULATIONS.

680. When the invoice and declaration are received by the consul, it is his duty to examine carefully each item and satisfy himself that it is true and correct. In aid of this examination it shall be the duty of such consular officer to confer with official chambers of commerce and other trade organizations in his district, and he shall report any and all written communications from such commercial bodies and trade organizations that may be submitted to him in writing, together with all schedules of prices furnished him officially for that purpose, and the consul is authorized, in his discretion, to call for the bills of sale of merchandise purchased for export to the United States; to inquire into the cost of production of merchandise not obtained by purchase; to demand samples; and, if the conditions require it, to examine the entire consignment. Whenever an invoice is offered for certification which covers consolidated shipments consisting of the productions of different manufacturers, the consul may demand the submission of the manufacturers' bills relating thereto. Even when the merchandise has been purchased for export and the invoice sets out truly the price paid, the consul should ascertain whether the price represents the market value of the goods.

C.

In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district you are directed to confer with chambers of commerce and other trade organizations and to report to this Department all information you derive from these sources, together with price lists submitted and approved by such organizations.

D.

You are hereby directed that in reappraisement cases pending before a board of three the hearing shall be open and in the presence of the importer or his attorney whenever in the judgment of the board the public interest will not be prejudiced thereby.

E.

I beg to recommend the following amendments and modifications of the customs administrative act of June 10, 1890:

1. That section 7 of the customs administrative act of June 10, 1890, be so amended as to permit at the time entry is made such addition to the cost or value given in the invoice of consigned merchandise as in the opinion of the consignee or his agent may raise the same to the actual market value or wholesale price thereof the same as is by said act permissible of merchandise actually purchased.

2. I further recommend that section 7 be so amended as to impose no additional duty for undervaluation unless such undervaluation shall equal 5 per cent of the market value of the merchandise, and that the Secretary of the Treasury be authorized to remit all additional duty whenever the undervaluation is less than 10 per cent of the value of the imported merchandise, provided the Board of General Appraisers shall certify that in its opinion the undervaluation is the result of good faith, differences of opinion, or error.

IMPERIAL GERMAN EMBASSY,
Washington, February 18, 1906.

MR. SECRETARY: As the American Government has not found it possible to arrive at a decision on my memorandum of November 4, the German Government, fully recognizing the difficulties of the American Government in dealing with the question, is ready to fulfill the desire which has been expressed to me by the President and by yourself, and recommended by me to my Government. The German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties concluded in 1904 and 1905 between Germany on one side and Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia on the other side. To-day a bill will be introduced in the Reichstag with a view to authorize the Federal Council (Bundesrath) to grant to the United States of America until June 30, 1907, these reduced duties. In making this concession the German Government expects that Germany will enjoy, after March 1, 1906, the reduced duties of section 3 of the Dingley tariff, as heretofore.

May I ask you, Mr. Secretary, to favor me with a written confirmation of this at your earliest convenience?*

The German Government further hopes that the existing severity and rigidness of the American customs administration will be lessened, and that during the time granted the negotiations which have been entered into will continue and finally lead to a conclusion satisfactory to both parties.

Believe me, Mr. Secretary, yours, most sincerely,

STERNBURG.

Hon. ELIHU ROOT,
Secretary of State of the United States.

DEPARTMENT OF STATE,
Washington, February 19, 1906.

EXCELLENCY: I have the honor to acknowledge the receipt of your note of February 18, advising me that the German Government is willing to grant to the United States for a certain period those reduced customs duties which have been fixed by the treaties of 1904 and 1905 between Germany, Belgium, Italy, Austria-Hungary, Russia, Roumania, Switzerland, and Servia, and that a bill is about to be introduced in the Reichstag with a view to authorize the Bundesrath to grant these reduced duties to the United States until June 30, 1907.

I beg to say that upon the accomplishment of the purpose thus stated, by the assurance to the United States of such reduced duties until the 30th of June, 1907, the President will promptly issue the necessary proclamation for assuring to Germany the reduced duties of section 3 of the Dingley tariff, as heretofore.

I hope that the communication which I had the honor of addressing to you Friday, the 16th instant, enumerating certain proposed changes in the customs administrative law and regulations, will be regarded by your Government as evidence of the President's strong desire to relieve our customs administration from everything which seems to German exporters to have any feature of severity. I hope also that during the period which, under the proposed action of the German Government, will continue until the 30th of June, 1907, a satisfactory way will be found to establish a permanent basis for the mutual trade of both countries upon terms satisfactory to both. I am sure that there could not be a more sincere and kindly purpose or more reasonable and open-minded views than have actuated the representatives of both countries in the treatment of this subject, and I feel great confidence that a continuance of the same attitude on both sides will lead to a conclusion in conformity with the strong desire for real friendship between the German and American peoples which we both entertain.

Accept, Excellency, the renewed assurances of my highest consideration.

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

FEBRUARY 21, 1906.

MY DEAR BARON: The President authorizes me to say that the regulation, marked "C" in the memorandum handed me by you to-day, can be modified in accordance with your suggestion by inserting the word "first;" so that it will read:

"In conducting investigations for purposes of discovering market value or cost of manufacture of merchandise produced within your district, you are directed to confer, first, with chambers of commerce and other trade organizations and to report to this Department all information you derived from these sources, together with price lists submitted and approved by such organizations."

The other memorandum relating to inclusion of the first general appraiser in the provision relating to open hearings has been sent to the Secretary of the Treasury for an expression of opinion by him, and I hope to be able to advise you regarding that to-morrow.

Always faithfully, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

FEBRUARY 23, 1906.

MY DEAR BARON: Regarding the inclusion of the first general appraiser in the provision authorizing open hearing in reappraisement cases, the Secretary of the Treasury says that it can be done if you are specially urgent for it, but he thinks that I ought to say to you that he does not consider it probable that the first general appraiser will consider it practicable to give hearings which will be in the nature of court proceedings, and that he does not think the authority conferred in the new rule would be very much exercised by the first general appraiser; that is to say, he thinks that if the authority were given the appraiser would quite uniformly rule that the public interests would be prejudiced by the open hearing.

Referring to your letter of February 22, I have asked the Secretary of the Treasury to favor me with an expression of his views upon the questions which you ask, and I will communicate with you immediately upon hearing from him.

Very sincerely, yours,

ELIHU ROOT.

His Excellency BARON SPECK VON STERNBURG.

[Confidential.]

IMPERIAL GERMAN EMBASSY,
Washington, February 24, 1906.

DEAR MR. SECRETARY: In reply to your letter of the 23d instant permit me to say that our people interested in the matter think that the possibility of open hearings before the general appraiser is essential; they also believe that the first general appraiser will not uniformly rule that

* And also to state that the President will issue a proclamation with regard to Section III in due time.
The negotiations in the Reichstag will begin on Tuesday next.

the public interests would be prejudiced by the open hearing if he is left entire discretion in this respect. I therefore would be greatly obliged to you if you would have the proposed modification inserted.

Believe me, Mr. Secretary, very sincerely, yours,

STERNBURG.

Hon. ELIHU ROOT,
Secretary of State of the United States, Washington.

IMPERIAL GERMAN EMBASSY,
Washington, February 26, 1906.

DEAR MR. SECRETARY: Permit me, in connection with my statements of this morning, to inclose a memorandum explaining the status of our new customs law. Could I ask you to be so kind as to send me a short notice of the date on which the proclamation of the President regarding section 3 of the Dingley tariff will be issued?

Believe me, Mr. Secretary, most sincerely, yours,

STERNBURG.

Hon. ELIHU ROOT,
Washington, D. C.

[Memorandum.]

The bill has come before the Bundesrath, and will immediately be submitted to the Emperor for signature. In the meantime the Bundesrath has made use of the power conferred upon this body and decided on Saturday last to grant, until further notice, to the products of the United States the rates of the German conventional tariff, without setting a term within the fixed time. As soon as the act has received the signature of His Majesty it will be published, together with the resolution of the Bundesrath.

Mr. PAYNE. Another word. Our German friends, who are not always modest about what they ask, also wanted the duty levied upon the export price, the duty now being levied upon the market price where the goods are produced. We all well know that they have an export price which is uniform and uniformly lower than the market price at which they sell at home, and the difference in the price is often very great. Up to a few years ago on manufactured articles exported from Germany the export price was lower, and generally much lower, than the market price that goods sell for at home, and they were anxious to have our duties levied upon the export price. Of course, we can see how they would be anxious to have it that way, and I believe the Secretary of State had agreed to recommend that; but I hope this amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York [Mr. OLCOTT].

The question was taken; and the amendment was rejected.

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read as follows:

Page 9, line 7, immediately before the comma preceding the second word in the line, insert the word "further."

Mr. OLCOTT. I will withdraw that amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn.

Mr. GAINES of Tennessee. Mr. Chairman, I move to strike out the last word. The gentleman from New York says the Germans sell their manufactured goods cheaper to the foreigner than at home. On that proposition I want to make this observation: Our manufacturers sell to foreigners cheaper than to our own people and excuse themselves by saying they have to sell their "surplus," and sell to the foreigners cheaper than to our home people to keep their mills running all the time to give their hands employment all the time.

It is not contended by anyone that every manufacturer in the United States exports; yet they are protected and prosper. Those highly protected and rich—the monopolists and trusts—do export and sell cheaper abroad than at home. Now, then, it being true that all the manufacturers do not export, how is it that these manufacturers who do not export at all run their mills all the year long, employ their hands all the year long? How do the nonexporters continue business if to do so they must export and sell abroad at less than at home? The nonexporters work all the year. They employ men all the year; they are paid at the same price, and yet those manufacturers do not export a dollar's worth of any product. So, Mr. Chairman, there is nothing that I can see in the proposition that these great, highly protected manufacturers must sell their goods to foreigners cheaper than to our people to run their industries and keep their hands employed throughout the year, and so keep their mills running the year round.

Mr. SULZER. Mr. Chairman, the trust question is to-day the great issue in American affairs. It will not subside until the law is rigidly enforced without fear or favor.

In my address before the National Antitrust League convention at Chicago, in February, 1900, I said:

Under the law of our country trusts are criminal. The law on the statute books against trusts is clear and plain, and the highest court in the land has passed on its validity and sustained the constitutionality of its provisions. The antitrust act of 1890 declared that every contract or combination in the form of a trust or otherwise in restraint of trade and commerce among the several States and Territories, or with foreign nations, is a conspiracy—illegal and void—and punishable by fine and imprisonment.

Under this antitrust act it seems to me every trust in the United States can be prosecuted for violation of law, and the men behind it punished for conspiracy. Every trust by its very nature is in restraint of trade and commerce and in violation of this law. If you will read the decisions the conclusion will be irresistible to the logical mind that the fault is not so much with the law as it is with the men who are sworn to enforce the law. The imperative mandate of the day is—enforce the law. Whenever the trusts have been brought before the courts and their true character shown, they have been declared illegal.

In my opinion—and I say so advisedly—the Department of Justice under the present law can institute and successfully maintain actions against every trust doing business in the United States.

What I said in 1900 is equally true to-day. The law should be enforced and the trust criminals punished. The people will, with no uncertain voice, demand such action at the coming election in the fall.

I wish to call attention here to the oldest and one of the most infamous trusts in the United States. The proofs of its criminality have been in the hands of the several Attorneys-General for more than twelve years. Yet it continues its iniquitous operations in every State east of the Ohio River, and maintains its office right here in the District of Columbia within sight of the Department of Justice. The name of this trust is the Eastern Railroad Association. Its doings are destructive of the property rights of every inventor of railway appliances in the nation. It is the oppressor of a class of men among the most useful of all our citizens.

I desire for a few moments to consider the question of property in inventions. There are some people, I am sorry to say, who have very little regard for this property—for the property right of the inventor and patentee. I think I will show that it is as sacred a property and as much entitled to the protection of the Government as any other species of property. Nay, more; I think I will show that it is a property which stands on a higher plane, and which, if there is any distinction between property, is of a higher character and order than on any other property in the land. I quote here from Walker on Patents what he says as to the right of property in inventions:

SEC. 152. The right of property which an inventor has in his invention is excelled in point of dignity by no other property right whatever. It is equaled in point of dignity only by the rights which authors have in their copyrighted books. The inventor is not the pampered favorite or beneficiary of the Government or of the nation. The benefits which he confers are greater than those which he receives. He does not cringe at the feet of power nor secure from authority an unbought privilege. He walks everywhere erect and scatters abroad the knowledge which he created. He confers upon mankind a new means of lessening toil or of increasing comfort, and what he gives can not be destroyed by use nor lost by misfortune. It is henceforth an indestructible heritage of posterity. On the other hand, he receives from the Government nothing which costs the Government or the people a dollar or a sacrifice. He receives nothing but a contract which provides that for a limited time he may exclusively enjoy his own. Compared with those who acquire property by devise or inheritance, compared with those who acquire property by gift or marriage, compared with those who acquire property by profits on sales or by interest on money, the man who acquires property in inventions by creating things unknown before occupies a position of superior dignity. Even the man who creates value by manual labor, though he rises in dignity above the heir, the donee, the merchant, and the money lender, falls in dignity below the author and the inventor. The inventor of the reaper is entitled to greater honor than his father who used the grain cradle, and the inventor of the grain cradle is entitled to greater honor than his ancestor who for a hundred generations had used the sickle. Side by side stand the inventor and the author. Their labor is the most dignified and the most honorable of all labor, and the resulting property is most perfectly theirs.

Lord Bacon gave the weight of his opinion to views somewhat similar to the foregoing. The following is a translation of one of his Latin paragraphs:

"The introduction of great inventions appears one of the most distinguished of human actions, and the ancients so considered it, for they assigned divine honors to the authors of inventions, but only heroic honors to those who displayed civil merit (such as the founders of cities and empires, legislators, the deliverers of their country from lasting misfortune, the quellers of tyrants, and the like). And if any one rightly compare them he will find the judgment of antiquity to be correct, for the benefits derived from inventions may extend to mankind in general, but civil benefits to particular lands alone; the latter, moreover, last but for a time, the former forever."—Walker on Patents, 102, 103.

By preventing the adoption of needed improvements in railway appliances this Eastern Railroad Association trust is a daily menace to the lives and safety of all the millions who travel on railroads, and especially so to the million or more railroad employees.

Now that this case has been thus publicly called to the attention of the present Attorney-General, who is showing most commendable activity in enforcing the antitrust law, I hope he will take prompt and proper action against this Eastern Railroad Association combine.

I submit the following proof:

EXHIBIT A.

THE EASTERN RAILROAD ASSOCIATION.

This association is a combination, voluntarily formed under a secret written agreement, of nearly all railroad corporations in the fifteen Atlantic coast States to secure by unity of action arbitrary control

over all patented inventions applicable for use on railroads. It is without doubt the oldest illegal trust in the United States. It was formed in 1866 and has successfully pursued its iniquity for some thirty-five years.

The association's annual reports from 1867 to 1883 are on file in the United States Patent Office library, but since 1883, which is approximately the date of the present agitation against unlawful combinations, no reports have been allowed to reach the public.

Its membership in 1868 embraced 57 railroad corporations in Maryland, Pennsylvania, New York, and in the New England States. In 1883 the membership had increased to include 255 railroad corporations. The present membership is not actually known, inasmuch as the affairs of the association since 1883 have been kept secret. However, it is believed that the membership now includes at least 600 or 700 railroad corporations.

The headquarters of the combine was originally at Springfield, Mass.; afterwards, in 1878, at the Boston and Lowell station in Boston; then, in 1880, at the Grand Central Station in New York, and finally a permanent base of operations was established at Washington, D. C., the association, in 1886, purchasing for $25,000 the premises No. 614 F street NW., to be held "in trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association."

On reference to the "Memorandum of deed in trust" (see Exhibit H), it will be seen that the conveyance was made to three members of the executive committee of the association and in a form which "has ever been held most sacred in equity." The building which is now the headquarters of the association contains large fireproof vaults with combination locks and within which are guarded the secret archives.

The railroad corporation members prior to December 4, 1878, operated under a written agreement, called a "constitution," adopted February, 1867, a copy of which is not available. On the above date an amended constitution was adopted. (See Exhibit C.) This latter constitution was revised some time prior to 1887. (See Exhibit F.)

It will be seen on reference to the constitution that all the affairs of the association are turned over to and managed by nine governors called an "executive committee." The names of the committee and the officers of the association have been published from time to time in the Travelers' Official Guide. In the Guide for December, 1904, the following list of the officials is given:

Eastern Railroad Association.—General offices, 614 F street NW., Washington, D. C.; Theodore N. Ely, president, Philadelphia, Pa.; William G. Besler, vice-president, New York; Albert A. Folsom, treasurer, Boston, Mass.; Robert J. Fisher, general counsel, Washington, D. C.; John J. Harrower, secretary, Washington, D. C.

Executive committee.—Theodore N. Ely, Pennsylvania Railroad Company; Henry F. Kenney, Philadelphia, Baltimore and Washington Railroad Company; John R. Kenly, Atlantic Coast Line Railroad Company; John J. Turner, Pennsylvania Company; William G. Besler, Central Railroad Company of New Jersey; John F. Deems, New York Central and Hudson River Railroad Company; Fairfax Harrison, Southern Railway Company; Fayette S. Curtis, New York, New Haven and Hartford Railroad Company; George L. Potter, Baltimore and Ohio Railroad Company.

The meaning and force of certain articles in the amended constitution were explained to the fifty-three corporation members in the twelfth annual report of the president, Exhibit D, and reveals the true nature and character of the association.

Litigation is asserted to be the association's most important business. It is stated that section 4 of the constitution is "tyrannical," and deprives "members of the liberty of individual and independent action in the settlement of claims;" that members are forbidden to settle claims independently of the permission of the executive committee, for "the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do;" that the members of "the association must act as a unit," and that "it is believed that this unity of action has been the true cause of our success heretofore."

In fact, this report furnishes conclusive evidence that the association was at the time, as it is now, a criminal conspiracy at common law. In State *v.* Burnham (15 N. H., 396, 1840) Judge Gilcrist said:

"Combinations against law or against individuals are always dangerous to the public peace and to public security. But the law by no means intends to exclude society from the benefits of united effort for legitimate purposes and such as promote the well-being of individuals or the public. It uses the word 'conspiracy' in its bad sense. An act may be innocent without being indictable where the isolated acts of an individual are not so injurious to society as to require the intervention of the law. But when innocent acts are committed by members in furtherance of a common object, and with the advantage and strength which determination and union impart to them, they assume the grave importance of a conspiracy, and the peace and order of society require their repression."

"The general principle on which the crime of conspiracy is founded is this, that the confederacy of several persons to effect any injurious object creates such a new and additional power to cause injury as requires criminal restraint, although none would be necessary were the same thing proposed or even attempted to be done by any person singly." (7 Rep. Crim. Law Com., 1843, p. 90.)

"The concentrated energy of several combined wills operating simultaneously and by concert upon any one individual is dangerous even to the cautious and circumspect. It is therefore the business of the law to protect individuals from such conspiracies. All combinations in society to effect an evil purpose are dangerous, and when their object and purpose are to cheat an individual, by whatever means, they are obnoxious to the criminal law." (Twitchell *v.* Comm., 9 Pa. St. R., 211.)

"I take it, then, a combination is criminal wherever the act to be done has a necessary tendency to prejudice the public or to oppress individuals by unjustly subjecting them to the power of confederates and giving effect to the purposes of the latter, whether of extortion or mischief." (Judge Gibson, Comm. *v.* Carlisle, Brightly's Rep., Pa. 36, 1821.)

"An association may be formed, the declared objects of which are innocent and laudable, and yet they may have secret articles or an agreement communicated only to the members by which they are banded together for purposes injurious to the peace of society; such would undoubtedly be a criminal conspiracy on proof of the fact, however meritorious and praiseworthy the declared objects might be." (Comm. *v.* Hunt, 4 Metcalf, 1845.)

Some time between 1878 and 1887 a further change in the constitution, as above stated, was made (Exhibit F), and in accordance with which the association has since carried on its business and exploited inventors and owners of patents.

The real purpose of the combination can be ascertained from an inspection of Article V, VI, and VII of the constitution.

From section 1, Article V, it appears that an inventor or owner of a patent can not deal directly with any member of the association. He must deal with the executive committee, persons who never wish to purchase. The executive committee determines the validity of the patent and the expediency of contesting the claim, and the railroad corporation directly interested is deprived of individual freedom of action.

Under section 2 the executive committee arbitrarily fix the basis of settlement, if fixed at all. The individual member interested has no voice in the matter.

Under section 3 the individual member sued can not settle a claim or defend the suit. The executive committee manage the suit, and corporation members in no way interested are compelled to contribute aid.

Under section 4 each member is deprived of the right of individual opinion and freedom of action.

Under section 5 the individual member is forced to accept the judgment of the executive committee when "for the best interests of the association," whatever may be the interests of the individual member. If a claim is settled, the inventor receives pay from those not using the invention. The sole condition of settlement is that such settlement is cheaper for the association than "carrying on the litigation."

Article VI fixes the penalty for violating the agreement.

Article VII authorizes the unlawful "maintenance" of suits where a majority of the members are not directly or indirectly interested and where no member of the association is a legal defendant of record.

These articles provide for the suppression of competition between the corporate members in the purchase of licenses and interests in letters patent and restrict freedom in the settlement of claims for the infringement of patents; and also for the fixing of the price by the executive committee when any interest in a patent may be purchased or any claim is to be settled, provided "such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation."

Under its constitution and by-laws the association exists in violation of the antitrust act. The facts and law showing this to be true are fully set forth in a "statement" filed in 1900 with the Attorney-General of the United States and which accompanied a request that he direct a suit of equity to be instituted under section 4 of the act to restrain and enjoin the association. A copy of the "statement" and certain exhibits, as well as the reply of Attorney-General Griggs defending the association, are herewith submitted. (Exhibits B and I.)

The principal business of the association under and outside of its unlawful constitution and by-laws appears to embrace, first, reports upon patents, and, second, litigation.

Reports upon patents are prepared by the general counsel and a slip attached stating that they are of "no effect or binding on the association until approved by the executive committee." All applications for information by a corporate member must be made through an authorized person named by the board of directors of the corporation. The reports on the validity of patents are preserved in secret, and the inventors or owners of the patents and the general public as well never learn their substance unless accidentally. Inasmuch as there is no competition and that the reports are generally made to railroad officials unfamiliar with the art and the patent laws, and hence incompetent to criticise, it is maintained with truth that the said reports are, as a rule, superficial and arbitrary. Several reports have been seen which disclosed great ignorance of the particular arts and which prevented the introduction of very desirable safety devices upon railroads.

However incomplete, arbitrary, capricious, and unjust these reports may be, the association members are in practice bound to adopt and follow them. Any official who should ignore the report would be dismissed from service. By these secret reports it is within the power of the association to destroy the property right in a patent created by the Government, or to give value to a worthless or invalid patent if some one on the inside is adequately remunerated.

It is obviously against public policy for a combination of corporations, each exercising a public office, affected with a public use, and performing the function of the Government, to agree and covenant that they will be bound by secret decisions and reports relative to the validity or invalidity of patents for such appliances as are discovered and invented from time to time, and are adapted for cheapening, hastening, and rendering safer the transportation of freight and passengers on railroads.

Litigation is another and the most important business in which the association is engaged. (See Exhibit D.) According to one of the association's reports, it had in its treasury in 1882 the sum of $50,028.98. Of this amount immediately available for litigation and corrupt uses, $33,655 was invested in convertible bonds and stock and $10,000 loaned on call. A much larger sum is now doubtless immediately available for "running down a poor inventor with an invalid patent," who has the audacity to bring suit against a corporation member. The members of the association are domiciled in four judicial circuits. An owner of a patent commences suit in equity against a railroad corporation member in a certain district. The general counsel of the association appears for the defendant and unlawfully maintains the suit, the other corporate members of the association refusing to lawfully intervene, so they may not be bound by any judgment rendered within that district.

When the complainant takes his proofs he must pay his witnesses and railroad fares. The general counsel travels to the place of examination on a railroad pass, cross-examines the witnesses at great length to increase the per diem charges of the witness for his services and to increase the cost of printing the testimony by the complainant. When the general counsel takes testimony for the defense he rides on a pass and secures witnesses free, who also travel on passes, from among railroad employees, who are always willing to testify as instructed. The testimony may be taken in any part of the country which will entail the greatest possible expense for the complainant in railroad fares.

The general counsel secures perjurous testimony, manufactured evidence, and avails himself of all means, honest or dishonest, to defeat the suit. When the case comes on to be heard it may be before a Federal judge who has a railroad pass in his pocket. Then comes a series of appeals. Should the complainant be successful he can but seldom prove profits or damages, as the association has by its ingeniously contrived constitution prevented the establishment of a license fee. Upon application for an injunction in another judicial circuit against a railroad corporation which had participated in the defense, the general counsel will again appear and assert new defenses and allege a different claim or demand and the case must be tried anew.

Without entering into details it is a truthful statement of fact to say that the ordinary citizen is absolutely precluded from prosecuting in any Federal court a suit against a railroad corporation for infringing a patent with any hope of success.

The association is above citation in any court of justice, and in fact possesses a power superior to that exercised by any circuit court of the United States. In the annual report of 1882 the president says:

"The association has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

In closing the thirteenth annual report, 1879, the general counsel uttered this boast:

"It appears to be the fact that during the whole period of thirteen years during which the association has been in existence no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member defended by the association has yet, by process of law under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

For thirty-five years this association has stripped owners of patents and inventors of their property as effectively and completely as the uncircumcised Philistines of old stripped Saul on Mount Gilboa. As stated by the Scientific American March 12, 1892: "Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress."

[Extracts from the association's annual reports.]

In the first report it is stated that persons who claim damages for the infringement of their patents are "cormorants."

In the third report it is said that the usefulness of the association is becoming apparent. Members enjoy freedom from applications of "patent agents." Our relations to the Western Railroad Association, of Chicago, are such as to secure to each party the full benefit of investigations conducted at the expense of the other.

Fourth report: That under the quiet influence of our own and the Western Railroad Association the business of dealing in railroad patents is fast becoming legitimate and respectable. Owners of patents making claims against railroads are aptly denominated "patent sharks."

Sixth report: That after six years, of all the suits brought against members of the association only one has been pressed to trial, and in that case the defendant was successful, "and a fraudulent claim was permanently overthrown." Referring to certain attempts to secure extensions of patents from Congress, it is stated that "the poor inventor was employed to stand around as a figurehead and recite his misfortunes to Members of Congress for the purpose of eliciting sympathy." "It is deemed a part of prudence for the association to be properly represented at Washington during the session of Congress to watch the speculators in these defunct patents and report their earliest appearance."

Seventh report: That the association saves to the companies many hundreds of thousands of dollars annually. That during the seven years' experience of the association only three cases have actually been heard by the courts.

Eighth report: "The executive committee presents its eighth annual report with a feeling of lively satisfaction at the success which continues to attend the organization."

Ninth report: "The kindly relations hitherto existing between the executive committee of this and the Western Railroad Association are still maintained."

Eleventh report: "It has been thought advisable to accept of a low compromise rate offered by the owners of one or two patents whose claims have upon investigation been found to be valid." Data is given of twenty suits defended by the association.

Thirteenth report: It is stated that attention is called to a bill before Congress providing for a commission, appointed by the President of the United States, to examine patented improvements applicable to railroads, with power to decide which of such improvements shall be used and the amount to be paid to the owner. "But the provisions of the bill were so manifestly unconstitutional I did not think it necessary to appear as a remonstrant."

Fifteenth report: "The association can no longer be said to be an experiment. With fifteen years' experience and the resulting accumulation of valuable records and tangible assets in the form of invested securities shown by the reports of the counsel and secretary and the treasurer, it must be admitted to be an established institution, and that it has proved a success far exceeding the expectations of its founders.

"It has fully subserved the object which was intended to be accomplished, and has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal, to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership.

"All are apt to be blind when their own interests are concerned, but it is worthy of remark, and a subject of congratulation, that whatever may be the individual interests of our members here we meet as a brotherhood, on a common level, for a common purpose, and without respect to persons or individuals, whatever may be their circumstances or pretensions.

"It may be proper to remind you that the association makes use of no legal power or authority against its members; we are bound by no other ties than those of honor and mutual benefit. There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

H. B. MARTIN,
National Secretary.
F. E. STEBBINS,
Of Counsel for American Antitrust League.

EXHIBIT B.

In re The Eastern Railroad Association.

STATEMENT ACCOMPANYING A REQUEST, FILED WITH THE ATTORNEY-GENERAL, THAT SUIT IN EQUITY BE INSTITUTED AGAINST THE EASTERN RAILROAD ASSOCIATION.

"In an effort to avoid the condemnation of the law, shelter has been sought under what has ever been held most sacred in equity, a trust, a thing over which equity, to prevent fraud, has asserted and exercised an exclusive jurisdiction. The same combinations to prevent competition, condemned already by the law, are attempted to be worked out at the footstool of the chancellor, concealed in the form there most favored. It is like the outlaw grasping the horns of the altar for security, but, unlike him, it conceals its guilt and demands protection, protesting its innocence while pursuing its iniquity. The act is the culmination of corporate insolence and deceit." (Ray, Contractual Limitations, under the head of "Corporate combinations to prevent fair competition.")

STATEMENT.

The agreement of the Eastern Railroad Association, set forth in its constitution and by-laws, and its doings in accordance therewith, constitute violations of the "Act to protect trade and commerce against unlawful restraints and monopolies." (26 Stat. L., chapter 647.)

I.

The constitution of the Eastern Railroad Association is a contract in restraint of trade or commerce among the several States.

THE AGREEMENT.

Prior to the 4th day of December, 1878, 53 railroad corporations, chartered under the laws of and doing business in 15 separate States—to wit, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, North Carolina, and South Carolina—had entered into an agreement by which they constituted themselves an association to be known as the "Eastern Railroad Association." On December 4, 1878, "after due discussion and deliberation," and at a special meeting of the association, an amended constitution was adopted. (Exhibit D.)

Under date of March 24, 1879, the president of the association made the twelfth annual report to the railroad corporation members, and therein called "particular attention" to, and explained the meaning of, certain provisions of the amended constitution.

During the year 1883 the railroad corporation members to the agreement numbered 255, and operated over 19,198 miles of track in 15 States. (Exhibit E; report in Patent Office library.)

In 1894 and at the present time, as far as can be learned, the membership of the association embraces some 700 railroad corporations, having 34,000 miles of track and $2,820,000,000 capital.

About 1887 the members of the association adopted a revised constitution, which each railroad company signed and by which it agreed to be bound. (Exhibit F.)

Article I of the constitution recites the purpose of the association, to wit:

"While having for its general purpose the promotion of railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions."

By Article II the members agree that any railroad company approved by the executive committee and subscribing to the articles and contributing to the expense of the association may become a member. Each company is to be represented by a duly authorized person.

By Article III the members agree that the affairs of the association shall be turned over to and managed by nine governors, called the executive committee, who shall be elected each year by the representatives of the railroad corporations at the annual meeting of the association, held in the city of New York (by-laws, Article I); that the executive committee shall elect a president, vice-president, and treasurer, selected from among themselves, and shall also elect a general counsel and secretary, and that the officers shall be the officers of the association; that the committee shall have power to elect other officers and employees, to appoint legal counsel, fix salaries and compensation for themselves and other employees, to prescribe the duties of all officers, agents, and employees, and to make by-laws for its own government.

By Article IV the members agree that annual meetings of the association shall be held; that special meetings shall be called at the request of two members of the executive committee and upon written request of the representatives of not less than five companies; that each company shall be entitled to one vote.

By Article V the members agree that the executive committee shall determine the validity or invalidity of any patent submitted for examination by any railroad corporation member; that the executive committee shall determine the expediency of contesting any claim for compensation made upon any railroad corporation member for the use of a patented invention which it has appropriated; that should the executive committee conclude (1) that a patent is valid or (2) that it is inexpedient to contest a claim for compensation made against one of the railroad members of the association, it shall be the duty of said executive committee, at the request of an associate member to negotiate (1) for the use of the patent or (2) for a settlement of the claim for compensation; that if the railroad member declines to accept the terms fixed by the executive committee for the use of the patent the association will not be responsible for the defense of any suit against such member.

That if the railroad member declines to accept the basis of settlement fixed by the executive committee when claim for compensation is made for the use of an invention, the association will not thereafter be responsible for the expense of litigation growing out of the case. That when the owner of a patent brings suit at law or in equity against a railroad member for infringing his patent adjudged invalid by the executive committee, said member shall report the suit to the secretary, and the executive committee shall manage the same thereafter at the expense of the association. That when the owner of a patent brings suit at law or in equity against a railroad member for the use of a patent which the executive committee has reported upon as valid and for the use of which the executive committee has also fixed the price, accepted by the railroad member, but not by the owner of the patent, the said railroad member shall report the suit to the secretary and the executive committee shall thereafter manage the defense at the expense of the association.

That no member shall settle a suit or claim against it after being advised that a similar suit or claim is in charge of the association for defense against another member, except with the consent of the general counsel and president of the association. That when the executive committee decide it inadvisable to assume or continue the expense of litigation arising out of a report which it has adopted, it may so notify the member against which suit has been brought. But the executive committee may compromise or settle the claim for compensation made by the owner of the patent or purchase a license for the member at the expense of the association: *Provided*, The settlement or purchase can be affected at less expense to the association than the cost of carrying on the litigation.

By Article VI the members agree: That expulsion shall be the penalty when any member willfully violates "these articles."

By Article VII the members agree: That the executive committee

shall confer with the officers of similar associations in the United States relative to the settlement of patent claims and the trial of patent cases; meaning by "similar associations" especially the Western Railroad Association, which embraces some eighty-one railroad corporations distributed among the Western States. And that they will contribute from the trust fund to maintain the defense of suits.

By Article VIII the members agree: That they shall be assessed annually according to mileage and gross receipts "for any expenses incurred or hereafter to be incurred" in behalf of the association; and that payment of the assessments shall be enforced under penalty.

By Article IX the members agree: That any company may withdraw from the association by giving notice in writing.

The provisions recited in the by-laws and standing resolutions of the association are intended to aid in carrying out and making effective the agreement set forth in the constitution.

It should be noted that Article V of the constitution of 1887 is substantially identical with Article VI of the constitution of 1878, and that the explanation of said Article VI by the president of the association in the twelfth annual report (Exhibit D) applies to Article V of the constitution of 1887. The explanation is as follows, and reveals the true purpose and object of the agreement:

"Your committee, however, think it proper here to refer to some of the provisions of the constitution as amended.

"Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

"Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 of Article VII of the old constitution. Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

"Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

"Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

"This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

"One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

"Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

As further revealing the association's estimate of the character of its agreement, as embodied in its constitution, the following extracts from the president's annual report,[a] March 9, 1882, are reproduced, to wit:

The association "has so increased in strength and usefulness that now it may be likened in one respect to a judicial authority or tribunal,[b] to which all interested can apply for advice respecting patented inventions in any way relating to railroads, and with the assurance that the advice given, if followed, will be supported and sustained with all the combined force and power of our membership."

"There has been some discussion as to the desirability of our acquiring the powers of a corporation. Your committee has not so far discovered any necessity for making such a radical change in the organization of the association."

THE ANTITRUST LAW.

An act to protect trade and commerce against unlawful restraints and monopolies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SEC. 1. Every contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 2. Every person who shall monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States, or with foreign nations, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 3. Every contract, combination in form of trust or otherwise, or conspiracy, in restraint of trade or commerce in any Territory of the United States or the District of Columbia, or in restraint of trade or commerce between any such Territory and another, or between any such Territory or Territories and any State or States or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, is hereby declared illegal. Every person who shall make any such contract or engage in any such combination or conspiracy shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding $5,000, or by imprisonment not exceeding one year, or by both said punishments, in the discretion of the court.

SEC. 4. The several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of this act; and it shall be the duty of the several district attorneys of the United States, in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain such violations. Such proceedings may be by way of petition setting forth the case and praying that such violation shall be enjoined or otherwise prohibited. When the parties complained of shall have been duly notified of such petition the court shall proceed, as soon as may be, to the hearing and determination of the case; and pending such petition and before final decree, the court may at any time make such temporary restraining order or prohibition as shall be deemed just in the premises.

SEC. 5. Whenever it shall appear to the court before which any proceeding under section 4 of this act may be pending, that the ends of justice require that other parties should be brought before the court, the court may cause them to be summoned, whether they reside in the district in which the court is held or not; and subpœnas to that end may be served in any district by the marshal thereof.

SEC. 6. Any property owned under any contract or by any combination, or pursuant to any conspiracy (and being the subject thereof) mentioned in section 1 of this act, and being in the course of transportation from one State to another, or to a foreign country, shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the forfeiture, seizure, and condemnation of property imported into the United States contrary to law.

SEC. 7. Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act may sue therefor in any circuit court of the United States in the district in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained and the costs of suit, including a reasonable attorney's fee.

SEC. 8. That the word "person" or "persons," wherever used in this act shall be deemed to include corporations and associations existing under or authorized by the laws of either the United States, the laws of any of the Territories, the laws of any State, or the laws of any foreign country.

Approved, July 2, 1890.

ARGUMENT.

Section 1 of the antitrust act states:

"Every contract * * * in restraint of trade or commerce among the several States * * * is hereby declared to be illegal."

The law assumes that trade and commerce among the several States shall be free, and that this freedom shall extend to all persons, natural as well as artificial, and also embrace all subjects-matter, whether corporeal or incorporeal, which can be bought, sold, or exchanged.

Chief Justice Fuller, in United States *v.* Knight (156 U. S., 11), said:

"The Constitution does not provide that interstate commerce shall be free, but, by the grant of this exclusive power to regulate it, it was left free except as Congress might impose restraints."

No limitation has ever been fixed by the Supreme Court to the phrase "commerce among the States." Its narrowest definition at least embraces "the conduct of individuals" "in buying and selling or barter."

On argument in Gibbon *v.* Ogden (9 Wheaton) it was claimed that navigation was not included within the meaning of the term; and the court remarked, at page 190:

"The mind can scarcely conceive of a system for regulating commerce (between the States) which shall * * * be confined to prescribing rules for the conduct of individuals in the actual employment of buying and selling or of barter."

Other deliverances on the subject are as follows:

"Commerce is undoubtedly traffic. But it is also something more: It is intercourse." (Gibbon *v.* Ogden, 9 Wheat., 181.)

"Sale is the object of importation, and it is an essential element of commerce." (Brown *v.* Maryland, 12 Wheat., 419.)

"Commerce is intercourse; one of its most ordinary ingredients is traffic." (Brown *v.* Maryland, 12 Wheat., 446.)

"Commerce is a term of the largest import. It comprehends intercourse for the purpose of trade in any and all of its forms, including the transportation, purchase, sale, and exchange of commodities between the citizens of our country and the citizens of other countries, and between the citizens of different States." (Welton *v.* State of Missouri, 1 Otto, 275.)

"Commerce with foreign countries and among the States, strictly considered, consists in intercourse and traffic, including in these terms navigation and the transportation and transit of persons and property, as well as the purchase, sale, and exchange of commodities." (County of Mobile *v.* Kimball, 102 U. S., 702.)

"The negotiation of sales of goods which are in another State, for the purpose of introducing them into the State in which the negotiation is made, is interstate commerce." (Robbins *v.* Shelby Taxing District, 120 U. S., 497.) (1886.)

"While the completely internal commerce of a State is reserved to the State itself, because never surrendered to the General Government, commerce, the regulation of which is committed by the Constitution to Congress, comprehends traffic, navigation, and every species of commercial intercourse or trade between the United States, among the several States, and the Indian tribes." (Interstate Commerce Commission *v.* Brimson, 154 U. S., 447.) (1894.)

"Definitions as to what constitutes interstate commerce are not easily given, so that they shall clearly define the full meaning of the term. We know from the cases decided in this court that it is a term of very large significance. It comprehends, as it is said, intercourse for the purpose of trade in any and all its forms, including transportation, sale, purchase, and the exchange of commodities between the citizens of different States." (Justice Peckham in Hopkins *v.* United States, October 24, 1898, 171 U. S., 597.)

(See United States *v.* Addyston Pipe and Steel Company, 54 U. S. App., 723 et seq. Supreme Court decision December 4, 1899, 175 U. S., 211.)

From the above definitions it may be said that the transfer by a person domiciled in one State to a person domiciled in another State of any interest in a patent by assignment, grant, or license, or negotiations

[a] On file in the United States Patent Office library.

[b] It is not within the power of individuals or corporations to create judicial tribunals for the final and conclusive settlement of controversies. (102 Ind., 262, 1885.)

preliminary or preparatory to such transfer, constitute trade or commerce among the several States.

The Congress by positive enactment has declared that there shall be freedom of trade or commerce in patents for inventions and interests therein throughout the United States. Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

There are three classes of persons in whom the patentee can vest an interest of some kind in the patent. They are an assignee, a grantee of an exclusive sectional right, and a licensee. (Potter *v.* Holland, 4 Blatchford, 406.)

The courts have repeatedly affirmed the existence of a free and open market for patent property throughout the United States. Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309 (1870), a case arising under an act of the State of Indiana "regulating the sale of patent rights," said:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject, he has a right to go into the open market anywhere within the United States and sell his property."

It has repeatedly been held that the acts of State legislatures which attempt to direct the manner in which patent rights shall be sold in the States are void. (See Helm *v.* Bank, 43 Ind., 167; Robinson on Patents, sec. 46, note 4, and sec. 1242.)

In Holliday *v.* Hunt (70 Ill., 113) the court recognized that the purchase and sale of a patent right constituted "traffic," and remarked of the State law:

"It is a marked discrimination against the traffic in patent rights, which can not fail to seriously prejudice and impair the rights of patentees and their assignees."

A State can not impose a license tax upon the sale of a patent. (State *v.* Butler, 3 Lea., 222.) (1879.)

An act respecting foreign corporations and their agents does not apply to an agent selling patented inventions. (Grove & Baker Sewing Machine Company *v.* Butler, 53 Ind., 454 (1876); Shock *v.* Singer Company, 61 Ind., 520.) (1878.)

The necessary effect of the agreement entered into by the railroad corporations, members of the Eastern Railroad Association, is the restraint of trade or commerce in patent property among the several States.

In United States *v.* The Trans-Missouri Freight Association (166 U. S., p. 341) Justice Peckham, referring to the agreement there under consideration, said:

"The question is one of law in regard to the meaning and effect of the agreement itself. The necessary effect of the agreement is to restrain trade or commerce, no matter what the intent was on the part of those who signed it."

The true meaning of the agreement is to be gathered according to the well-known rule, from the four corners of the agreement itself. (Judge Chitty in Mills *v.* Dunham, 1 Ch., 580; 1891.)

I do not think any averment is necessary as to what has been done under it (the agreement) or as to any mischief which it has actually produced. We are to consider what may be done under it and what mischief may thus arise. (Lord Campbell in Hilton *v.* Eckersley, 6 E. & B., 65.)

Whether the nature of the combination is injurious is to be determined by a construction of the provisions of the agreement constituting the combination, and not by its effects in actual operation. (Salt Company *v.* Guthrie, 35 Ohio State, 678; Atcheson *v.* Mallon, 43 N. Y., 149 (1870); Richardson *v.* Buhl, 43 N. W., 1102; 77 Mich., 632; Anderson *v.* Jett, 41 Alb. L. J., 104; 89 Ky., 375.)

From the plain terms of the constitution of the Eastern Railroad Association it appears to be the fact that the several hundred railroad corporations members thereof have entered into a mutual contract and agreement one with another whereby they have voluntarily abolished competition among themselves in the negotiations for the purchase of any interest in patents for inventions; that for securing "unity of action" they have handed over to a committee of nine persons, called the "executive committee," all control over all their business relating to the purchase of patent rights and licenses; that each and every of them has surrendered its liberty of individual and independent action in dealing with investors and owners of patents, and especially in negotiating settlements of claims made for the use of patented inventions; that they have delegated and surrendered to the said executive committee the power of fixing the price or prices to be paid for the use of any patented invention, and the price in payment for any unlawful appropriation of a patented invention, and the price to be paid for a license to use any patented invention, and the price to be paid for any patent or assignment thereof (assuming that in any case they intend to pay anything at all), and have bound themselves by penalties to abide by the articles of agreement and the decisions of the executive committee.

The several hundred railroad corporations members of the association and parties to the agreement are organized under the laws of the fifteen or more States. The owner of a patent domiciled in any of the States is, under the agreement, debarred from negotiating with any one of the railroad corporation members for the sale of an interest in a patent, or for the settlement of any claim for compensation against any railroad member that has infringed a patent.

As between an individual patentee or owner of a patent and the corporation members of 14 States the negotiations involve trade or commerce among the States.

In Hammerstein *v.* Parsons (38 Mo. App., 333) (1889) the court remarked:

"The constitution and by-laws of an association constitute a contract between the members."

It can not be gainsaid that the constitution and by-laws of the Eastern Railroad Association constitute a contract in restraint of trade or commerce among the several States, and thus violate section 1 of the antitrust act.

Had the agreement as set forth in the association's constitution given the executive committee power only to report on the validity or invalidity of a patent, and then left each railroad company to its own individual and independent judgment as to whether it would purchase a license or settle for an infringement or defend any suit brought against it the agreement would perhaps not be illegal. But had the agreement been so limited it would have been useless. If each company should be allowed to act independently in dealing with owners of patents the whole agreement might as well be rescinded. The president, in explaining the provisions of the constitution (Exhibit D), reveals the real nature and essential purpose of the agreement when he says:

"To obtain the best results the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore."

Justice Peckham, in United States *v.* The Joint Traffic Association (171 U. S., 505), referring to an analogous agreement, said:

"If one company is allowed, while remaining a member of the association, to fix its own rates and be guided by them, it is plain as to that company the agreement might as well be rescinded. This result was never contemplated."

The defense in the Joint Traffic case endeavored to differentiate the agreement there involved from that in the Trans-Missouri case by asserting that in the former the rates were made by the several companies and in the latter by the association. Both agreements were held to be violations of the antitrust act.

The conditions imposed upon railroad members by Section V of the constitution, aside from the provision of the remaining sections, render the agreement unlawful. In the Inter Ocean Publishing Company *v.* The Associated Press (184 Ill., 438) (1900) the supreme court of Illinois decided that—

"The restrictions attempted to be imposed by the Associated Press through its contracts and by-laws upon the rights of members to purchase news from other agencies which such corporation may declare to be antagonistic are null and void, as tending to create monopoly and restrict competition."

II.

The combination and confederacy of the railroad corporations composing the association to oppose individual patentees and owners of patents in the negotiations of interests in their property, and the agreement of said corporations to use certain unlawful means set forth in their constitution in so opposing, as well as their unlawful acts in pursuance thereof, constitute the association a conspiracy in restraint of trade or commerce among the several States.

By the first section of the antitrust law not only are contracts in restraint of trade which impose binding obligations upon parties to the agreement not to compete illegal, but also conspiracies in restraint of trade, which cover a well-known class of cases where the confederacy proposes or attempts to prevent others from freely carrying on their trade.

The Congress intended to embrace within the statutory prohibition all conspiracies which would be illegal at common law. Illustrations of such cases are: Commonwealth *v.* Carlyle (Br. Rep., 36), where a combination of employers conspired to depress the wages of journeymen, and in respect to which Judge Gibson remarked:

"An association is criminal when its object is to depress the price of labor (commodity) below what it would bring if it were left without artificial excitement, by either masters or journeymen, to take its chances in the market" (p. 42).

Mogul Steam Company *v.* McGregor, Grow & Co. (Appeal Cases, 25). (See Judge Taft's remarks on this decision, 54 U. S. App., 211). People *v.* Everest (51 Hunn., 19). Wright, Criminal Conspiracy, pp. 144–181; American and English Encyclopedia of Law, Vol. IV, p. 608; Stephen's History of Criminal Law; Ray, Contractual Limitations.

First. The combination under the constitution and by-laws constitutes the conspiracy, though nothing be done in pursuance thereof. In Woodworth *v.* Sherman and same *v.* Cheever and 18 others, 3 Story, 172 (1844), Justice Story, who had at that time served thirty-five years on the bench, remarked during the course of the case:

"That he observed that the bills contained a charge of an actual combination to resist the patent. That it was a question of much importance what would be the legal effect of such a combination. That he did not intend to express any opinion on this part of the case, but that in a former case he had occasion to declare that it seemed to approach very near, if it did not actually reach, a criminal conspiracy. That in many cases it was lawful for individuals to do what could not lawfully be done by a combination. That an individual patentee might successfully resist an individual, but it was much more difficult to resist the combined force of a great number of persons united to oppose a patent."

An inspection of the agreement will disclose that the associated railroad companies, organized under the laws of 15 States, have conspired together for the purpose of restraining individual owners of patents, domiciled in the several States, from freely negotiating sales of interests in their patents and from collecting compensation from any member of the association who has appropriated a patented invention.

Second. The agreement by the association to use unlawful means in opposing owners of patents in their attempts to negotiate interests in their property constitutes the association a criminal conspiracy.

A conspiracy has been defined as—

"A combination of two or more persons by concerted action to accomplish a criminal or unlawful purpose, or some purpose not in itself criminal or unlawful, by criminal or unlawful means." (Pettibone *v.* United States, 13 Supreme Court Reporter, 542 (1893).)

The unlawful means which the association agrees to use are: (1) The unlawful maintenance of suits brought against any one of its members. (Art. V; secs. 3 and 5, Art. VII.) (2) The boycott. The members of the association agree by Article V not to individually negotiate with the owner of a patent for an interest therein and not to settle a suit or claim when a similar suit or claim against another member is being maintained by the association, for, as the president of the association said in the twelfth annual report: "The money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would be otherwise unable to do." He further remarked that "this unity of action has been the true cause of our success heretofore."

Third. The acts of the association, its res gestæ, through a series of years in opposing individual patentees and owners of patents, prove the association to be a permanent conspiracy in restraint of trade or commerce among the several States.

The methods and means, unlawful under the common law and by statute, employed by the association embrace:[a]

(1) The unlawful maintenance of suits and without legal intervention. (See article "Intervention," A. and E. Enc. of Pleading and Practice, Vol. XI, p. 494.)

(2) Impeding, obstructing, and defeating the due course of justice. (Sec. 5407, R. S., U. S.)

(3) Manufactured evidence.

(4) Perjury. (Sec. 5392, R. S., U. S.)

(5) Subornation of perjury. (Secs. 5393, 5440, R. S., U. S.)

[a] Statement of facts under oath now on file in the office of the Attorney-General support these charges.

(6) Oppression. (Sec. 5508, R. S., U. S.)
The association violates, and has violated, the first section of the antitrust act within the meaning of the conspiracy clause thereof.

III.

The members of the association have combined and conspired to monopolize part of the trade or commerce among the several States appertaining to the purchase and sale of interests in patents, and have consequently violated section 2 of the act.

By the agreement, as set forth in the constitution, the members turn over to the executive committee of nine governors the sole control of all purchasing of licenses from owners of patents, the settlements of claims made against individual members of the association for the appropriation of patented inventions and the maintenance of all suits. In the twelfth annual report (Exhibit D) the president states that "this unity of action has been the true cause of our success heretofore."

By suppressing competition among the members and delegating to the executive committee the power to fix prices, the sole buying by the corporation members in 15 States and the selling by the individual owners of patents domiciled in the several States, Territories, and District of Columbia is effectively controlled, and a monopoly of part of the commerce or trade among the several States or Territories is established.

Had not the main purpose of the association been the creation and acquiring of a monopoly the constitution would have provided that after the executive committee had reported upon the validity or invalidity of a patent each member should be left free to exercise its own individual and independent judgment as to the advisability of purchasing an interest in or license under the patent or settling a claim made for the use of an invention. Deprive the association of the power of compelling or agreeing upon "unity of action" and it would fall to pieces immediately.

It may be further asserted that under the provisions of Article VII of the constitution the attempt is made to further extend the monopoly to all the trade or commerce in patent rights in all the States which may be carried on or attempted to be carried on between railroad corporations and owners of patents for inventions.

But it is immaterial whether an attempt is made to monopolize the whole or any part of the trade or commerce among the States. In United States v. Knight Company (156 U. S., 16) Chief Justice Fuller said:

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that the results should be a complete monopoly. It is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition."

Combining or conspiring to monopolize trade or commerce among the several States may be defined as a conspiracy of two or more persons by concerted action to acquire the sole, or an excessive, power to control trade or commerce among the several States which others have the legal right to engage in independently.

Tested by this definition, the association has violated section 2 of the antitrust act.

As the headquarters of the association are in the District of Columbia, it might be shown that it violates section 3 of the act. It is at least within the jurisdiction of the supreme court of the District of Columbia, and that court is authorized by section 4 to apply the third section to corporations (see section 8) doing business within the District of Columbia and bound by contract or conspiring to restrain trade locally in the District of Columbia, or between the District of Columbia and any State of Territory.

THE SCOPE OF THE ANTITRUST ACT.

Six decisions only have thus far been rendered by the Supreme Court in cases under the act, to wit: United States v. E. C. Knight Company, 156 U. S., 1; United States v. Trans-Missouri Freight Association, 166 U. S., 290; United States v. The Joint Traffic Association, 171 U. S., 505 (decided October 24, 1898); Hopkins et al. v. United States, 171 U. S., 578; Anderson et al. v. United States, 171 U. S., 604; Addyston Pipe and Steel Co. et al. v. United States, 175 U. S., 211.

It was decided in United States v. E. C. Knight Company that the act did not apply to "monopolies in manufacture even of a necessary of life," but to "monopolie in restraint of interstate or international trade or commerce."

The Chief Justice remarked in that case:

"What the law struck at was combinations, contracts, and conspiracies to monopolize trade and commerce among the several States or with foreign nations; but the contracts and acts of defendants related exclusively to the acquisition of the Philadelphia refineries and the business of sugar refining in Pennsylvania, and bore no direct relation to commerce between the several States or with foreign nations."

In this suit the Government neglected to secure evidence of a restraint of interstate commerce, and consequently failed.

In the United States v. Trans-Missouri Freight Association it was held:

That the anti-trust act applied to railroad companies.

That the true meaning and intent of the statute was that it should apply, and did apply, to "every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce among the several States," irrespective of whether the contract, combination, etc., was in reasonable or unreasonable restraint of trade or commerce.

"While the statute prohibits all combinations in the form of trusts or otherwise, the limitation is not confined to that form alone. All combinations which are in restraint of trade or commerce are prohibited, whether in the form of trusts or in any other form whatever. We think, after a careful examination, that the statute covers, and was intended to cover, common carriers by railroad." (326.)

"We are of opinion that the language used in the title refers to and includes, and was intended to include, those restraints and monopolies which are made unlawful in the body of the statute." (327.)

"Contracts in restraint of trade have been known and spoken of for hundreds of years, both in England and in this country, and the term includes all kinds of those restraints, which, in fact, restrain or may restrain trade." (328.)

"When, therefore, the body of an act pronounces as illegal every combination or contract in restraint of trade or commerce among the several States, etc., the plain and ordinary meaning of such language is not limited to that kind of contract alone, which is in unreasonable restraint of trade, but all contracts are included in such language, and no exception or limitation can be added without placing in the act that which has been omitted by Congress." (328.)

"Why should not a railroad company be included in general legislation aimed at the prevention of that kind of agreement, made in restraint of trade, which may exist in all companies, which is substantially of the same nature wherever found, and which tends very much toward the same results, whether put in practice by a trading and manufacturing or by a railroad company?" (322.)

"It is entirely appropriate generally to subject corporations or persons engaged in trading or manufacturing to different rules from those applicable to railroads in their transportation business, but when the evil to be remedied is similar in both kinds of corporations, such as contracts which are unquestionably in restraint of trade, we see no reason why similar rules should not be promulgated in regard to both, and both be covered in the same statute by general language sufficiently broad to include them both." (324.)

In The United States v. The Joint Traffic Association it was held:

That the differences between the provisions contained in the Trans-Missouri and Joint Traffic agreements were not of a material and fundamental nature, and that the decision in the former case was a precedent for the latter; that the act was constitutional; that the decision of the Trans-Missouri case was not erroneous.

In Hopkins et al. v. The United States it was held:

That certain rules and regulations of a live-stock exchange "are not agreements affecting interstate commerce, within the meaning of the anti-trust law, having no direct or necessary relation to such commerce."

It appears from this decision that the members after they entered into such association "still continued their individual business in full competition with each other and that the association itself, as an association, does no business whatever."

Justice Peckham here remarked:

"The contract condemned by the statute is one whose direct and immediate effect is a restraint upon that kind of trade or commerce which is interstate.

"There must be some direct and immediate effect upon interstate commerce in order to come within the act."

In Anderson et al. v. United States it was held:

That an association of dealers who buy and sell cattle in competition with each other in a particular market, where it is open to all similar dealers, and where no attempt is made to control prices on the number of cattle bought, nor in any manner to prevent full competition between its members, is not in violation of the antitrust act, although the members are engaged in interstate commerce.

In Addyston Pipe and Steel Company v. United States it was held—

That a combination and conspiracy among six companies in regard to the manufacture and sale of cast-iron pipe, by which they agreed that there should be no competition between themselves in some 36 States and Territories and by which prices were to be fixed for each contract by the association, was in violation of the antitrust act.

From these decisions it is apparent—

That any agreement (whether contract, combination, in the form of trust or otherwise, or conspiracy) in direct restraint of trade or commerce among the several States is illegal.

That the act is not restricted to any particular subject-matter of the buying or selling or trade or commerce among the several States.

That, further, the act is not limited in its application to any particular persons, natural or artificial, who may enter into any agreement to restrain trade or commerce among the several States.

The decision of the court of appeals for the fifth circuit in United States v. Addyston Pipe and Steel Company (54 U. S. App., 723) is especially noteworthy in positively disclosing that the scope of the antitrust act is not restricted to contracts, combinations, or conspiracies to restrain the transportation or delivery of the corpus (iron pipe) from one State to another, but extends to contracts, combinations, etc., in restraint of negotiations and sales which precede delivery of the corpus across State lines (or not). Sections 4 and 5 of the act confer jurisdiction over and power of reaching persons, companies, and corporations who have entered into agreements or combinations to hinder, interrupt, restrain, or in any way prevent full, free, and unrestricted negotiations or sales preliminary to the delivery of the corpus.

Section 6 reaches the corpus when it is in process of transportation, provided the corpus is of such a character or nature that it can be seized.

It is worth while here to observe that by the construction of the antitrust act in the trans-Missouri and joint traffic cases it is not necessary to prove that an agreement actually restrains trade in practice or in operation to render it violative of the act. The defense in the joint traffic case attempted to show the opposite, and instanced in support of its view a State statute of New York (1830), and cited three cases tried under the act, to wit, People v. Fisher (14 Wend., 9); Hooker v. Vandewater (4 Denio, 347); Stanton v. Allen (5 Denio, 434).

Under section 4, moreover, courts of equity have jurisdiction and power to issue injunctions for the purpose of and which may result in restraining the commission of crime. United States v. Trans-Mississippi Freight Association; United States v. Joint Traffic Association; Ellenbecker v. Plymouth County (134 U. S., 31); United States v. Alger (62 F. R., 824); United States v. Elliott (64 F. R., 27); United States v. Debs (64 F. R., 724). In fact, this act seems to revive, in a measure, the ancient criminal jurisdiction of the court of chancery. See Spence's Equity Jurisdiction of Court of Chancery, Vol. I, page 684.

PATENTS FOR INVENTIONS ARE PROPERTY AND FORM THE SUBJECT-MATTER OF TRADE OR COMMERCE AMONG THE STATES.

(1) Patents are property.

"An invention secured by patent is property, and as much entitled to protection as other property." (Cammemyer v. Newton, 94 U. S., 225.)

"Patents when rightfully issued are property, and are surrounded by the same rights and sanctions which attend all other property." (Densmore v. Scofield, 102 U. S., 375.)

"By the laws of the United States the rights of a party under a patent are his private property." (Brown v. Duchesne, 19 Howard, 197.)

"The Government has no more power to appropriate a man's property invested in a patent than it has to take his property invested in real estate." (Solomon v. United States, 137 U. S., 346.)

"The power, therefore, to issue a patent for an invention and the authority to issue an instrument for a grant of land emanate from the same source, and * * * are of the same nature, character, and validity." (United States v. A. B. T. Co., 128 U. S., 358–359.)

Robinson on Patents, section 752 et seq.

The distinction between a patent for an invention and the physical thing, as machine, article of manufacture, etc., which embodies the invention set forth in the patent should not be overlooked.

In Webber v. Virginia (103 U. S., 349) the court clearly distin-

guished between "the right to an invention or discovery—the incorporeal right—which the State can not interfere with," and the "tangible property," which is subject to the tax laws of the State.

"The purchase of an implement or machine for the purpose of using it in the ordinary pursuits of life stands on different ground from the purchase of the right of making and using the article." (Bloomer *v.* McQuewan, 14 Howard, 439.)

"There is manifest distinction between the right of property in the patent, which carries with it the power on the part of the patentee to assign it, and the right to sell the property resulting from the invention or patent." (11 Bush., 311 Ky. See also Welch *v.* Phelps, 14 Nebr., 134, where many cases are cited. Robinson on Patents, section 46, note 4, and section 1242.)

(II) Patents are not, properly speaking, monopolies.

Inventions were not recognized as property at common law. The Crown undertook to secure the exclusive right by patent, the same instrument as was used to create a monopoly. Thus the English courts fell into the habit of calling a patent a monopoly—one allowed and not forbidden by the statute of 21 James I. The unreflecting confounded and still confound the word and the thing.

"Now patents (for inventions) are not monopolies, as the counsel have well said, because a monopoly is that which segregates that which was common before and gives it to one person or to a class for use and profit." (Singer *v.* Walmsley, 1 Fish, 363; Seymour *v.* Osborne, 11 Wall., 516.)

(III) Patents form the subject-matter of trade or commerce among the several States.

Section 4898, Revised Statutes of the United States, reads:

"Every patent or any interest therein shall be assignable in law by an instrument in writing, and the patentee or his assigns or legal representatives may in like manner grant and convey an exclusive right under his patent to the whole or any specified part of the United States."

A judgment debtor may be compelled to execute and deliver an assignment of an interest in a patent to a receiver. (Ager *v.* Murray, 105 U. S., 126.)

"If the patentee complies with the laws of Congress on the subject, he has the right to go into the open market anywhere within the United States and sell his property." (Justice Davis, of the Supreme Court of the United States, in ex parte Robinson, 2 Biss., 309.)

Property can not be defined without enumerating seizure, use, and alienation. (Wynehamer *v.* People, 13 N. Y., 396, where the entire subject is exhaustively discussed.)

See also section 5046, Revised Statutes of the United States.

CONTRACTS, COMBINATIONS, OR CONSPIRACIES TO LOWER PRICES IN NO WISE DIFFER IN CHARACTER FROM SIMILAR CONTRACTS, ETC., TO RAISE PRICES WHEN THE PURPOSE IS THE SAME.

Lieber, in his Political Ethics, volume 2, book 4, chapter 37, has briefly and intelligently discussed this subject.

See also Commonwealth *v.* Carlyle (Br. Rep., 36), where it is stated that "a combination of employers to depress the wages of journeymen below what they would be if there were no recurrence to artificial means by either side is criminal."

People *v.* Fisher (14 Wendell, 1): "Combinations and conspiracies to enhance or reduce the price of labor or of any articles of trade or commerce are injurious."

Moore *v.* Bennet (29 N. E., 888): "To stifle or prevent competition, and thereby enhance or diminish prices to a point above or below what they would have been if left to the influence of unrestricted competition," is unlawful.

In United States *v.* Knight Company (156 U. S.) Chief Justice Fuller, at page 16, remarked:

"Contracts, combinations, or conspiracies to control domestic enterprise in manufacture, agriculture, mining, production in all its forms, or to raise or lower prices or wages, might undoubtedly tend to restrain external as well as domestic trade." * * *

Wharton's Criminal Law, tenth edition (1896), section 1365:

"To prejudice the public or Government generally, as, for instance, by unduly elevating or depressing the prices of wages or toil or of any merchantable commodity."

Section 1370:

"To suppress competition at public auction."

(Comm. *v.* Haines, 15 Phila. Rep., 363; Huntzinger *v.* Connecticut, 10 Weekly Notes, Pa., 98; Texas Standard Oil Company *v.* Ardoue, 83 Tex., 650; Journeymen Tailors' case, 8 Mod., 10; Comm. *v.* Hunt, 4 Metcalf, 111; The Queen *v.* Rowlands, 17 Q. Bench, 671; Hilton *v.* Eckersley, 6 Ellis & B., 47.)

In the statutes of Great Britain and Ireland, Volume I, page 64 (31 Edw. III), is found a law relating to merchants who by covin do abate the price of wools.

In Leiber Assissarum (27 Edw. III, 138) is specified, among other conspiracies to be investigated, that of—

"Merchants who by alliance and covin among themselves in any year put a certain price on wools which are to be sold in the country, so that none of them will buy, or otherwise pass in the purchase of wools beyond the certain price which they themselves have ordained, to the great impoverishment of the people."

(See Statutes at Large, 7 and 8 Victoria (vol. 84), chap. 24, Section IV.)

Senator Hoar, who aided in formulating the antitrust act, gives the following definition of a trust:

"I understand that a trust, technically and legally, means the case of having one or more persons commit to others or to a combination of others their business or the control of their business or the management of some portion of their business, such as the selling portion or the fixing the price or the hiring of labor, with the understanding that these powers are to be exercised by the corporation or combination to whom it is committed in a manner to operate for the benefit of the persons committing to them that power ordinarily by the depression or putting up of prices." (CONGRESSIONAL RECORD, June 28, 1897.)

A contract, combination, or conspiracy in restraint of trade among the States, which lowers prices of whatever is to be purchased, undoubtedly violates the antitrust act; and further, any contract, combination, or conspiracy to lower prices in the District of Columbia, and thus restrain local trade, violates section 3 of the act.

THE RELATION OF QUASI PUBLIC CORPORATIONS TO THE ANTITRUST LAW.

This subject is fully discussed in United States *v.* Trans-Missouri Freight Association (166 U. S.), where numerous authorities are cited and the conclusion reached that—

"The business which the railroads do is of such a public nature that it may well be doubted, to say the least, whether any contract which imposes any restraint upon its business would not be prejudicial to the public interest."

That "while, in the absence of a statute prohibiting them, contracts of private individuals or corporations touching upon restraint in trade must be unreasonable in their nature to be held void, different considerations obtain in the case of public corporations like those of railroads," etc.

See Inter-Ocean Publishing Company *v.* The Associated Press (184 Ill. Rep., 438) (1900) (Exhibit IX), and also note that the by-laws of the Associated Press—declared to be illegal—are identical in force with several articles of the Eastern Railroad Association constitution.

A railroad corporation performs the function of the State (Olcott *v.* The Supervisors, 16 Wall., 678), and all its property is a trust fund for the sovereign power which created it. The incidental interests and profits of individuals are accidents, both in theory and in practice (Talcott *v.* Township of Pine Grove, 1 Flippin, 144) (1872).

In People *v.* Chicago Gas Trust Company it was said:

"Whatever tends to prevent competition between those engaged in a public employment or business impressed with a public character is opposed to public policy, and therefore unlawful."

The Constitution (Art. I, sec. 8, clause 8) empowers Congress to promote the progress of the useful arts by securing, for limited times, to inventors the exclusive right to their discoveries, and the Congress has repeatedly enacted laws to that end.

Patents for invention are granted under the authority of the Constitution for the promotion of a Federal purpose. (Board of Assessors of Brooklyn *v.* Edison Ill. Co., 156 N. Y., 417, 1898.)

The Congress also passed an act approved March 2, 1893, "to promote the safety of employees and travelers on railroads by compelling common carriers engaged in interstate commerce to equip their cars with automatic couplers and continuous brakes, and their locomotives with driving-wheel brakes, and for other purposes."

In a message recommending this legislation, President Harrison said:

"It is a reproach to our civilization that any class of American workmen should, in the pursuit of a useful and necessary vocation, be subjected to peril of life and limb as great as that of a soldier in time of war."

Yet there exist two combinations of railroad corporations, one of them embracing practically all the companies in the 15 Atlantic coast States and the other 81 corporations, each bound together under a written agreement, entered into voluntarily by each corporation, to "act as a unit" not only in subverting and negativing the laws enacted to promote the progress of the useful arts, but also in delaying and obstructing the enforcement of the act approved March 2, 1893.

The restriction of the introduction of patented inventions by anyone is against public policy and the public interest, and especially reprehensible when practiced by a public corporation, or a combination of 700 public corporations.

Agreements between common carriers, whether by land or by water, whereby a company covenants not to use such inventions and appliances as are discovered or invented from time to time, and are adapted to cheapening, hastening, and rendering safer the transportation of freight and passengers, are against the most obvious public policy. (Wiggins Ferry Company *v.* Chicago and Alton Railroad, 5 Mo. App., 347.)

In Hopkins *v.* Oxley Stave Company (28 C. C. App., 83 F. R., 912) the court remarked, in the course of its decision:

"Another object of the conspiracy, which was no less harmful, was to deprive the public at large of the advantages to be derived from the use of an invention."

The common law will not permit individuals or corporations to legally place themselves in a position by contract where they are required to do or not to do a particular thing, when the thing to be done or omitted is in any degree injurious to the public. (W. Va., Trans. Co. *v.* Ohio R. P. L. Co., 22 W. Va., 617; W. U. Teleg. Co *v.* Am. U. P. Co., 65 Ga., 160; Watson *v.* Harlem and N. Y. Nav. Co., 52 How., Pr. 348. See Ray, Contractual Limitations, p 206; Partial restriction of trade not permissible by corporations; and p. 261, Corporate Combinations to Prevent Fair Competition. Beach, Trust and Monopolies.)

By reason of the influence of the Eastern and Western Railroad Associations innumerable old methods and devices are now in use on railroads which, had competition not been suppressed, would long ago have been cast aside and replaced by improved methods and life and labor saving devices.

FREE COMPETITION IS THE GENERAL PUBLIC POLICY OF THE BODY POLITIC OR NATION.

"Competition, free and unrestricted, is the general rule which governs all the ordinary business pursuits and transactions of life." (United States *v.* Trans-Missouri Freight Association, quoting Judge Shiras, 166 U. S., 337.)

"The public policy of the Government is to be found in its statutes, and where they have not directly spoken, then in the decisions of the courts and the constant practice of the Government officials; but where the lawmaking power speaks upon a subject over which it has constitutional power to legislate, public policy in such case is what the statute enacts." (United States *v.* Trans-Missouri Freight Association, 166 U. S., 340.)

The entire body of the laws of the United States may be subdivided into—

(1) The Constitution, treaties, and statutes of the United States.
(2) The constitutions and statutes of the several States.
(3) The common law as interpreted by the Federal courts.
(4) The common law as interpreted by the State courts.

The first constitutes supreme national law, and the third and fourth subsidiary national law. A United States court, when the law governing a case is common law, follows its own judgment in the interpretation to be placed upon the law, and not the interpretation of a State court, and the State courts thereafter follow such interpretation. In this way the common law has, in fact, acquired the character of a national system and is kept substantially uniform.

To determine the public policy of the nation relative to free competition, it is only necessary to consult (1) the Constitution, treaties, and Federal statutes, and decisions of United States courts in cases arising under the same; and (2) the decisions of the Federal courts and State courts in cases at common law.

I. The Constitution empowers the Congress only to interfere at all with free competition (other than purely local within a State) in what may properly be called industrial or commercial pursuits. Thus far the coining of money (Article I, section 8, clause 5) and the postal business (clause 7) have been completely monopolized, but in connection with the latter section 3950, Revised Statutes, requires free competition in making contracts for carrying the mails. The power, under clause 3, to regulate (not monopolize) commerce has been exercised

mainly in the direction of preserving freedom of interstate trade and commerce. Note the interstate-commerce law, and in particular section 5, which forbids "pooling" by common carriers, and the antitrust act.

Whatever industrial or commercial enterprises may in the future be conducted on a limited scale or be monopolized by the General Government under the authority of Article I, section 8, clauses 1 and 18, it is a fact that so far the power has for the most part been held in abeyance. The decisions of the United States courts in cases involving the construction of the Constitution or arising under the statutes have ever been in the line of preserving and promoting commercial freedom and free competition.

NOTE.—The Interstate Commerce Commission *v.* Railway Company (167 U. S., 479), where it was held that the Commission has no power to prescribe traffic rates for common carriers, "to evolve, as it were, out of its own consciousness the satisfactory solution of the difficult problem of just and reasonable rates for all the various roads in the country." (United States *v.* Trans-Missouri Freight Association; United States *v.* Joint Traffic Association.)

In Chicago and Northwestern Railway Company *v.* Osborne (52 Fed. Rep.) Justice Brewer said:

"Congress has not attempted to require that tariffs on all roads be uniform, nor has it attempted to place a limit in figures beyond which no company may go in its charges. The laws of business and competition have as yet been deemed sufficient restraint in that direction."

Nearly all States have legislated against the consolidation of competing lines of railroads. In a case arising under a State law (Pearsall *v.* Great Northern Railway Company, 161 U. S., 646) Justice Brown remarked:

"Whether the consolidation of competing lines will necessarily result in an increase of rates or whether such consolidation has generally resulted in a detriment to the public is beside the question. Whether it has had that effect or not, it certainly puts it in the power of the consolidated corporation to give it that effect; in short, puts the public at the mercy of the corporation. There is and has been for the past three hundred years, both in England and in this country, a popular prejudice against monopolies in general, which has found expression in innumerable acts of legislation. We can not say that such prejudice is not well founded. It is a matter on which the legislature is entitled to pass judgment. There are, moreover, thought to be other dangers to the moral sense of the community incident to such aggregations of wealth, which, though indirect, are even more insidious in their influence, and such as has awakened feelings of hostility which have not failed to find expression in legislative acts."

In Van Patten *v.* Chicago, Milwaukee and St. Paul Railway (81 F. R., 545) the judge said that "the controlling element in regulating prices, values, and rates in general commercial and manufacturing business of the country" is "self-interest controlled by free competition."

"The fact that Congress has not legislated upon the subject of interstate commerce is equivalent to the declaration that it shall remain free and untrammeled." (Welton *v.* Missouri, 91 U. S., 275; In re Debs, 158 U. S., 564.)

"Again, all the authorities agree that in order to vitiate a contract or combination it is not essential that its results should be a complete monopoly; it is sufficient if it really tends to that end and to deprive the public of the advantages which flow from free competition." (United States *v.* Knight Company, 156 U. S., 16.)

II. The decisions of the Federal and State courts in suits involving the interpretation of the common law have almost without exception condemned all agreements the main objects of which were the restraint or destruction of free competition. Those who before the courts and in the public press have denounced "free competition self-destructive" have been able to support their contentions by about six decisions, to wit:[a] (1) Perkins *v.* Lyman, 9 Mass., 522 (1813); (2) Kellogg *v.* Larkin, 3 Pinney, 123 (1851); (3) Schrainka *v.* Scharringhausen, 8 Mo. App., 522 (1880); (4) Leslie *v.* Lorillard, 110 N. Y., 519 (1888); (5) Manchester and Lawrence Railroad *v.* Concord Railroad, 20 Atlantic R., 383 (1890); (66) National Company *v.* Hospital Company, 45 Minn., 275.

These decisions, however, have but little weight when carefully studied. They are only minor and temporary reverse currents which have lost their way in the general onward flow of the main stream.

Free competition is to fix prices in all cases except where the nature of the business renders it inoperative and creates a "virtual monopoly," and there the "police power" may be exercised (subject, however, to the provisions of the fifth and fourteenth amendments to the Constitution) in establishing "reasonable rates" or charges. (Granger cases, 94 U. S.; Munn *v.* Illinois, 94 U. S., 113; Railway Company *v.* Minnesota, 134 U. S., 418; Smyth *v.* Ames, 169 U. S., 466; Budd *v.* New York, 143 U. S., 517; Spring Valley Water Works *v.* Schlotter, 110 U. S., 347.)

As confirmatory of the proposition expressed, there may be here introduced the testimony of two eminent jurists:

"The advantages of unrestricted competition are apparent to the public in industrial life all about us, and while in some kinds of business this is sharp, yet selfishness is sufficiently active and sufficiently intelligent to prevent its becoming ruinous." (Judge T. M. Cooley in Railway Review, January 8, 1887.)

"As long as the principle of competition by private contract is recognized by our social philosophy as regulative of industrial relations, the law has done all it can when, as with us, it breaks down the cast of hereditary privileges, sweeps away the law of primogeniture, and establishes that equality of opportunity which secures to every individual all that he can, according to his capacity, achieve and acquire for himself and his without infringing upon the equal right of his neighbor. The law can do no more than, as an impartial judge, keep a free and fair field, clear from all obstruction, and let the winner win." (Justice Matthews in New York Independent, July 10, 1879.)

As a summary of the benefits of free competition, see the remarkable article in Lalor's Cyclopedia of Political Science, Volume I, page 642, written by the eminent economist, Coquelin:

"We would not," it is remarked, "have the reader imagine that in what we have just said our object was to defend industrial or commercial competition against the puerile attacks which have so frequently been made on it. It has always seemed to us as ill-becoming economists to stoop to defend such a principle; it is too entirely inherent in the primary conditions of social life; it is at the same time too great, too elevated, too holy, and in its general application too far above the attempt of the pigmies who threaten it, to need any defense. We do not defend the sun, although it sometimes burns the earth, which it should only illuminate and warm; neither is there any need to defend competition, which is to the industrial world what the sun is to the physical world. Competition was not born in 1789; it was born in the very cradle of human society, which it has led step by step, from its state of primitive barbarity, to the point of civilization which it has now reached."

It may be truthfully stated that where competition is free no person, natural or artificial, can gain an advantage over others except by rendering more effective and efficient service to the community in quality, quantity, or time, or in some of these combined, unless resort be had to force or fraud.

The Eastern Railroad Association has, by its "combined force and power" and by fraud, for more than twenty-five years oppressed and robbed inventors and owners of patents. Since July 2, 1890, it has existed and pursued its iniquity, in violation of the antitrust act. It is unquestionably the duty of the Attorney-General, as directed by section 4 of the act, to instruct the proper district attorney forthwith to file a petition in equity praying that further violations of the law be enjoined and prohibited.

THE ATTORNEY-GENERAL, INDEPENDENT OF HIS POWER AND DUTY AS SPECIFIED UNDER SECTION 4 OF THE ANTITRUST ACT AND REPRESENTING THE GOVERNMENT OF THE UNITED STATES, HAS AUTHORITY TO AND SHOULD INSTITUTE SUIT IN EQUITY FOR THE PURPOSE OF RESTRAINING THE EASTERN RAILROAD ASSOCIATION.

The United States can assert its prerogative of parens patriæ and enter suit in its own courts in behalf of the public when there is an interference with the exercise of any exclusive power or function granted by the Constitution and over which the Congress by positive enactments has assumed control. (In re Debs, 158 U. S., 599; United States *v.* American Bell Telephone Company, 159 U. S., 670.)

The legislative branch of the Government vested with power and authority granted by Article I, section 8, paragraph 8, of the Constitution has enacted certain patent laws.

Patent rights are granted under the Federal Constitution and necessarily for the promotion of a Federal purpose. (Grant *v.* Raymond, 6 Peters, 218, 241; Ames *v.* Howard, 1 Sumner, 482; Blanchard *v.* Sprague, 3 Sumner, 535.)

In People ex rel Edison Illuminating Company *v.* The Assessors (156 N. Y. R., 417), the court remarked:

"The next step is that patent rights being created under the Federal Constitution and laws for a Federal purpose, the States are without the right to interfere with them."

A State has no power to obstruct or impose conditions upon or to interfere with the sale of State, county, or town rights or individual licenses under a United States patent. (Ex parte Robinson, 2 Biss., 209; Holliday *v.* Hunt, 70 Ill., 109; Helm *v.* First National Bank, 43 Ind., 167; Patterson *v.* Kentucky, 97 U. S., 501; Webber *v.* Virginia, 103 U. S., 304, etc.)

Regarding an interference with interstate commerce the Supreme Court, in re Debs (158 U. S., 564), expressed itself as follows:

"If a State with its recognized power of sovereignty is impotent to obstruct interstate commerce, can it be that any mere voluntary association of individuals within the limit of that State has a power which the State itself does not possess?"

By parity of reasoning a voluntary association of railroad corporations in fifteen States has no lawful authority to erect a "judicial tribunal" for the determination of all questions "respecting patented inventions in any way relating to railroads." (See p. 10.)

The executive branch of the Government must guard the Constitution and enforce the laws. The President "shall take care that the laws be faithfully executed." (Constitution, Article II, section 3.)

By act of Congress certain Executive Departments have been created to aid the President in the performance of his duties and to act by his authority.

The circuit courts, a part of the judicial branch of the Government, have jurisdiction of actions to which the United States is a party (18 U. S. Stat., 470, act March 3, 1875), and can exercise their equity jurisdiction at the suit of the Attorney-General, to prohibit acts which interfere with any subject-matter over which Congress, by power granted, has assumed control, and to restrain or annul obstructions interposed by private persons or corporations in the way of the full and free exercise of privileges lawfully granted by said legislative branch of the Government. (In re Debs, 158 U. S., 599; United States *v.* A. B. T. Co., 128 U. S., 359.)

Justice Brewer, in re Debs, summed up the conclusions of the court in a case involving an interference with interstate commerce by a voluntary association. Substituting for the clauses thereof relating to commerce among the States those relating to the promotion of useful arts by patents for inventions, the decision reads:

"Summing up our conclusions, we hold that the Government of the United States is one having jurisdiction over every foot of soil within its territory, and acting directly upon each citizen; that while it is a government of enumerated powers, it has within the limits of those powers all the attributes of sovereignty; that to it is committed power 'to promote the progress of science and useful arts by securing for limited time to * * * inventors the exclusive right to their * * * discoveries;' 'that the powers thus conferred upon the National Government are not dormant, but have been assumed and put into practical exercise by the legislation of Congress; that in the exercise of those powers it is competent to remove all obstructions,' 'natural or artificial,' to the progress of science and useful arts and to the free exercise by every citizen of the privileges guaranteed under the patent laws; that while it may be competent for the Government (through the executive branch and in the use of the entire executive power of the nation) to forcibly remove all such obstructions, it is equally within its competency to appeal to the civil courts for an inquiry and determination as to the existence and character of any alleged obstructions, and if such are found to exist, or threaten to occur, to invoke the powers of those courts to remove or restrain such obstructions; that the jurisdiction of such courts to interfere in such matters by injunction is one recognized from ancient times and by indubitable authority; that such jurisdiction is not ousted by the fact that the obstructions are accompanied by or consist of acts in themselves violations of the criminal law; that the proceeding by injunction is of a civil character."

And the court further stated that its decision in this case rested upon "broader ground" than the antitrust act.

See the following authorities:

The United States may bring an injunction bill, in the proper circuit court, to protect improvements which she is making under the authority of Congress in navigable waters from injury which will be caused by works of internal improvement within State limits and by

[a] Ex parte Koehler, 21 Am. and English Rid. Cas., 57. But pooling is now forbidden by the interstate-commerce act.

State authority. (United States *v.* City of Duluth et al., 1 Dillon, 469 (1870).)

According to the principles of equity, as recognized in the courts of the United States, a State can obtain relief by a bill in equity filed by the attorney-general of the State. (Coosaw Mining Company *v.* South Carolina, 144 U. S., 564 (1892), citing United States *v.* Gear, 3 Howard, 120, and City of Georgetown *v.* Alexandria Canal Company, 12 Peters, 91.)

When a corporate excess of power tends to the public injury or to defeat public policy, it may be restrained in equity at the suit of the Attorney-General. (Stockton *v.* Central Railroad Company, 50 N. J. Eq. Rep., 52 (1892).)

"Remedies against corporations—bill by Attorney-General to prevent corporations from entering into agreements and combinations to prevent competition or monopolize trade, or for continuing in, or carrying out, such agreements and combinations." (Note to People *v.* Milk Exchange, page 485 of American Railroad and Corporation Reports, Volume XI.)

"When the managing body are doing or about to do an ultra vires act of such a nature as to produce public mischief, the Attorney-General, as the representative of the public and of the Government, may maintain an equitable suit for preventive relief." (Pomeroy, Equity Jurisprudence, sec. 1093. See also the last paragraph of the decision, United States *v.* Trans-Missouri Freight Association, 166 U. S., 290.)

The unlawful agreement relating to patents for inventions entered into by the railroad corporations of the fifteen Atlantic coast States under the style of the Eastern Railroad Association, and the many unlawful acts of the association in enforcing its unlawful agreement are fully set forth in the foregoing statement and accompanying exhibits.

The Attorney-General should, independent of his duty as designated in the antitrust act, direct the filing of a civil information in equity in the proper United States circuit court praying for an injunction to issue restraining the Eastern Railroad Association and for a dissolution of the unlawful trust combination and conspiracy.

F. E. STEBBINS.

EXHIBIT C.

Constitution and by-laws of the Eastern Railroad Association, adopted December 4, 1878.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England, and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association, each company to be represented by a duly authorized person.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee, ceasing to be the representative of the company for which he is appointed, shall cease to be a member of said committee.

SEC. 2. Said committee shall organize by the election of a chairman, secretary, and treasurer—the chairman and treasurer to be selected from its own members—who shall also be president, secretary, and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees and appoint such legal counsel as may be necessary for the interests of the association, and fix their compensation; shall fill vacancies in its membership and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the chairman, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president, upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. It shall be the duty of the president to preside at all meetings of the association. In the absence of the president a president pro tempore may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio member of all committees.

SEC. 2. The Secretary shall keep the minutes of the association, have charge of the models, archives, and the property not belonging to the finances of the association; he shall give his time exclusively to its service, and receive therefor such salary as the executive committee may fix.

He shall notify each company of any meeting of the association, by written or printed notice, at least ten days before such meeting. He shall answer all inquiries from members of the association relative to patent matters, and furnish them with written information regarding patents or patent claims that may be in possession of the executive committee. He shall also perform such duties in examining the validity of patents, and preparing cases for defense before the courts, and such other duties as the executive committee may direct. And, in order that this association may become more extended in its usefulness, it shall be the duty of the secretary to collect information relative to American railway operating, and distribute the same as may be directed by the executive committee.

SEC. 3. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee, to whom he shall report as often as required, and at the annual meetings of the association shall submit a statement showing its financial condition, with a detailed exhibit of the receipts and expenditures of the past year.

ARTICLE VI.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit, or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association: *Provided*, The member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been, or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

ARTICLE VII.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present, at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VIII.

The chairman of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE IX.

The executive committee shall have the power, and it shall be their duty, from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association; and each of the companies, members of said association, does hereby severally agree with the treasurer of said association when said assessment is made to pay him the sum so assessed upon it, and that said treasurer may maintain an action in his own name against each of said companies severally for the assessment as aforesaid made upon it.

ARTICLE X.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall nevertheless be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE XI.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Wednesdays of the months of March, May, September, and December, in each year, at such place and hour as the committee may from time to time designate; special meetings of the executive committee shall be called in the same manner as provided in constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Boston, Mass.

ARTICLE III.

The executive committee shall, at their first meeting after election, organize by electing from their own number a chairman and a treasurer, a secretary and general agent, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications made since last meeting.
4. Report of secretary.
5. Miscellaneous business.
6. Unfinished business.
7. New business.

ARTICLE V.

SECTION 1. The finance committee shall have charge of the finances of the association, and shall authorize all investments, and annually audit the accounts of the treasurer.

SEC. 2. The chairman shall preside at all meetings of the executive committee, preserve order and regular debate, according to parliamentary rules, and appoint all committees, unless otherwise ordered by the committee. In the absence of the chairman, a chairman pro tempore may be appointed. The chairman shall be ex officio a member of all committees.

SEC. 3. The Secretary shall have charge of the models, books, papers, and documents of the executive committee and of the association, excepting those in charge of the treasurer; and no original paper or report shall be taken from the office without the consent of the executive committee; he shall be present at all meetings of the executive committee, take minutes of the proceedings and record the same in a suitable book for that purpose. He shall notify the members of all regular and special meetings at least ten days prior to each meeting, and shall answer all inquiries from members of the association relative to patent matters by furnishing such important information as may be in possession of the committee; make such examinations and investigations and collect such information and testimony as may be necessary for the proper action of the executive committee or for conducting a suit in the interests of the association; he shall report at each stated meeting a list of applications submitted since the last meeting and make such reports thereon as have been prepared, and may send to members applying therefor any report that has been prepared for the action of the executive committee, but not submitted, with the understanding that said report is of no effect unless approved by the said committee. He shall, whenever the necessity for outside counsel may arise, submit to the executive committee the names of parties to be engaged and the rates at which such services may be obtained; but no engagement therefor shall be binding unless approved by the president. He shall prepare and submit to the executive committee, at its stated meeting in March of each year, a report of the operations of the association for the past year, showing the applications made, from whom and date of report thereon, and also the status of any suits that may be in progress. He shall, by and with the consent of the committee, appoint a clerk to perform such duties connected with the association as he may direct.

SEC. 4. The treasurer shall keep a regular set of books, containing the accounts of the association and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make a report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the financial committee. All payments shall be made by orders on the treasurer, audited by the secretary and approved by the president.

SEC. 5. The general agent shall, under the supervision and direction of the secretary, investigate and report on all patent questions as submitted by members of the association, and in contested cases shall prepare for defense. He shall note application for new patents and the extension of old ones. He shall furnish such information through the secretary as will enable the executive committee to reply to the inquiries of correspondents touching patent matters and to act intelligently in adjusting patent claims.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

EXHIBIT D.

Twelfth annual report of the executive committee of the Eastern Railroad Association to the members 1878–79.

Membership.—Ashuelot; Baltimore and Ohio; Boston and Albany; Boston, Concord and Montreal; Boston, Clinton, Fitchburg, and New Bedford; Boston, Lowell and Nashua; Boston and Maine; Boston and Providence; Catasauqua and Fogelsville; Central (of New Jersey); Central, Vermont; Cheshire; Concord, Manchester and Lawrence; Connecticut River; Connecticut Western; Danbury and Norwalk; Delaware and Hudson Canal Company; Eastern; Fitchburg; Housatonic; Lehigh Valley; Long Island; Maine Central; Naugatuck; New York Central and Hudson River; New York, New Haven and Hartford; New Haven and Northampton; New London Northern; New York and New England; North Pennsylvania; Northern Central; Northern (New Hampshire); Northeastern (of South Carolina); Norwich and Worcester; Ogdensburg and Lake Champlain; Old Colony; Passumpsic; Pennsylvania; Philadelphia and Baltimore Central; Philadelphia and Reading; Philadelphia, Wilmington and Baltimore; Providence and Worcester; Providence, Warren and Bristol; Raleigh and Gaston; Richmond, Fredericksburg and Potomac; Richmond and Petersburg; Seaboard and Roanoke; Stonington and Providence; Troy and Boston; Vermont Valley; Wilmington, Columbia and Augusta; Wilmington and Weldon; Worcester and Nashua.

Executive committee.—Strickland Kneass, assistant to president Pennsylvania Railroad Company; J. B. Winslow, agent Boston and Lowell Railroad Company; Frank Thomson, general manager Pennsylvania Railroad Company; J. N. DuBarry, representing Northern Central Railroad Company; E. D. Worcester, secretary New York Central and Hudson River Railroad Company; William D. Bishop, director New York, New Haven and Hudson River Railroad Company; James Moore, general superintendent Central (of New Jersey) Railroad Company; A. A. Folsom, general superintendent Boston and Providence Railroad Company; D. L. Harris, president Connecticut River Railroad Company.

Officers.—President, Strickland Kneass, Philadelphia, Pa.; treasurer, A. A. Folsom, Boston, Mass.; secretary, A. McCallum, Boston, Mass.; secretary's office, Room No. 15, Boston and Lowell passenger station, Boston, Mass.

REPORT.

OFFICE OF THE EASTERN RAILROAD ASSOCIATION,
Boston, Mass., March 24, 1879.

To the Members of the Eastern Railroad Association:

GENTLEMEN: In submitting this the twelfth annual report, your committee congratulates the members on the continued prosperity of the association. On referring to the reports of the secretary and treasurer herewith, it will be seen, from the details of the business transactions therein set forth, that the association has proved of increased usefulness to its members, while financially its condition is very satisfactory.

Your committee also congratulates the members on the successful results of the litigation assumed by the association on their behalf, as noted in that part of the secretary's report devoted to this the most important branch of the business of the association. In view of the results obtained in this respect your committee is fully impressed with the conviction that very large sums of money have been saved to the members, and to railroads generally, by the determined and persistent opposition made to what was believed to be "unjust claims for patented inventions." In this regard it must be a matter of great satisfaction to the members to know that no case which has been opposed by the association has yet been decided against them on final adjudication to the Supreme Court of the United States.

Since the last annual meeting several important changes have occurred which call for particular notice.

With much regret your committee accepted the resignation of Messrs. Isaac Hinckley as president, D. L. Harris as secretary, and John B. Winslow as treasurer. The resignation of these gentlemen, who so long and so ably filled their responsible positions, is felt to be a great loss; but we have the satisfaction of knowing that, while unable longer to continue the active duties of their former positions, they still take a deep interest in the welfare of the association, and continue to aid in its administration by their valuable counsel.

We have also to note the resignation of S. M. Whipple, esq., who has heretofore acted as expert and general agent of the association, to investigate and report on patent claims, and to prepare for defense in contested cases.

Under the new constitution such services require to be performed under supervision of the secretary, and form part of his duties. It is therefore believed that, with the addition to the clerical force of the secretary's office already made, the office of expert and general agent as heretofore existing may be dispensed with. Several important changes have been effected by the amended constitution, which, after due discussion and deliberation, was adopted at the special meeting of the association on the 4th day of December, 1878.

Copies of the amended constitution, and also of the by-laws, were forwarded to the members, and their representatives have doubtless made themselves familiar with the same.

Your committee, however, think it proper to refer to some of the provisions of the constitution as amended.

Particular attention is called to Article VI, which is designed to regulate the action of all concerned when a claim is made for the use of a patented invention and said claim is submitted to the association for action.

Section 1 of this article makes it the duty of the executive committee to negotiate with an inventor or patentee whose claim it is considered inexpedient to contest; but attention is drawn to the fact that the committee must first be requested to do so by a member. In this respect the section differs from section 3 or Article VII of the old constitution.

Section 2 is substantially the same as section 4 of Article VII of the old constitution; but it will be observed that if a member fails to acknowledge receipt of notice sent by the committee for fifteen days after its date, the terms of settlement proposed shall be considered as accepted by such member.

Attention is also called to section 3 of this article, as by its terms the members, in order to avail themselves of the services of the association for defense, or in settlement of claims, must notify the secretary of any suit or claim brought against them. And if any member has previously declined, or shall subsequently decline, the basis of settlement recommended by the executive committee, the association will not be responsible for any expenses for litigation such member may incur.

Section 4 prohibits any member settling any suit or claim brought against it, after being advised by the secretary that a similar suit or claim is in charge of the association for defense in behalf of any of its members, without the consent of the secretary, indorsed by the president.

This provision of the constitution may appear tyrannical, and it does to a certain extent deprive members of the liberty of individual and independent action in the settlement of claims; but the subject has been well considered, and the rule is believed to be essential to the successful carrying out of the main object of the association, to wit, the protection of its members against unjust claims made for patented inventions.

One member may find it expedient to settle a claim under special inducements; but the money thus paid enables the party making the unjust claim to prosecute other members, which in most cases he would otherwise be unable to do. Again, the weaker members of the association might be unduly influenced in the settlement of such claims when they learned that a more powerful member had found it expedient to settle.

Such methods of influencing the settlement of claims are well known to those engaged in the manipulation of fraudulent patent claims, and, if allowed to prevail, the influence and salutary effect of the association would be destroyed. To obtain the best results, the members of the association must act as a unit, and it is believed that this unity of action has been the true cause of our success heretofore.

Your committee also think it proper to direct attention to the fact that by the amended constitution the duties and responsibilities of the secretary's office have been increased (see section 2, Article V). One of the objects sought to be attained by extending the duties of the secretary so as to include the management of litigated cases was economy. Heretofore the executive committee, as a matter of necessity, had to employ counsel whenever suits were brought against any of the members and pay whatever bills were presented without full knowledge of the actual services rendered. As a remedy for this unsatisfactory state of affairs it was thought advisable to employ as secretary an attorney having experience in the practice of the patent law and who could, if necessary, practice in any of the United States courts having jurisdiction in patent cases. For particulars respecting the present method of carrying on the business of the association, we refer to the accompanying report of the secretary.

On referring to said report, it will also be found that the secretary is prepared to furnish information respecting several subjects not specially inquired of, but of general interest to the members, such as the early histories of the "electric telegraph," "power brakes," "sleeping cars," etc.; but as the regular duties of his office have proved onerous, it is not to be expected that he can give much attention to the collection of such general information. It is therefore suggested that when anything of interest in this connection comes to the knowledge of any members, the same be communicated to the secretary, so that, under the direction of your committee, he may be enabled to distribute such information to the other members.

We also call attention to the suggestions of the secretary as to the formation of a scientific library by voluntary donations of spare books by the members, to which end your committee have appropriated a limited amount to secure a complete set of the drawings of patents relating to railroads, and such reports on patent cases as will materially aid in carrying out the objects of the association, as well as to the importance of collecting models with a view to the formation of a museum of inventions. Your attention is particularly called to the means suggested to prevent the grant of fraudulent patents.

Recent developments show that our members can not be too careful when taking a license to see that the language of the agreement or license affords them proper protection in the use of the patented invention for which the license is given; and in this connection the following suggestions may be acceptable:

1. Be sure that the party who gives the license has a legal title to the patent. This can be ascertained by making application to the Commissioner of Patents for a certified abstract of the assignments of the particular patent for which the license is to be given.

2. Be sure that the license covers the right to use the invention, any improvements thereon which the inventor may have made and patented, or for which patents may hereafter be obtained by the inventor or his assignees.

3. Be sure that the license covers the right to use the patented device, not only on your own roads, but on any roads and branches which may be leased, or otherwise connected therewith, during the life of the patent or patents.

4. Be sure that the license covers the right to use the patented device during the entire period for which letters patent are or may be granted or extended, including any reissue of the same.

Attention is respectfully called to the resolutions adopted at the meeting of your committee, December 4, 1878, a printed copy of which was sent to the members at that time. Said resolutions are to the effect that the association can not, under the Constitution, undertake to defend the members against claims for infringement of letters patent until said claims have been examined and reported on by the executive committee; so that when suits are brought previous to such examination and report, the expenses incurred in defending the suit must be borne by the individual members sued unless said suit, upon examination, be accepted by the executive committee, in which case all expenses will be assumed by the association.

This does not prohibit the secretary from giving all the information on the subject at issue which may be in his possession, or from rendering aid in the proper defense of such suit prior to the action of your committee. Such services are at all times available to the members, but anything that may be done or any expense that may be incurred is subject to the approval of the executive committee.

On referring to the report of the treasurer, it will be found that the account up to December 31, 1878, stands as follows:

Balance from preceding year	$17,958.44
Collections under assessments	17,819.85
Collection of interest	460.00
Total	36,238.29
Less expenditures	15,678.21
Balance	20,560.08

Respectfully submitted.

By order of the executive committee:

STRICKLAND KNEASS, *President.*

EXHIBIT E.

Membership of the Eastern Railroad Association for the year ending March, 1883.

	Miles.
Allegheny Valley and branches	259
Baltimore and Ohio and branches, also 18 other railroad corporations	1,495
Boston and Albany and branches, also 4 other railroad corporations	372
Boston, Concord and Montreal and branches, also 2 railroad corporations	166
Boston and Lowell, also 6 railroad corporations	197
Boston and Maine and branches, also 6 railroad corporations	606
Boston and Providence and branches, also 1 railroad corporation	67
Boston, Barre and Gardner and branches	37
Camden and Atlantic and branches, also 1 railroad corporation	70
Carolina Central and branches	241
Catasauqua and Fogelsville and branches	25
Central Railroad of New Jersey, also 2 railroad corporations	545
Central Vermont Railroad, also 5 railroad corporations	353
Cheshire Railroad, also 2 railroad corporations	80
Connecticut and Passumpsic, also 1 railroad corporation	147
Concord Railroad, also 4 railroad corporations	142
Connecticut Railroad, also 1 railroad corporation	80
Concord and Claremont, also 1 railroad corporation	71
Danbury and Norwalk	37
Delaware and Hudson Canal and Railroad, also 10 railroad corporations	568
Eastern Railroad, also 7 railroad corporations	283
Fitchburg Railroad, also 1 railroad corporation	151
Housatonic Railroad, also 4 railroad corporations	126
Hartford and Connecticut Western, also 2 railroad corporations	105
Lehigh Valley Railroad, also 2 railroad corporations	316
Long Island Railroad, also 11 railroad corporations	325
Manchester and Lawrence, also 1 railroad corporation	26
Maine Central, also 3 railroad corporationns	470
Naugatuck Railroad, also 1 railroad corporation	66
New York Central and Hudson River Railroad, also 2 railroad corporations	1,118
New York, New Haven and Hartford Railroad, also 2 railroad corporations	283
New York, Philadelphia and Baltimore, also 2 railroad corporations	82
New Haven and Northampton, also 1 railroad corporation	127
New London Northern, also 1 railroad corporation	121
New York and Lake Erie, also 5 railroad corporations	452
Northern Central, also 5 railroad corporations	343
Northern (N. H.), also 1 railroad corporation	100
Northeastern Railroad, also 5 railroad corporations	102
Ogdensburg and Lake Champlain	118
Old Colony, and 2 railroad corporations	477
Pennsylvania, also 23 railroad corporations	2,401
Pennsylvania Company, also 7 railroad corporations	864
Pittsburg, Cincinnati and St. Louis Railroad, also 7 railroad corporations	1,507
Philadelphia and Reading, also 2 railroad corporations	847
Philadelphia, Wilmington and Baltimore, also 8 railroad corporations	383
Pennsylvania and New York Canal and Railroad, also 1 railroad corporation	93
Portland and Ogdensburg	94
Providence and Worcester, also 3 railroad corporations	66
Petersburg	63
Providence, Warren and Bristol	15
Raleigh and Gaston, also 1 railroad corporation	196
Richmond, Fredericksburg and Potomac, also 2 railroad corporations	82
Richmond and Allegheny, also 2 railroad corporations	265
Rome, Watertown and Ogdensburg, and 2 railroad corporations	265
Seaboard and Roanoke	80
Sullivan Company	26
Troy and Boston, also 2 railroad corporations	46
Vermont Valley	24
West Jersey, also 4 railroad corporations	163
Wilmington, Columbia and Augusta	192
Wilmington and Weldon	198
Worcester and Nashua, also 1 railroad corporation	95
Total	19,198

Two hundred and fifty-five corporations.

EXHIBIT F.

Constitution and by-laws of the Eastern Railroad Association, now in force.

CONSTITUTION.

ARTICLE I.

This association shall be called "The Eastern Railroad Association." While having for its general purpose the promotion of the railway interests, its leading object shall be the protection of its members against unjust claims made for patented inventions.

ARTICLE II.

This association shall be composed of railroad companies of New England and any others, at the discretion of the executive committee, subscribing to the articles and contributing to the expenses of the association, each company to be represented by a duly authorized person; but no railroad company whose earnings are mainly derived from the transportation of passengers upon an elevated railroad within the limits of a city shall be admitted as a member of the association, except upon such terms and conditions as may be prescribed by the executive committee.

ARTICLE III.

SECTION 1. The affairs of the association shall be managed by an executive committee of nine members, who shall be elected every year at the annual meeting of the association. They shall submit at each annual meeting of the association a report of the operations of the past year and of its financial condition, and any member of said committee ceasing to be the representative of the company for which he is appointed shall cease to be a member of said committee; and in all cases where a member of the executive committee is absent from two consecutive stated meetings of said committee, unless such absence is caused by sickness or absence from the country, it shall be equivalent to a resignation of said member, and it shall be the duty of the executive committee to fill the vacancy thus created at the next stated meeting following.

SEC. 2. Said committee shall organize by the election of a president, vice-president, general counsel, secretary, and treasurer (the president, vice-president, and treasurer to be selected from its own members), who shall also be president, vice-president, general counsel, secretary, and treasurer of the association. A majority shall constitute a quorum for the transaction of business. They shall also appoint such standing committees as they may deem requisite.

SEC. 3. Said committee shall provide a suitable place for the general office of the association, where all models, books, papers, and documents may be deposited for safe-keeping.

SEC. 4. Said committee shall have power to elect such other officers and employees, and appoint such legal counsel, as may be necessary for the interests of the association, and fix salaries and compensation, and prescribe the duties of all officers, agents, and employees; shall fill vacancies in its membership, and make by-laws for its own government.

SEC. 5. Meetings of the executive committee may be called at any time by the president, or shall be when requested by any two members of the committee.

ARTICLE IV.

SECTION 1. The annual meeting of the association for the election of the executive committee and for the transaction of other business shall be held on the second Wednesday in May, at such hour and place as may be designated by the executive committee, and the fiscal year of the association shall terminate on the 31st of December.

SEC. 2. Special meetings of the association shall be called by the president upon the request of two members of the executive committee, or at the written request of the representatives of not less than five companies. Notice of any meeting of the association shall be given by a written or printed notice directed to each member and deposited in the post-office at least ten days prior to the day of such meeting.

SEC. 3. The representatives of ten companies shall constitute a quorum at all meetings of this association. Each company shall be entitled to one vote.

ARTICLE V.

SECTION 1. Whenever, in the opinion of the executive committee, a patent submitted for examination by any member is valid, or whenever it is deemed inexpedient to contest any claim made upon a member of the association for the use of a patented invention, it shall be the duty of said committee, at the request of any of the associate members, to negotiate either for the use of said patent, or for a settlement of the claim preferred, and, when effected, to report the same to each associate member for acceptance.

SEC. 2. If any member declines accepting the basis of settlement so offered (and a failure to acknowledge receipt of said notice for fifteen

days after its date shall be deemed an assent to the terms thereof), the association shall not be responsible for the defense of any suit or for the expenses of any litigation against that company, and growing out of that case, incurred subsequent to date of said notice.

SEC. 3. Whenever a suit is brought against any member of the association for infringing upon a patent reported upon as invalid, or whenever a claim is made against any member for the use of a patent reported upon as valid, and for which a basis of settlement has been agreed upon as aforesaid, it shall be the duty of that member to make a report of such suit or claim to the secretary, and thereafter the said committee shall manage the same at the expense of the association, provided the member so reporting has not previously declined, or shall not subsequently decline, such basis of settlement as has been or may be recommended by the executive committee.

SEC. 4. Members of the association shall not settle any suit or claim against them after being advised by the general counsel that a similar suit or claim is in charge of the association for defense in behalf of any of its members without the consent of the general counsel, indorsed by the president.

SEC. 5. Whenever the executive committee shall adopt a report relating to a patent, and shall not deem it for the best interests of the association to assume or continue the expenses of litigation growing out of such report, it may at its discretion so notify the member to whom such report is made, and the association shall not hereafter be at any legal or other expense on account thereof; but said committee may compromise and settle the claim or purchase a license for such member at the expense of the association: *Provided*, That in the opinion of said committee such settlement or purchase can be effected at less expense to the association than the cost of carrying on the litigation in behalf of such member.

ARTICLE VI.

Any member willfully violating these articles may be stricken from the roll of membership by a vote of two-thirds of the members present at any annual or special meeting, provided due notice of such proposed action shall be given in the call of said meeting.

ARTICLE VII.

The president of the executive committee shall confer with the officers of similar railroad associations in the United States in relation to the settlement of patent claims and the trial of patent cases, and said committee may, if they deem it advisable, contribute from the funds of the association to aid in the defense of any patent case the issue of which involves the interests of the members of the association.

ARTICLE VIII.

The executive committee shall have the power, and it shall be their duty from time to time, as often as they judge the interests of the association require, to make assessments upon members of the association, one-half, as nearly as practicable, in proportion to their gross receipts for the fiscal year preceding the making of the assessment, and one-half in proportion to the length of their roads, for any expenses already incurred or hereafter to be incurred, which, in the opinion of the committee, should be borne by this association. If any company shall neglect to make the proper returns called for by the treasurer after assessment is made, or neglect to pay the treasurer the sum assessed upon it before the 31st day of December thereafter occurring, it shall be deemed to be in default and shall not be entitled to the privileges of membership, and if it shall fail to pay the sum assessed upon it within three months after notice of default from the treasurer, it shall thereupon cease to be a member of the association.

ARTICLE IX.

Any company may withdraw from this association by giving notice in writing to the secretary, provided such company shall, nevertheless, be liable for its proportion of the expenses of the association for the fiscal year ending December 31 next ensuing.

ARTICLE X.

This constitution may be altered or amended by a vote of two-thirds of the members present at any regular or special meeting, provided due notice of said proposed alteration or amendment shall have been given in notice for said meeting.

BY-LAWS.

ARTICLE I.

The annual meeting of the association and the election of an executive committee shall be held in the city of New York, and the stated meetings of the executive committee shall be held on the second Thursday of the months of March, September, and December, and on the second Wednesday of the month of May in each year, at such place and hour as the committee may from time to time designate. Special meetings of the executive committee shall be called in the same manner as provided in the constitution for the meetings of the association.

ARTICLE II.

The general office of the association shall be located, until further action by this committee, at Washington, D. C.

ARTICLE III.

The executive committee shall, at its first meeting after election, organize by election from its own number a president, vice-president, and treasurer, a secretary and general counsel, not members of the committee, and also a finance committee, to be composed of three members of the executive committee. All elective officers shall serve for the ensuing year, or until their successors be elected.

ARTICLE IV.

Five members of the committee shall constitute a quorum for the transaction of business, which shall be in the following order:

1. Minutes of the last meeting read.
2. Report of treasurer.
3. List of applications for membership made since last meeting.
4. Report of general counsel.
5. Other business.
6. Reports on patents, etc.

ARTICLE V.

SECTION 1. It shall be the duty of the president or vice-president to preside at all meetings of the association. In the absence of the president or vice-president, a president pro tempore may be appointed. The presiding officer shall name or appoint all special committees, unless otherwise ordered by the association, and the president shall be ex officio a member of all committees.

SEC. 2. The vice-president, when called upon, shall assist the president in the performance of his duties, and during the absence or at the request of the president shall officiate in his place.

SEC. 3. The general counsel shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall make all required examinations and reports as to scope and validity of letters patent and questions of infringement of same, and prepare cases for defense before the courts. He shall answer all inquiries from members of the association relative to patent matters and furnish them with written information regarding patents or patent claims that may be in the possession of the executive committee. He shall keep the minutes of the meetings of the association and of the executive committee, shall have charge of the office, models, archives, and property not pertaining to the investments or finances of the association, and perform such other duties as the executive committee may direct.

SEC. 4. The secretary shall give his time exclusively to the service of the association, and receive therefor such salary as the executive committee may fix. He shall keep the books of the association, excepting those in charge of the treasurer, shall notify the members and the executive committee of all meetings of their respective bodies. He shall have charge of the rooms of the office building in the city of Washington, D. C., not occupied by the association, rent same, collect the rents, and account to the treasurer therefor. He shall assist the general counsel and perform such duties as may be designated by him, and, in the absence of the general counsel, he shall take charge of the office, models, archives, and property not belonging to the finances of the association, and perform such other duties as the executive committee may direct.

SEC. 5. The treasurer shall collect all assessments as made by the executive committee, and disburse all the moneys of the association, under the direction of the executive committee. He shall keep a regular set of books containing the accounts of the association, and of all the funds that may pass through his hands, and keep a separate account as treasurer at such bank or banks as the executive committee may approve. He shall make report at each stated meeting of the executive committee of his receipts and disbursements in such form as the said committee may direct, and at the stated meeting in March shall submit a general statement of the financial condition of the association, and a detailed statement of receipts and expenditures of the past fiscal year, duly audited by the finance committee. All payments shall be made by orders of the treasurer, audited by the secretary, and approved by the president.

ARTICLE VI.

No alteration or amendment shall be made in these by-laws until presented at a stated meeting and adopted at a subsequent meeting by a majority of the whole committee.

STANDING RESOLUTIONS.

Resolved, That the secretary be instructed that in making reports to members, as directed by section 3, article 5, of the by-laws, previous to being submitted to the executive committee, he append thereto a printed notice to the effect that said reports are of no effect or binding upon the association until approved by the executive committee.

Adopted March 12, 1879.

Resolved, That the secretary be instructed to notify all railroad companies members of this association that hereafter all applications from such company asking for information from the association in regard to any patent device must be made through the president, vice-president, general manager, or superintendent of such company, or such officer or agent of said company as may be thereto specially authorized by resolution of the board of directors of said company.

Adopted March 10, 1880.

Resolved, That the executive committee be authorized to fix upon and establish an entrance fee that shall be chargeable to all companies desiring to connect themselves with the Eastern Railroad Association after this date, said entrance fee being intended to cover the proportional interest in funds of the association now invested.

Adopted at annual meeting, May 11, 1881.

Resolved, That it is not thought advisable for the association to introduce or, as an association, advocate legislation in Congress, but its members should promote any bill that may be offered to amend the patent laws so as to require the patentee or owner of a patent to give notice of any claim for infringement, and to commence suit thereon within a reasonable time after such notice is given.

Adopted December 14, 1881.

Resolved, That this association will, through its general counsel, furnish to any of its members any information it may be able to give in relation to the legal construction, effect, and bearing of any license or assignment made by the inventor or owner of any patent to one of the members, but; inasmuch as such licenses and assignments have been drawn or accepted by the officers or counsel of such members without action by or consultation with this association, the association can not properly take charge of or assume the expense of any litigation growing out of or connected with such licenses or assignments.

Adopted December 15, 1881.

Resolved, That the secretary notify all persons applying to the association for the privilege of making oral argument before the executive committee relating to patents that such privilege can not be granted, but that the executive committee will receive and consider any argument in writing that may be presented to it.

Adopted December 13, 1883.

Resolved, That in all future patent suits against members of this association the secretary be, and is hereby, instructed to require from the plaintiffs bonds or security for the costs, when such security can be legally demanded.

Adopted March 13, 1884.

In the matter of reports called for by members respecting inventions for which applications for patents are pending in the Patent Office,

On motion, it was—

Voted, That the general counsel be directed to notify the members making such inquiries that the association can not, consistently with its constitution and by-laws, give any advice or express any opinion in regard to any invention for which application for letters patent has been made and is pending in the Patent Office.

Adopted May 12, 1886.

Resolved, That the office of general counsel and secretary, created by resolution adopted May 12, 1880, be discontinued, and that the offices of a general counsel and a secretary be created in accordance with amendments to by-laws.

EXHIBIT G.

The following extracts from the technical journals represent the consensus of public opinion regarding the character of said Eastern Railroad Association, to wit:

[From the Railroad Car Journal, December, 1892.]

RIGHTS OF PATENTEES AND INVENTORS.

We have several times previously given space in this journal to the publication of the circumstances and proceedings in the suit of W. K. Tubman against the Wason Manufacturing Company for infringement of his patent. We have given unusual prominence to the case for the reason that it has brought up a much wider issue than the mere damage sustained by the owner of the patent—an issue of vital interest to inventors or owners of patented railroad appliances.

It would appear from the testimony that Tubman in his suit encounters a more formidable opponent than the actual defendants. He claims that the Eastern Railroad Association is maintaining the defense with the object of defeating his claim, and that with such an organization in existence, pursuing the methods it does, a poor inventor can not possibly hope to maintain his rights to a patented device which the association chooses to advise its members to use without the payment of royalty. The testimony, which we print in another column, of Mr. Andrew McCallum, the counsel of the association, can not be regarded as in any way rebutting the serious charges made against the association by Tubman. We quite fail to see why the proceedings of the Eastern Railroad Association should not be made public. The owner of a patent should certainly be entitled to learn the substance of the association's report to its members upon his invention; for railroads are becoming notorious by reason of the frequency with which they appropriate the ideas of inventors without compensation. The testimony in Tubman's case will be read with interest by inventors or owners of patents on railroad devices.

[From the World's Progress, March, 1892.]

APPROPRIATING PATENTS.

In another article in this issue we have discussed briefly the exercise of a practically assumed right by the Government to appropriate to its own use, without compensation, any patented article or invention it may please to want. That form of appropriation will have attention, and then will be duly regulated by law, just as soon as the abuse becomes so common as to produce public outcry. The sole reason why this law has not been made is that the number of those harmed is comparatively small. So far as the need in equity and justice for such a law is concerned, it seems to be commonly admitted that it is now urgent.

But there is another form of this appropriation which is more common, and consequently more aggravating. It is where a rich and powerful corporation deliberately takes and uses a patented device or invention and then says, coolly and impudently, to the patentee: "Help yourself, if you can." Then the issue so made is almost invariably governed by the length of the purse, and in the end the single-handed inventor finds himself outwinded by the long delays he can not prevent and the large expenses he is forced to pay to carry on his suit. We have now in mind a particular form of this organization that is accustomed to use any patented invention in the line of its business that it pleases to appropriate. We refer to the railroad associations, of which there is one at the east and one at the west. Ostensibly these associations are for self-protection against causeless litigation and the annoyance of importunate and unreasonable inventors. So far as this protective idea goes, the motive of these associations is very proper; but when these associations go further and assume the right to appropriate any invention they wish to use, and thus force the inventor into the courts to endeavor to get redress, these associations are all wrong.

The consequence is that the single-handed inventor rarely wins in any such suit. It must be said, in justice to these associations, that they allege that they always pay for the use of any and all really new and valuable improvements. But this assertion is hotly denied by the body of inventors who have, as they assert, been ruthlessly defrauded of their rights.

It seems to us that some law can be framed that will secure justice to both parties; that, on the one hand, will enable the inventor to contest his rights with some show of a fair trial, and, on the other, protect the parties who do not wish to be causelessly annoyed by every inventor who is willing, properly or improperly, to invoke the aid of the law. Under the new patent law in Germany a wanton infringement is made a criminal act. We do not say this is the way to deal in this country with the matter, but it is one way, and the existence of that law proves that the abuse of which we now write has already begun to attract deliberate attention. The attention of the House Committee on Patents has been called to the matter and an earnest attempt made to secure some legislation by Congress to prevent the alleged abuses.

[From the Scientific American, March 12, 1892.]

Legislation is certainly needed to put a stop to combinations formed like the Eastern Association for the express purpose of nullifying the privileges granted to inventors by Congress.

[From Locomotive Engineering for November, 1892. Angus Sinclair, editor, 912 Temple court, New York.]

PROPERTY RIGHTS IN PATENTS.

A decision was rendered last month by the United States court of appeals in a suit brought by the Edison Electric Light Company against the United States Electric Light Company that is of interest to many people who are not in any way concerned in proprietary rights in electrical appliances. Edison was the original inventor of the incandescent lamp, where light is produced by the electric current passing through a resisting medium inclosed in a vacuum. Several parties imitated this invention, and have been selling incandescent lamps which seemed to avoid the Edison patents. The court has now decided that every known form of incandescent lamp, and every possible form of this lamp, infringes the Edison patents.

This means practically that when an inventor secures a foundation patent for any device, the imitations which obtain the same results by different mechanical arrangements are infringements. The decision is a little more emphatic than several others previously made of the same tenor. The well-known decision on the Richardson safety-valve patents was substantially the same as that now rendered concerning electric lights.

This decision ought to be of direct interest to many railroad companies, for there is no class using mechanical appliances more given to patronizing articles that are notoriously pirated imitations of patents. The great variety of functions demanded of railway machinery presents an unparalleled field for inventive genius, and it is industriously cultivated. But no sooner does an inventor produce an appliance or improvement which promises to be in demand than there is a host of imitators doing their best to produce something which will do the same functions and avoid infringing the original patent. The principal work done by the mechanical engineers employed by some railroad companies is the designing of forms of patented articles which shall perform the functions of the original without incurring the liability to pay royalty. This is a small, mean business, and is nothing more than dishonesty; for it is stealing a man's ideas and dressing them so that their identity may be disguised.

The plain decisions of the courts ought to discourage this sort of industry. The only reason why railroad companies are not paying royalties on numerous patents that they are using illegitimately is the delay and expense that must be incurred in lawsuits for infringements of patents. Law's delays are so notoriously tedious in patent suits that those who have been injured patiently suffer wrong rather than engage in the long and expensive fight. We have recently heard of a movement among men of means to purchase the originals of patents that have been largely imitated by railroad companies. Should this be done some of the companies are likely to have to pay damages that will put the money paid to settle the Tanner brake suits far into the shade.[a]

That in the years 1877 and 1878 the said Eastern Railroad Association, in combination with a similar association in the West, endeavored to secure legislation in Congress which would enable the members of the association to appropriate patented inventions without being compelled to pay for them. The following selections from "Arguments before the Committees on Patents, Forty-fifth Congress, second session, Miscellaneous Document No. 50," represent the views of many reputable patent attorneys and others regarding the railroad combination to appropriate patent property, to wit:

W. C. Dodge, esq., Washington, D. C.:

"On the part of the railroads it is a demand that they shall be allowed to appropriate any invention they please, and then to have the law so changed as practically to prevent their being compelled to pay for them" (p. 69).

"Or, which of these public-spirited railroad companies now asking you to change the patent laws for their special benefit would invest their capital in building their roads if, when built, the dividends were to go into other pockets than their own?" (p. 70).

"That resolution was introduced by a member whose firm had been made to pay quite an amount in damages for the use of a patented invention which they had appropriated without leave or license of the owner; and it is a striking coincidence that this movement to change our laws was inaugurated by the railroad combination, who, as they tell you, have in like manner been mulcted in heavy damages for a similar appropriation of patented inventions, and which the owners would gladly have sold or licensed them to use for far less than the sum awarded by the courts. As proof of this it is stated that the owner of the swage block patent, for the use of which these companies complain they have been made to pay an exorbitant price—over $100,000—offered to let the same company have the use of his patent for the whole term for $1,000, which they agreed to pay, but when the papers were to be executed the company insisted on the party taking pay in bonds of the company, worth only 90 cents on the dollar, and because the owner of the patent refused to be thus swindled out of one-tenth of the price agreed upon they refused to complete the arrangement, and told him they would use it in spite of him, and he might help himself if he could. I submit that it does not become parties who have acted thus to now come here crying like a whipped schoolboy and ask Congress to change the law simply to relieve them from the consequences of their own willful violation of the law" (p. 72).

J. J. Storrow, esq., counsel for the Bell Telephone Company:

"There will be cases undoubtedly where defendants will willfully infringe patents. Nay, there will be cases where rich defendants will band themselves together and say to the patentee unless he will sell his invention to them at a price agreeable to them, that they will drag him for ten years through the courts at an expense which is a flea bite to them, but ruinous to him" (p. 135).

W. W. Hubbell:

"These railroad companies infringed a patent beyond all question, and they knew the inventor was poor and could not bring suits all over the United States against these different railroad companies, and they have taken a rule upon him for security for costs, and he, in his inability to furnish it, has been barred and thrown out of court. This was done over here in Baltimore. The Baltimore and Ohio Railroad Company did that, to my knowledge, where they infringed a patent" (p. 153). (See standing resolution No. 7 in constitution.)

G. H. Christy, esq., counsel for Westinghouse Air Brake Company:

"I think, further, that it is a dangerous remedy to put into the hands of a wrongdoer, particularly if he is a wealthy party or corporation, and I use the word 'corporation' not in any ill sense, for it is one of the most honest and legitimate ways of carrying on business; but it is especially dangerous to give the power to seventy or eighty wealthy corporations to pounce down on an inventor and snatch from him all his just rights, as was the case with Goodyear, and reduce him to absolute beggary; and as was the case with Pullman when he was jacking up houses in Chicago; or as with Westinghouse, who was not able to pay me his first fee for his first caveat.

"Now, if it is good to put in the hands of an associated power representing such a consolidated amount of wealth, and with the unscrupulous character for which railroads are noted (I speak of it only as an entity, and not in regard to its officers)—I say it is a very dangerous thing to put such a grant of power into the hands of such an organization in order that they may sit down on and squelch an inventor without any money to fight them. Now, then, if I have got seventy or eighty railroad companies at the back of me with their capital and their employees, it is a very singular circumstance if I can not cook up some testimony among them.[b] I do not say that Brother Raymond would, but I do not know who his successor might be. It is putting a dangerous remedy in the hands of a most dangerous class—the wealthy part of our country, who want to use an invention without paying for it" (pp. 254, 255).

[a] In the Tanner brake suit the railroad associations manufactured evidence which was of such an outrageous character that even the counsel of the Western Association discarded it. A. H. Walker, esq., of Hartford, Conn., author of "Walker on Patents," can give particulars. The Supreme Ruler only knows how much of the testimony in this case was "cooked up."

[b] In 1889 the association "reissued" a patent, with an added drawing, from its office on F street, in Washington. The reissue was then introduced in evidence for the purpose of securing a narrow construction of a patent claim.

Hon. Elisha Foote, ex-Commissioner of Patents:

"You might as well do directly what this section does indirectly, and pass an act that every railroad which is not making profits or dividends shall have the privilege of taking any patents they please with impunity; and, if you make the thing entirely consistent and rational, you should also say that they may enter upon anyone's land and cut their ties, and go into rolling mills and take their rails, or any other property they choose to take, and they shall have them without responsibility to anybody.

"Take the case of this Westinghouse brake, which, I understand, the patentee manufactures himself and puts onto cars at a very reasonable price. Now, suppose any of these Chicago railroads, making no money, should think it desirable for them to take and use this brake without paying anything for it. This section would undoubtedly authorize them to do so without any compensation, and they could grab any amount of property with impunity" (p. 413).

"What chance would the poor inventor have against these powerful corporations? None but a very wealthy person could enter into such a controversy. The roads would not need the other provisions of the bill. This would enable them to take and use any patent they please with impunity, and no one would dare to sue them" (p. 415).

"Suppose any of these wealthy corporations should call upon a poor inventor to commence a suit against them, and to encounter a big railroad combination with all their able and learned counsel in their employ? It would be impracticable; he would have to give up his patent" (p. 418).

Albert H. Walker, esq., author of Walker on Patents:

"Now suppose the Baltimore and Ohio Railroad Company see the wonderful invention, and think that is a good thing, and a good deal cheaper than coal, and say: 'We will proceed to infringe Mr. Vance's patent, and we will fight him ten or fifteen years, if he sues us, with the probable result of his exhausting his means before he gets a decree.' Such a course of defiant infringement is, in many cases, the deliberate purpose of railroad men. It was the avowed practice of H. E. Sargent, the superintendent for many years of the Michigan Central Railroad, and one of the members of the Western Railroad Association. He has avowed it as his universal principle never to pay anything voluntarily to a patentee. He says: 'Whenever our attention is called to a patent of value, we use it, and in a few cases we are made to pay, by plucky inventors; but, in the aggregate, we pay much less than if we took licenses at first.' I admit the railroad companies do not generally avow such a plan of action, but I know they entertain such ideas" (p. 396).

That the substance of the following article, which correctly sets forth the character, objects, and methods of the Eastern Railroad Association, was published in the Railway Age in 1891, to wit:

The Eastern Railroad Association should be broken up, because:

1. It is a secret society, with a secret constitution and by-laws, organized, not like most voluntary associations, for charity or mutual assistance in times of sickness, poverty, or distress, nor for moral or intellectual culture, nor for the promotion of science or the arts, nor for the advancement of man's estate, but, judged by its actions for many years, for the spoliation of the property of inventors. It has no charter. It does not report annually to any Commonwealth. Its right to exercise its franchises is a usurpation. It is not based upon any contract with the people of any State. It is an irresponsible body. It is organized selfishness.

2. It is a permanent conspiracy, inasmuch as its constitution requires unity of action by all its members in opposing individual patentees, and this whether each member (railroad) is directly interested or not in the particular controversy. It is well-established law that a combination to attain an end, even lawful in itself, constitutes a conspiracy when such combination subjects the individual to its combined and concentrated power.

3. The members of the association intermeddle in what is none of their business. The precepts of international law do not allow a disinterested nation to intermeddle in a contest between two other nations. Our National Government can not intermeddle with the local affairs of a State. The man who interferes with his neighbors' quarrels receives no sympathy if he gets his head broken. Boys in their sports cry: "Hands off!" "Fair play!" The courts have well-defined rules as to when and how interested parties may intervene in suits. But this association will not ask leave to intervene.

4. The association violates section 8, Article VIII, of the Constitution of the United States "to promote the progress of science and useful arts by securing for limited times to * * * inventors the exclusive right to their * * * discoveries."

Mr. W. S. Huntington, in the National Car Builder, some time ago, speaking of the eastern and western railroad associations, remarked: "The inventors are now practically in their power. Many inventors who had labored to improve railway appliances abandoned the field and exercised their ingenuity in other directions, where there were fewer obstacles."

5. It is a trust; the most powerful and wealthy trust in the United States—the Standard Oil is an infant beside of it—more powerful than any that has had being since the enactment of statute 21, James I, abolishing monopolies. This statute has been called the Magna Charta for British industries, and may equally be called the same for American, inasmuch as it established legitimate competition. "This statute," Hume said, "contained a noble principle and secured to every subject unlimited freedom of action, provided he did no injury to others nor violated statute law." This association closes the market against inventors and owners of patents, and prevents free competition.

6. It interferes with the administration of justice in the courts. Its methods are somewhat as follows: If a railroad wishes to use a patented invention, the matter is referred to the general counsel of the association. He investigates and sees what is most expedient to do. He ascertains whether the owner of the patent is a poor man, without means to bring a suit, or a wealthy and influential citizen; whether it is cheaper to pay a small license fee or to appropriate the invention and fight the owner through the court of last resort. If appropriated and the owner brings suit against the railroad infringer, the entire strength and means of the association are brought to bear to crush him, so as to terrify other patentees from bringing suit for the spoliation of their property, and every member of the association joins in the defense against him, whether using the invention or not. It closes the market against the patentee by the first report on his patent. Its constitution forbids any member paying anything to the owner, because such payment would serve to establish a measure of damages should the owner ultimately win his suit. In one of the association's reports the president exhorts the members to "act as a unit," and says: "This unity of action has been the true cause of our success heretofore." Its general counsel in 1879 boasted that the association had never been compelled to pay anything for infringement of letters patent. The seal of the United States on a patent has no significance in its eyes. The little building, 614 F street, is bigger than the United States Patent Office.

All suits against any member of the association are defended by its general counsel, who travels on passes while taking evidence and at all other times in defending the suit, and he avails himself of every means within his power per fas per nefas to defeat the suit. Delays, obstructions, manufactured evidence, appeals, and all sorts of trickery are resorted to as occasion demands.

If the complainant is finally successful he can seldom prove "profits" or "damages," and as his patent has generally expired before a final judgment is secured, an injunction will not issue. The complainant has been to great expense and trouble and, after having won his suit, can not collect a cent. It is "more expedient" and cheaper to pay costs than to take licenses in the first instance.[a]

The following boast was made by the association's general counsel, A. McCallum, in closing the thirteenth annual report to the members of the association, to wit, "It appears to be the fact that during the whole period of thirteen years, during which the association has been in existence, no suit defended by it has resulted in a judgment against a member on appeal to the highest court; and that while some claims have been settled after suit was brought, no member (railroad) defended by the association has yet, by process of law, under execution, attachment, or otherwise, been compelled to pay anything on account of infringement of letters patent."

EXHIBIT H.

[Memorandum. Alexander T. Britton et ex. Mary, William C. McIntire et ux. Frances B., to William D. Bishop, of Bridgeport, Conn.; Theodore N. Ely, of Altoona, Pa.; Albert A. Folsom, of Boston, Mass. Deed in trust, dated June 18, 1886. Recorded June 26, 1886.]

Consideration, $25,000.

Parts of lots 17 and 18, in square 456.

Beginning on the north line of said lot 18, distant 49 feet west of the northeast corner thereof on F street, and run thence south 159 feet 1½ inches to a public alley, thence west 24 feet 4½ inches, thence north 159 feet 1½ inches to north line of lot 17, and thence east 24 feet 4½ inches to the beginning.

To hold unto the only use and benefit of parties of second part, their heirs, and to the survivors and survivor of them and the heirs and assigns of the survivor.

In and upon the following trusts:

First. In trust for the sole use and benefit of the members of a certain association known as the Eastern Railroad Association.

Second. The said parties of the second part, or any of them, shall at any and all times and from time to time convey the same land and premises, or any part thereof, to such person or persons to such uses and purposes and in such quantity or quality of estate or estates, whether in fee simple absolute or by way of trust or mortgage as the executive committee of said association shall name, limit, or appoint, such limitations or appointments to be deemed sufficiently evidenced by the signature of the secretary for the time being of said association affixed to the instrument of conveyance, and on any conveyance or conveyances being made as aforesaid the grantee or grantees in any such conveyance or conveyances shall take the title, discharged from all responsibility on the part of the grantee or grantees to see to or account for the due application of the purchase money, or any part thereof.

General warranty to parties of second part.

Recorded in Liber 1189, folio 253.

EXHIBIT I.

Letters from Whitney, Olney, and Griggs.

DEPARTMENT OF JUSTICE,
Washington, D. C., August 23, 1893.

WILLIAM K. TUBMAN, Esq., *Baltimore, Md.*

SIR: Your petition of August 18 in relation to the Eastern Railroad Association has received careful attention.

The facts stated in your petition, so far as material to the relief asked, are that you are bringing suit in the Federal courts in Connecticut and Pennsylvania, respectively, against two railroad companies for infringement of letters patent for an improvement in railway car windows; that these suits are being defended in the name of the defendant corporations by the Eastern Railroad Association; that one of the objects of this association is to combine all the railroad companies of this part of the country for the purpose of dealing with patentees, it being provided by the constitution of the association that negotiations with patentees should be carried on by the executive committee of the association; that no royalties should be paid, except with the consent of the executive committee, and that all suits for infringements should be defended by the association.

Your claim is that this combination is a violation of the antitrust law of July 2, 1890, and you ask me to direct the United States attorneys for the districts in which the suits are pending immediately "to institute proceedings in equity to restrain the Eastern Railroad Association from continuing in force against yourself the provisions of its constitution above referred to."

The antitrust law provides that every "contract, or combination in the form of a trust or otherwise, or conspiracy in restraint of trade or commerce among the several States or with foreign nations" is illegal, and that every "person who shall monopolize or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of the trade or commerce among the several States or with foreign nations" is guilty of a misdemeanor. I do not think that the combination you refer to comes within the purview of the act.

A patentee is the owner of a monopoly of the right for seventeen years to the sole manufacture, use, and sale of the article which he has invented. In this instance the article invented is one that can only be used by railway companies. You are the only producer and they are the only consumers. You allege that all the possible consumers of the article in a certain territory combine against the sole producer for the purpose of preventing its price being raised above the figure which they are willing to pay. It may be that this combination abuses its power, and, as you aver, either reduces the royalty to a grossly inadequate figure or violates the patentee's rights altogether, relying upon its ability to tire him out in litigation. These evils, however, are not those which the antitrust law was enacted to remedy, and their redress

[a] The theory of the association regarding patent property is somewhat analogous to that held by the defendant in Campbell Printing Press and Manufacturing Company *v.* Manhattan Railway Company (60 O. G., 894), decided March 9, 1892.

must be found elsewhere. I do not think that a combination of present consumers of a given commodity effects restraint or a monopoly of trade or commerce within the meaning of the act.

Moreover, I do not perceive that you can not obtain, by proceedings in your own name, whatever remedy, if any, could be afforded by the suit you ask to be brought. It has been the opinion of this Department that the right of a person injured to sue for violation of the act of 1890 is not to be regarded as denied, because, by the express terms of the statute, the United States may initiate an equivalent proceeding. General considerations of public policy require that private parties with ample remedies for the redress of their alleged wrongs in their own hands are not to be encouraged to expect governmental interposition in their behalf. For these reasons the prayer of your petition must be denied.

Respectfully,

EDWARD B. WHITNEY,
Acting Attorney-General.

DEPARTMENT OF JUSTICE,
Washington, D. C., December 11, 1893.

WILLIAM K. TUBMAN, Esq.,
Baltimore, Md.

SIR: Your communication of November 27, asking a reconsideration of your petition for the bringing of suit against the Eastern Railroad Association, under the antitrust law act of 1890, has received careful examination. I am unable to perceive, however, that the matter was not properly disposed of by the Acting Attorney-General in his letter of August 23 last.

The remarks of Congressmen quoted by you as to the depression of prices by middlemen in order that they may obtain an undue share of the profit between producer and consumer do not apply to combinations of the consumers themselves to obtain a reduction of prices. You do not refer to any authorities holding such combinations to be illegal in case of purely private sales; nor have I been able to find any.

Nor do I think that my refusal to direct suit in the name of the Government precludes you from relief. I am aware that the late Judge Billings decided last winter in a case in Louisiana that a private person could not sue for relief under section 4 of the act. His opinion, however, contains no reasons for the decision, and it does not appeal to my judgment, and I do not think that his decision alone should be controlling in a matter of so great magnitude. The Department of Justice has but a limited appropriation for maintenance of suits, and it has never been considered that the Attorney-General should commence suit except with the belief that he had a fair prospect of winning it. I do not think that Congress intended to conclude by the Attorney-General's opinion parties believing themselves to be injured.

In your communication you charge that officers of the Eastern Railroad Association are guilty of various acts which are crimes independent of the antitrust law. If you are possessed of evidence which will establish such crimes, it should be submitted to the district attorney for the proper district.

In acting upon your communications it has been assumed that you are the owner of a lawful patent which has been infringed by the railroad companies, although a Federal court has decided that you have no rights in the premises, a decision which might be held to dispose of your application.

Respectfully,

RICHARD OLNEY, *Attorney-General.*

DEPARTMENT OF JUSTICE,
Washington, D. C., May 23, 1900.

F. E. STEBBINS, *Washington, D. C.*

SIR: In the matter of the application of William K. Tubman, requesting me to institute proceedings under the act of July 2, 1890, commonly known as the "antitrust law," against the Eastern Railroad Association, having waited a reasonable time for Hon. J. M. Wilson to appear, I must infer from his failure to appear that he does not care to add anything to the argument you have submitted, and I therefore proceed to dispose of the matter.

The complaint is that a large number of railroad companies have formed this association for the purpose of advising its members with respect to the purchase or use of railway patent rights and of assisting them in the defense of claims for the infringement of such patents. It is urged that patent rights are the subject of interstate commerce and that the association constitutes a combination in restraint of trade or commerce among the several States.

The same application has been twice made to the Department and twice denied, first by Acting Attorney-General Whitney, in a carefully considered communication under date of August 23, 1893, and afterwards by Attorney-General Olney, in his letter of December 11, 1893.

In addition to the considerations mentioned by them, the following are in point:

A patent right is essentially a monopoly. The patentee is granted the exclusive right, for a term of years, to make, use, or vend the patented article. This right is absolutely within his control. He may omit to use it himself and refuse to permit anybody else to use it. He may permit one person to use it and without assigning any reason refuse to permit another to do so. He may sell the right in parcels, giving one person license to use the patent in one place and another license to use it elsewhere.

Such being the nature of a patent right, may not the association complained of be considered as a reasonable and fair arrangement for the mutual benefit and protection of railroads in transactions relating to patents? Before a railroad company can safely purchase a patent right or use an invention it must be assured that the patent is valid and its use will not operate as an infringement. So, too, if a claim for infringement is made the company has a right before paying it to make a full investigation, and may do this individually or through others. In what way does it unlawfully interfere with the rights of the patentee for the railroads to create a board of experts which shall be furnished with all the information they have respecting patents, and to which shall be referred for investigation and report all questions relating to patents? A man who offers a patent for sale does not enter the open field of competition. If his patent is valid there can be no competition.

The patent is a monopoly which no person can lawfully infringe, and which he can refuse to sell at all or sell for what he pleases. There is no competition to fix a reasonable price for patent rights. The patentee may demand a thousand or a million dollars. It is worth what he can get for it. If it is infringed, he has his remedy in the courts. If he makes a claim for damages because of infringement he can not object to the person or corporation threatened seeking advice and information from any source before paying or resisting it.

Another thing to be considered is, that to provide the safest service and to secure the best results railroads must be built and equipped in a uniform manner throughout the United States. Passengers and employees are alike interested in this, and Congress has recognized the need by requiring automatic couplers and other safeguards on interstate railroads. For these reasons a patented appliance for use on railroads may be of general concern, in which event one railroad can not safely adopt it without consulting the others. This of itself makes the creation of an association with a board of experts, to which patents may be referred for investigation and report, of exceptional propriety and benefit.

The application must therefore be denied.

Respectfully,

JOHN W. GRIGGS, *Attorney-General.*

This letter was written by Solicitor-General Richards and signed by Griggs, who prepared the answer to the bill in equity in the case of United States *v.* The Northern Securities Company et al.

EXHIBIT K.

OPINION OF WILLIAM E. CHANDLER, MARCH 24, 1902.

A combination of all or a large number of railroads to contest patents on all articles required for railroad use, in which each railroad agrees not to settle with any patentee without the consent of a committee of the combination, nor while any claim is pending against any other member of the combination, and by which the combination agrees to defend all suits against each railroad and to pay the expenses of such defense and pay any judgments which may be recovered, is an illegal conspiracy in restraint of trade under the act of Congress of July 2, 1890 (26 Stat., 209).

The object is to enable the combination to control and fix the prices to be paid as royalties upon all inventions, and does not allow each railroad to make its own settlements with the patentees. It is a conspiracy to get lower prices for what the combination buys, as contradistinguished from a conspiracy to get higher prices for what a combination produces and sells; and both are obnoxious to the law against monopolies.

Patents are property created by express national law. A patented article has attached to it a special value growing out of the patent. Congress having decided that it is for the public good that inventive genius shall be stimulated by patent monopolies, all patents and all patented articles are proper subjects of trade and commerce, and as such are protected by all the laws which protect other merchandise. If it is desirable that they shall exist it is desirable that there shall be unhindered trade therein, and such trade can not be lawfully lessened by combinations and conspiracies to diminish the value thereof through lawsuits, to fix the prices which shall be paid therefor, and to otherwise prevent free traffic therein.

The railroads can no more combine to fix low prices which they shall pay than an association of patentees can combine to fix high prices which they shall charge.

The fact that the patentees are for a limited period legal monopolists gives no right to the railroads to establish an illegal combination to limit the monopolies. Congress can abolish patents; the railroads can not.

All the above propositions seem clear and not doubtful. The facts in the case of the Eastern Railroad Association are all of record in their own books and reports, and are too plain to need recital. The association is formed expressly for the purpose above supposed, and for no other purpose. To be sure, it is stated that its object is only to resist illegal patents, but that recital does not change the avowed purpose to allow no patents to be settled for by any one member of the association except with the assent of a committee of all the railroads, and to defend any claims against any member and to pay the expenses and the judgment, if any is recovered. The Joint Traffic Association contended that its object was not to fix and maintain unreasonable rates, but only rates which should be reasonable. The subterfuge did not avail with the Supreme Court, and the subterfuge that the open combination of all the railroads to control the settlement for all patents is only intended to apply to illegal patents will be equally worthless.

It is difficult to believe that an illegal combination so plain and evident should have existed during all these thirty years last passed. It can not be doubted that the President and the Attorney-General, when they know the facts, will act with as much promptness and vigor as they have in the case of the Northern Securities Company, where the facts and the law are not so clear and plain as in the present case, because in the first the purpose is not stated in words, while in the latter it is openly and expressly avowed.

The foregoing opinion is given in full view of the letter of Acting Attorney-General E. B. Whitney, of August 23, 1893, and the letter of Attorney-General Olney of December 11, 1893. Those gentlemen were members of Mr. Cleveland's Administration, and, like Attorney-General Judson Harmon, were doubtless influenced in their opinion by their close relations to their President, of whom Mr. William J. Bryan, on March 21, 1902, spoke as follows:

"For four years he stood between the people and reform; for four years he made the White House the rendezvous of cunning and crafty representatives of predatory wealth; for four years the corporations and syndicates controlled his Administration."

Insensibly to themselves, perhaps, Mr. Whitney and Mr. Olney were controlled by surroundings like these, and Messrs. McKenna and Griggs mistakenly refused to reverse the decisions of their predecessors, doubtless overcome by the lingering malaria of the late Administration. But there is no such atmosphere now in the White House or in the Department of Justice. President Roosevelt and Attorney-General Knox are the friends of the people and reform, and not representatives or predatory wealth, and it is impossible that they should not suppress a combination so evidently illegal as that of the Eastern Railroad Association.

WM. E. CHANDLER.

EXHIBIT L.

OPINION OF UNITED STATES SENATOR TURNER.

UNITED STATES SENATE CHAMBER,
Washington, D. C., May 17, 1902.

H. B. MARTIN, Esq.,
Secretary Antitrust League, Washington, D. C.

DEAR SIR: From the papers submitted to me it appears that the Eastern Railroad Association is a trust formed by several hundred railway companies operating east of the Mississippi River, whereby each

company contributes to a fund controlled by trustees, engages to be bound by the action of the trustees, and to do nothing whatever in the matters committed to the said trustees; and under and by virtue of the trust agreement the fund thus created is to be used by the trustees—

First. To investigate concerning the validity and utility of all patents granted for improvements and devices to be used in connection with the operation of the railways.

Second. To defend all suits brought by patentees against railways, members of the trust, for using any such improvements and devices.

Third. To compromise such suits when, in the opinion of the trustees, the patent is valid, provided the sum paid by the way of compromise be not more than it would cost to litigate the suits.

Fourth. When patent rights are found to be both valid and useful, to negotiate and purchase the same for the benefit of the members of the trust, and upon such terms as the trustees may determine.

The companies agree that they will not negotiate or deal with patentees either in the matter of purchase or by way of compromise for illegal use, but that all such negotiations and dealings shall be by the trustees. The effect of the agreement is far-reaching, as a moment's reflection will readily show, upon the value of the property of patentees and upon their ability to vend the same throughout the several States covered by the agreement. The patentees, as to all such States, are reduced to the necessity of dealing with a single purchaser. This purchaser is armed with a large fund to fight in the courts all patents which it can not purchase on its own terms. It is an impudent bully which takes any property that it pleases upon such terms as it pleases, and is armed with a club to beat its victims to death if they decline to submit.

Since the trust is interstate in its scope and operations, has for its object the restraint of trade in patent rights, is created by contract, has taken and maintained the trust form, and is, moreover, a criminal conspiracy at common law, thus presenting all the features denounced by Section 1 of the act of July 2, 1890, it necessarily follows that it is illegal if, first, a patent right is property which may be said to enter into and form a part of trade and commerce; and, second, if a combination to lower the value of property entering into interstate commerce is as much "in restraint of trade" within the meaning of the act of 1890, as a combination to raise the value of such property would be.

It does not require either profound consideration or an extended examination of authorities to see that the question of correctness of both the foregoing subjunctive propositions must be answered in the affirmative.

First. A patent right is property. It is created by statute, and the freedom of vending it in all the States is declared by statute. The fact that it is incorporeal in character and intangible does not change its character as property. Judge Davis, of the Supreme Court of the United States, in ex parte Robinson (2 Biss., 309), uses the following language concerning the character of patents and the free right to vend them within the United States:

"The property in inventions exists by virtue of the laws of Congress, and no State has a right to interfere with its enjoyment or to annex conditions to the grant. If the patentee complies with the laws of Congress on the subject he has the right to go into the open market anywhere within the United States and sell his property."

Inventions secured by patents have been specifically declared to be property by the Supreme Court of the United States in the following cases: Brown *v.* Duchesne, 19 Howard, 197; Cammeyer *v.* Newton, 94 U. S., 225; Densmore *v.* Schofield, 102 U. S., 375; Soloman *v.* United States, 137 U. S., 346.

Being property and the right to freely vend them in the several States being secured by statute, why are not patented inventions as much within the spirit and purpose of the act of 1890 as any other species of property? It is impossible to conceive of any reason why they are not. There is no such reason. Indeed, as to many tangible articles of property covered by patents, the patented idea involved in and connected with them constitutes a great part of their value, and in some instances the greater part. The protection which the law carries for such articles against combinations in restraint of trade therein is a protection for both the value of the articles considered simply as manufactured articles and the value of the patent right which inheres in and belongs to them. We see, then, that the law does include within its purview the patent right when connected with tangible physical property, and it is impossible to conceive why it should not be taken to include the patent right when disconnected with the tangible physical property.

Second. Is it not a combination to lower the value of property entering into interstate commerce "in restraint of trade" within the meaning of the act of 1890? The evil most in the public mind at the time of the passage of that act was the existence of trust combinations formed to increase the price of manufactured articles, but that combinations might be formed for the opposite purpose could not have escaped the intelligence of Congress, and that combinations and conspiracies had existed in the past for that purpose, and constituted indictable crimes at common law, was well known to the Members of both Houses. The terms of the act are general. They say "every contract, etc., in restraint of trade or commerce among the several States," etc. Since it is as much in restraint of trade to depress the value of articles of property as it is to enhance them, and indeed more so, and since the history of the law showed that conspiracies for the first purpose were as likely to occur as conspiracies for the second, and that they were equally as injurious as the second kind, it is impossible, in view of the broad and comprehensive language employed, to conclude that Congress did not have both kinds of contracts and conspiracies in view.

It is true that only contracts and conspiracies of the second kind have been before the courts since the passage of the act of 1890, but that is no argument against the view here taken. The law has been in force a comparatively short time, and it requires much time for cases involving every phase of any law to arise and be adjudicated. It may be observed, however, of these cases which have been adjudicated that the reasoning on which the judgments proceeded was as applicable to the one case as to the other, and that in none of the opinions is there the most remote suggestion that the law was not intended to cover both classes of cases. Can anyone doubt that if all the grain dealers in the United States should enter into a combination to commit the purchase of all corn bought in the United States to the hands of one firm or corporation, thereby compelling the farmers whose necessities compel them to sell, to sell at any price this firm or corporation might fix, that such combination would be declared to be in restraint of trade and commerce within the meaning of the act of 1890? If such a combination would be in restraint of trade and commerce, then this combination is in restraint of trade and commerce. The only difference in the two cases is one of degree in the number of individuals affected and the public injury inflicted.

These considerations do not appear to have occurred to Acting Attorney-General Whitney, Attorney-General Olney, or Attorney-General Griggs when they declined to intervene against this trust combination at the request of Mr. Tubman. Mr. Whitney contents himself with declaring that he did not think a "combination of present consumers of a given commodity effects a restraint or a monopoly of trade or commerce within the meaning of the act." Why such a combination does not have such an effect he does not undertake to show, unless his general statement, that a patentee is the owner of a monopoly and that the railroads are the sole consumers and the patentee the sole producer, can be taken as a reason in favor of his contention. The considerations stated by him appear to be entirely foreign to his conclusion. The latter is a complete *non sequitur*.

Attorney-General Olney does not discuss the questions involved at all, and it is evident that he gave them only perfunctory consideration, if he gave them any consideration. Attorney-General Griggs evidently did not see the features of this combination which enabled it to kill competition and to control at will the prices to be paid inventors for their patented inventions. He speaks of it as if its sole purpose was to keep in touch with new inventions affecting railway business and to examine and report concerning their validity, utility, and value. He does make one statement which bears on the subjects I have been discussing, but it is nothing but a bare statement, and, moreover, it is palpably incorrect. He says, "If his patent is valid there can be no competition." There can be competition between railways for the purchase of valuable railway patents. Suppose there was only one line of railroad from the Atlantic to the Pacific coast having the right to use the Westinghouse air brake, would not that line of railway have a great advantage over its competitors in the matter of passenger traffic, and if such a patent right were put up for sale for the exclusive use of two or more competing lines of railways, would there not be keen competition for its purchase? If the free right to vend patented inventions were not broken down and destroyed by this combination, there would be such inventions for which rival lines of railways would compete.

I have not thought it necessary to quote from the contract by which the Eastern Railroad Association was formed. That contract and the constitution and by-laws of the association made to carry it out shows its objects and purposes to be what I have stated. If I have committed an error it is in understatements rather than overstatements. Neither have I deemed it necessary to quote from, or refer to, the several cases construing and applying the act of 1890. They are too well known to the profession to require more than the mention I have made of them.

In conclusion, I think that the question of the character of this association may well be again submitted to the Attorney-General for examination, and for the action of the Department after such examination, with the confident hope and expectation that that examination will induce a different opinion and cause different action to be taken from that reached and taken when the matter was before under consideration in the Department of Justice.

Very respectfully,

GEO. TURNER.

EXHIBIT M.

Circuit court of the United States, district of Massachusetts. In equity. No. 2471. William K. Tubman *v.* Wason Manufacturing Company. Affidavit of John J. Harrower. Filed February 10, 1894.

I, John J. Harrower, of Washington, in the District of Columbia, make oath and say that I am secretary of the Eastern Railroad Association, whose office is at 614 F street NW., in said Washington; that Robert J. Fisher, counsel of said association, has directed me to appear on his behalf for the purpose of having forwarded to him for use in a cause in equity now pending in the circuit court of the United States for the eastern district of Pennsylvania, brought by the same complainant, Tubman, against the Pennsylvania Railroad Company (the said Eastern Railroad Association having carried on the defense in both of said causes on behalf of the defendants therein), certain exhibits, being models introduced as evidence by said defendant per said association, entitled in the printed record of this cause as follows: Defendants' exhibit, "Defendants' car;" defendants' exhibit, "Roberts's car;" which said models are now in the custody of the clerk of this court.

JNO. J. HARROWER.

Sworn to before me this 10th day of February, A. D. 1894.

ALEX. H. TROWBRIDGE,
Clerk United States Circuit Court, Massachusetts District.

I respectfully request that the said exhibits be forwarded by the clerk of this court to Robert J. Fisher, esq., counsel for the said Eastern Railroad Association, on the condition that they be carefully preserved in their present condition so that they can be returned to the custody of the clerk of this court whenever an order of court may be made requiring such return.

Very respectfully,

JNO. J. HARROWER.

ORDER.

[February 10, 1894.]

Colt, J. Ordered that said exhibits be delivered as prayed for, subject to the further condition that they be kept or used in the said court of Pennsylvania, subject to the order for return to this court.

By the court:

ALEX. H. TROWBRIDGE, *Clerk.*
FEBRUARY 10, 1894.

Models forwarded to Robert J. Fisher, esq., per Adams express.

EXHIBIT N.

Hearing no further from the President or the Department of Justice, the following correspondence occurred, which closes the chapter of this consistent refusal upon the part of the Administration to act upon the plain facts presented:

THE AMERICAN ANTITRUST LEAGUE, NATIONAL OFFICE,
1229 PENNSYLVANIA AVENUE, SECOND FLOOR,
Washington, D. C., April 3, 1902.

Hon. GEORGE B. CORTELYOU,
Secretary to the President.

SIR: You will doubtless remember that on March 26 we placed in your hands an opinion by the Hon. William E. Chandler relative to the violation of the Federal antitrust law by the Eastern Railroad Association, and requested that the same be delivered to the President.

On December 21, 1901, we submitted to the President in person and filed certain printed documents and papers, among them being a copy of the association's unlawful agreement and a "statement" relating to the legal aspects of the same, and the President promised that he would give the matter careful consideration and call the attention of the hon-

orable Attorney-General to it. Since the above date we have not received any communication from either the President or the Attorney-General relating thercunto.

We would be pleased to have the opportunity of discussing this matter with the President in person if you can make arrangements for us to do so.

Respectfully, yours,

H. B. MARTIN, *Chairman,*
F. E. STEBBINS, *of Counsel.*

EXHIBIT O.

WASHINGTON, D. C., *May 27, 1902.*

Hon. THEODORE ROOSEVELT,
President of the United States.

SIR: On December 21, 1901, the undersigned placed in your hands certain evidence in the form of papers and documents showing that the Eastern Railroad Association, a voluntary combination of nearly all railroad corporations in the fifteen Atlantic coast States, exists and pursues its iniquity in violation of the Federal antitrust law. You received the papers and stated that you would give the matter careful consideration and call the attention of the Attorney-General to it.

On January 23, 1902, we addressed a communication to the honorable Attorney-General, asking what action, if any, had been taken in the matter. Thus far the Attorney-General has failed to make any reply whatsoever.

On March 26, 1902, we placed in the hands of your secretary, Mr. G. B. Cortelyou, to deliver to you in person, a legal opinion by the Hon. William E. Chandler to the effect that the Eastern Railroad Association was an "illegal conspiracy," Mr. Chandler having carefully examined a substantial duplicate of the evidence filed with you on December 21, 1901.

On April 3, 1902, we addressed a letter to Mr. Cortelyou, relative to the disposition made of Mr. Chandler's opinion and expressed the desire for a personal interview with the President, and in reply received the following letter from your secretary:

WHITE HOUSE,
Washington, April 5, 1902.

MY DEAR SIR: I have your letter of the 3d instant, and in reply would say that your previous communication was, by the President's direction, brought to the attention of the Attorney-General on March 27. I would suggest that you communicate with Mr. Knox on the subject.

Very truly, yours,

GEO. B. CORTELYOU,
Secretary to the President.

Mr. H. B. MARTIN,
American Antitrust League,
1229 Pennsylvania avenue, Washington, D. C.

On May 21, 1902, we called at the Department of Justice and were told by the secretary to the Attorney-General that he was at the White House and that we could call up the Attorney-General's office by telephone at 2 o'clock p. m. and arrange for an interview. Upon leaving we gave the secretary a copy of a legal opinion, prepared with great care by the Hon. George Turner, showing that the Eastern Railroad Association was an illegal trust, and requested the secretary to hand the same to the honorable Attorney-General. At 2 o'clock Mr. Martin communicated with the secretary by telephone, as agreed, and was informed that "the Attorney-General will not be able to take up the case." Mr. Martin replied: "Will not take up the case at all?" and the secretary responded: "He says he will not be able to take it up at all."

Mr. Martin: "We called to see him at the suggestion of the President." The secretary: "He says he will not be able to take it up at all." On the morning of May 22 Mr. Martin received through the mail and in a Department of Justice envelope the copy of the opinion by Hon. George Turner, delivered to the secretary on the previous day, and which was the sole paper inclosed in the envelope. The postmark indicated that the opinion had been returned very soon after its delivery to the Attorney-General's secretary.

Believing in the law, "the very least as feeling her care, and the greatest as not exempted from her power," and that it should not be suspended and the courts closed, we again request consideration of our petition and that the Attorney-General be directed to institute suit in equity against the Eastern Railroad Association.

Among the papers filed with you on December 21, 1901, is a true copy of the constitution and by-laws of the association, which alone is ample ground for a suit. The decisions in United States *v.* The Trans-Missouri Freight Association, and United States *v.* The Joint Traffic Association, were rendered solely upon the agreements themselves. We will at any time furnish the Attorney-General with the original copy of the Eastern Railroad Association's agreement and proofs of its authenticity, and submit additional evidence of the association's unlawful and criminal acts and doings. The opinions of Hon. William E. Chandler and Hon. George Turner should not be disregarded, as they embody the views of most eminent publicists, gentlemen learned in the law, both of them "too wise to be deceived and too good to do wrong." The Hon. George F. Hoar has also verbally expressed the opinion that the Eastern Railroad Association violates the antitrust act, and it is believed he will reiterate his belief if solicited so to do. The late Hon. Jeremiah Wilson some two years ago reviewed all the evidence submitted by us on December 21, 1901, and repeatedly in person visited the Department of Justice for the purpose of soliciting the Attorney-General to bring suit.

We submit this communication with the confident belief that, if you once fully understand the nature and character of the Eastern Railroad Association, you will direct proper action to be taken by the Department of Justice.

In an article written by yourself and published in the Cosmopolitan, November, 1895, "Taking the New York police out of politics," are statements which apply to the enforcement of the antitrust law:

"Our enforcement of the Sunday excise law caused most disturbance. Up to the time we took office no official had ever made a serious and consistent effort to enforce the law. Almost all men of much experience insisted that the law could not be enforced. After carefully considering the matter, however, we came to the conclusion that it could be enforced, and that in any event we had no alternative save to try and enforce it if we wished to retain our self-respect or obey our oaths of office.

"We stood on the principle that the law should be honestly and fairly enforced while it remained on the statute books.

"It is a lamentable thing when the people and the public officials grow to think that laws should only be enforced as far as the officers of the law think that public opinion demands their enforcement. It is such a belief that inevitably leads to lynching, whitecapping, and all kindred forms of outrage."

In view of all the foregoing facts in this case we are compelled to appeal to you, Mr. President, to take the steps necessary in this emergency to compel your immediate subordinate, the Attorney-General, to proceed at once to enforce the Federal antitrust law against the Eastern Railroad Association. This case has been for months before the Attorney-General, and we believe that further delay can only be subversive of justice.

Respectfully submitted.

H. B. MARTIN,
Chairman.
F. E. STEBBINS,
of Counsel,
Joint Committee American Antitrust League and District Assembly 66, Knights of Labor.

Thus far the President has entirely ignored the last communication submitted by the antitrust league.

Attorneys-General Olney, Harmon, McKenna, Griggs, and Knox, for a period of some twelve years, refused to enforce the antitrust act.

All of these officials at the head of the Department of Justice apparently suspended the laws, and the suspending of laws has always been regarded as an offense.

But I do not know whether it be not a more dangerous mistake, without very good reason, to suspend the execution of the law still in force, for the sake of certain persons, than utterly to abrogate it. (Pufendorf, Law of Nations, VIII, 317.)

The pretended power of suspending laws and the execution of laws by legal authority without the consent of Parliament is illegal. (Declaration of Rights.)

When an officer neglects a duty incumbent upon him either by common law or by statute, he is indictable for his offense. (1 Russell on Crimes, 135.)

Whenever a duty is imposed upon a public officer, neglect to perform it is a public offense. (Wharton Criminal Law, vol. 1, sec. 10.)

Your own office also to be condemned in £50 of gold in case that upon the creation of any such prohibitive monoplies or corporate agreements, the above most wholesome penalties imposed by us shall in any instance, whether from venality or subterfuge, or in any other way, fail of being fully exacted. (Zeno's Law Against Monopolies. Corpus Juris Civilis, Cod. IV, Tit. LIX.)

If the laws, then, require a particular officer by name to perform a duty, not only is that officer bound to perform it, but no other officer can perform it without a violation of the law. (William Wirt, 1 Op. Atty. Gen., 625; 5 Op., 287.)

It is the constitutional duty of the President to take care that the laws be faithfully executed, but the Constitution consigns to Congress the power of designating the duties of particular subordinate officers, and the President is to take care that they execute their duties faithfully and honestly. (J. Y. Mason, 4 Op. Atty. Gen., 516.)

The CHAIRMAN. The Clerk will report the next amendment.

The Clerk read the following, to be inserted as a new section:

SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise, each of whom shall receive a salary of $7,000 a year. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, avocation, or employment, and may be removed from office at any time by the President only for inefficiency, mental or physical incapacity, neglect of duty, or malfeasance in office. They shall be employed at such ports and within such territorial limits as the Secretary of the Treasury may from time to time prescribe, and are hereby authorized to exercise the powers and duties devolved upon them by this act and to exercise, under the general direction of the Secretary of the Treasury, such other supervision over appraisements and classifications, for duty, of imported merchandise as may be needful to secure lawful and uniform appraisements and classifications at the several ports. Three of the general appraisers shall be on duty as a board of general appraisers daily (except Sunday and legal holidays) at the port of New York, during the business hours prescribed by the Secretary of the Treasury, at which port a place for samples shall be provided, under such rules and regulations as the Secretary of the Treasury may from time to time prescribe, which shall include rules as to the classes of articles to be deposited, the time of their retention, and as to their disposition, which place of samples shall be under the immediate control and direction of the board of general appraisers on duty at said port.

The amendment, to insert the above as section 12, was agreed to.

The Clerk read the following amendments, to be inserted in section 14:

On page 14, in line 16, after the word "it," strike out "said board" and insert "the general board of nine general appraisers."

In line 19, after the word "practice," strike out "as may be deemed necessary for the conduct of their proceedings not inconsistent with law" and insert "not inconsistent with law as may be deemed necessary for the conduct of its proceedings and of the proceedings of the said board of three general appraisers."

The amendments were agreed to.

Mr. PAYNE. Mr. Chairman, I offer another amendment to this section; in line 10, page 14, after the word "court," strike out "of appeals."

The Clerk read as follows:

In line 10, page 14, strike out "of appeals."

Mr. PAYNE. Mr. Chairman, I will explain this, as other amendments of the same nature will be offered to the next section. The present law provides that an appeal from the Board of Appraisers shall go to the circuit court. The Board of Appraisers and the Treasury Department have, for some time,

been anxious to have the appeal go directly to the circuit court of appeals, and they urged before the committee very strong reasons why appeals should go to the circuit court of appeals. I would not consent to this change now if I could help it, but my colleague from New York [Mr. PARSONS] has handed me a letter to him from the assistant district attorney showing that the circuit court of appeals there is already overburdened with business. It has decided in the last year 232 appeals, of which, I believe, only about 34 were from the decision of the circuit court in customs cases. Now, the appeals from the General Board of Appraisers to the circuit court number something over 300, if I recollect aright, during the year. If these 300 cases should go to the circuit court of appeals in a lump, added to the 232 cases which they decided last year, of course it would clog up the business of the court. So very reluctantly I concluded to offer this amendment, changing it back to the old system, providing for an appeal, however, from the circuit court under the general law.

Mr. GAINES of Tennessee. Recently we created another Federal court in New York City, and the President has appointed and the Senate has confirmed, I think, another Federal judge for that place.

Mr. PAYNE. That is only an additional judge of the circuit court.

Mr. PARSONS. And a new district judge, too; but if you send all these appeals to the circuit court of appeals you take up the time of three judges, whereas now you only take up the time of one judge. If you had given us three new judges, this change would not be necessary, but if you turn over all this work to the circuit court of appeals it will clog their calendar and they will soon get behind.

Mr. GAINES of Tennessee. What change does this make? Who decides the matter now?

Mr. PARSONS. The importer first takes his appeal from the Board of General Appraisers to the circuit court. Then, under the present law, an appeal may be taken from the circuit court to the circuit court of appeals, and under the general law the importer can still take an appeal to the Supreme Court of the United States, but only a few of the cases go beyond the circuit court. Last year there were 344 appeals to the circuit court and, I think, only 34 appeals taken from the circuit court to the circuit court of appeals in these customs cases.

Mr. GAINES of Tennessee. I believe Judge Somerville is one of your appraisers.

Mr. PARSONS. He is one of the Board of General Appraisers.

Mr. GAINES of Tennessee. I know he is a very fine lawyer.

Mr. PARSONS. In that connection I ask unanimous consent to insert in the RECORD a letter from the district attorney from the southern district of New York about this matter, explaining the need for it.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD the letter referred to. Is there objection?

There was no objection.

The letter is as follows:

DEPARTMENT OF JUSTICE,
OFFICE OF THE UNITED STATES ATTORNEY
FOR THE SOUTHERN DISTRICT OF NEW YORK,
New York, June 23, 1906.

HON. HERBERT PARSONS,
House of Representatives, Washington, D. C.

DEAR SIR: In consultation with my customs bureau, which has charge of those cases, I find that I have little difficulty in coming to the conclusion that the passage of the bill H. R. 19750, transferring appeals from the Board of Appraisers to the circuit court of appeals instead of the circuit court, would be a great calamity in this district. It would practically stall our circuit court of appeals.

You will remember that in the argument before the House committee on the subject of a new Federal judge, our statistics showed that our circuit court of appeals last year heard 232 appeals as against 156, which was the highest number heard in any other circuit. The number of appeals from the General Appraisers which were heard here last year in the circuit court was 349, while only 45 appeals were taken from the circuit court and heard in the circuit court of appeals. In other words, the method of hearing appeals in the circuit court sifts out about six-sevenths of the appeals from the General Appraisers, leaving only about one-seventh to go up to the circuit court of appeals. If all these appeals under the new legislation necessarily went to the circuit court of appeals, there would be an increase of seven times the number of customs cases now heard there and the number of customs cases would mean an addition to the calendar of the circuit court of appeals of nearly 150 per cent.

You will remember also that at the hearing our statistics showed that our circuit court of appeals was very much overworked, not only hearing more appeals, but hearing them under a greater pressure than any other circuit. To more than double the number of cases before them would work results which you yourself can calculate.

Another way of looking at it is that at present these appeals from the General Appraisers are heard and decided by one judge. The new method would make it necessary to have them heard by three judges, thus using two additional men to do the work that is now done by one. The results of the present system are so satisfactory that only one-seventh of the appeals are taken beyond the circuit court. There would, therefore, seem to be no demand on the part of the public for a change.

I am told that the customs bar is unanimous against the proposed change; that the only demand for the change came from the Board of General Appraisers, who are constantly striving to dignify their positions, and wish to have their decisions reviewed only by the highest court.

Finally, I have figures showing that since January 1, 1900, there have been 1,542 appeals from the Board of General Appraisers to the United States circuit court and only 181 appeals during those six years from the circuit court to the circuit court of appeals.

Faithfully, yours,

HENRY L. STIMSON,
United States Attorney.

The amendment offered by Mr. PAYNE was then agreed to.

Mr. GARDNER of Massachusetts. Mr. Chairman, I move to strike out the last word for the purpose of asking the gentleman from New York in charge of the bill a question. On page 12, line 3, he will see that two days only are allowed for an importer to give notice of dissatisfaction in case of an appraisement, whereas under the existing law ten days is allowed if he is dissatisfied with the classification. Now, I should like to ask the gentleman why it is that the discrimination is made, and if, in his opinion, two days are long enough to allow for an appeal in the case of dissatisfaction with an appraisement?

Mr. PAYNE. Mr. Chairman, this provision has been in the law since 1890, and I never heard any complaint about it except from the gentleman from Massachusetts, who called my attention to a case where a man had lost his rights because he didn't know the provision of law. Having been in the law so long, I did not think it was best to change. There seems to be no imperative reason for making the change, and where men get used to a certain time for giving notice—get used to a custom—it is better to leave it as it is. I never heard any complaint until the gentleman from Massachusetts stated his case.

Mr. GARDNER of Massachusetts. Mr. Chairman, I have no intention of offering an amendment, as I have ascertained that it would not be accepted, and because we have got beyond the paragraph, but I should like to state to this committee exactly the circumstances which have arisen in order to have them a matter of record for future use.

A manufacturer of morocco goods in my district imported a lot of sheepskins with the wool on them. The duty on wool is a specific duty of so much a pound, according to grade. He imported the sheepskins, and they were appraised in the port of Boston as having 70 per cent of them wool. The duty was assessed accordingly. The importer's factory is in the town of Peabody. It was absolutely impossible for him within two days to have the sheepskins removed to Peabody and there have the wool pulled and the wool and waste weighed. He did it as quickly as he could, brought the wool and waste before the public weigher, and it was demonstrated that only 54 per cent of the importation was wool and waste and therefore subject to duty. Yet he was assessed 70 per cent, and he had no possible remedy, because the two days had expired.

MESSAGE FROM THE SENATE.

The committee informally rose; and the Speaker having resumed the chair, a message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. SCOTT, Mr. WARREN, and Mr. CULBERSON as the conferees on the part of the Senate.

The message also announced that the Senate had disagreed to the amendment of the House of Representatives to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, had asked a conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. NELSON, Mr. GALLINGER, and Mr. MARTIN as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 10501. An act to incorporate the National Educational Association of the United States; and

H. R. 20290. An act to amend the river and harbor act of March 3, 1905.

The message also announced that the Senate had passed the following resolution without amendment:

House concurrent resolution 30.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound 11,000 copies of the addresses delivered at the exercises commemorative of John Paul Jones at the Naval Academy, Annapolis, Md., April 24, 1906, together with other

papers and illustrations germane thereto, to be compiled and published under the direction of the Joint Committee on Printing, 7,000 for the use of the House of Representatives, 3,000 for the use of the Senate, and 1,000 for distribution by the Secretary of the Navy.

The message also announced that the Senate had passed without amendments House concurrent resolutions of the following titles:

House concurrent resolution 15.

Resolved by the House of Representatives (the Senate concurring), That there be printed and bound, for the use of the Treasury Department, 500 additional copies of the Annual Report of the Treasurer of the United States for the fiscal year ended June 30, 1905.

House concurrent resolution —.

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return to the House H. R. 18901, granting a pension to John E. English.

The message also announced that the Senate had passed with amendments bill of the following title; in which the concurrence of the House of Representatives was requested:

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 1476) granting certain lands to the town of Tincup, Colo., for cemetery purposes.

GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Mr. Speaker, I ask unanimous consent to call up the general deficiency bill, and I move that the House disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from New York asks unanimous consent to call up the general deficiency bill with Senate amendments, nonconcur in the Senate amendments, and ask for a conference. Is there objection? [After a pause.] The Chair hears none.

The Chair appointed as conferees Mr. LITTAUER, Mr. TAWNEY, and Mr. BRUNDIDGE.

COLLECTION OF REVENUES.

The committee resumed its session.

Mr. PAYNE. In reply to the gentleman's last statement about the pulling of the wool, the gentleman's constituent had an easy way out of it. The law provides that anyone can file a protest, and it doesn't cost anything for filing. He does not lose anything by it, and of course if the wool turns out to be only 50 per cent instead of 70 per cent of the whole importation, he gains by filing a protest. He does not have to swear to it or assert any facts in it.

Mr. GARDNER of Massachusetts. I take issue with the gentleman from New York in regard to that being an easy way out of it. I am informed that the custom-house brokers do make a charge for doing just such things and for attending to the filing of protests.

Mr. PAYNE. I did not say that a man would not have to pay his lawyer or attorney; but he could do it himself.

Mr. GARDNER of Massachusetts. It is not a fair thing to require the importer always to file a protest every time he imports a lot of sheepskins, because it is an unnecessary annoyance and an unnecessary expense. The law ought, in some way or other, be so arranged that a man has a reasonable opportunity to file an appeal. He ought to have time to find out the waste in time to protest against an appraisement as high as 70 per cent. As it is, it was not humanly possible for my constituent to get the consignment to his factory and have the wool pulled and weighed within two days. I admit he could have filed his protest, but that means that every man who imports such skins shall file a protest the moment they arrive, and that is absurd.

The Clerk read as follows:

SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section 14 of this act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may within thirty days next after such decision, and not afterwards, apply to the circuit court of appeals of the United States within the circuit in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court of appeals a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall order the board of appraisers to return to said circuit court of appeals the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decisions thereon; and all the evidence taken by and before said appraisers shall be competent evidence before said circuit court of appeals. The said circuit court of appeals is further vested with the power, on the hearing of any appeal taken from the decision of a board of three general appraisers, to order said board to take additional testimony as to any particular fact or issue in dispute, and return the same to said court as soon as convenient, whenever the said court shall be of opinion that the ends of justice will be best subserved by this course of procedure. In other respects the parties litigant shall be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. Such further evidence, with the aforesaid returns, shall constitute the record upon which said circuit court of appeals shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision, respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, and the decision of such court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless said decision is reviewed by the Supreme Court of the United States in any of the ways provided by the act approved March 3, 1891, entitled "An act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes." Said Supreme Court shall have jurisdiction and power to review such decision, and shall give priority to such cases, and may affirm, modify, or reverse such decision of such circuit court of appeals, and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly. All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section 23 of this act. For the purposes of this section the circuit courts of appeals of the United States shall be deemed always open, and said circuit courts of appeals, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

Mr. PAYNE. Mr. Chairman, I have several amendments I wish to offer to that section, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 15, lines 7 and 8, strike out the words "of appeals."
Page 15, line 8, strike out the word "circuit" and insert "district."
Page 15, line 12, strike out the words "of appeals."
Page 15, line 16, strike out the words "of appeals."
Page 15, line 21, strike out twice the words "of appeals."
Page 16, line 7, strike out the words "of appeals."
Page 17, line 4, strike out the words "of appeals."
Lines 5 and 6, page 17, strike out the words "of appeals."

The CHAIRMAN. The question is on the amendments offered by the gentleman from New York.

The question was taken; and the amendments were agreed to.

Mr. PAYNE. Mr. Speaker, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Line 13, page 16, after the word "accordingly," insert: "Unless either party shall, within thirty days after the rendition of such decision, appeal to the circuit court of appeals. Said circuit court of appeals shall give priority to and proceed to hear and determine the questions involved in said decision, and the decision of said circuit court of appeals shall be final, and the proper collector or other person acting as such shall liquidate the entry accordingly."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Clerk concluded the reading of the bill.

Mr. PAYNE. Mr. Chairman, something was said about further debate at this time. I am perfectly willing that it should go on now. I ask unanimous consent that the gentleman from Alabama [Mr. HEFLIN] may be recognized for twenty-five minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the gentleman from Alabama [Mr. HEFLIN] may be recognized for twenty-five minutes. Is there objection?

There was no objection.

Mr. HEFLIN. Mr. Chairman, during this session of Congress we have been treated to some remarkable speeches upon the tariff question. The Republican side of this House has indulged in the delusion that all of the good things that have come to us came through the instrumentality of the Republican party and are the beneficent fruits of the Dingley tariff law. If Providence smiles upon us kindly and the seasons are good and the land yields abundantly, these clarion-voiced tariff orators of the Republican side cry aloud to the people to fall down and give thanks to the Dingley tariff law. Mr. Chairman, if you should wander out with them into the forest, where the broad branches unite in cathedral arches and the winds make music down the long leafy aisles, where every bough is quivering with the song and flight of birds, and the rose-tinted atmosphere is perfumed with the fragrance of wild flowers, and ask the gentleman from Pennsylvania [Mr. DALZELL], the gentleman from Iowa [Mr. HEPBURN], the gentleman from Illinois [Mr. BOUTELL], the gentleman from Indiana [Mr. CHARLES B. LANDIS], and the tall sycamore from Washington [Mr. CUSHMAN] whom should we praise for all these things, out of the fullness of their hearts they would say, "to the Dingley tariff law." [Applause on the Democratic side.]

Mr. Chairman, I would do violence to an amusing emotion if I should overlook the funny remarks of the gentleman from Washington [Mr. CUSHMAN]. For the clams that old ocean used to pour at his feet when his stomach rose and fell in perfect harmony with the ebb and flow of the tide he did, sir,

appear to be thankful. He, too, made a pass at the tariff question. He chased it across the continent and back again, and finally overtook it where the clam-laden shore of his own State made farther retreat impossible. When finally he touched the remotest hem of its garment the pleased expression on his face and the accents of his soft voice reminded me of a story that I once heard of a fellow who played "tag" so much when a boy that he lost his mind temporarily. He was confined for a while at an asylum for the insane. Late one afternoon, when wandering in the grove near the asylum, he discovered a man walking around amusing himself by looking at the buildings and surroundings. The young man whose mind was temporarily deranged gave one or two shrieks and made a bold dash toward the strange man. The man, thinking that he was in great danger of being brutally assaulted, turned quickly facing his assailant; but, nothing daunting, his fierce antagonist rushed upon him, touched him on the shoulder, crossed his fingers, and with a curious smile on his face said softly: "I got your tag." [Applause on the Democratic side.]

Mr. Chairman, when the gentleman from Washington had almost frightened the Democrats into believing that he was really about to assail our position on the tariff question, just when we thought he would touch the subject before he closed, he paused—and great was the pause—smiled curiously, crossed his fingers, and softly said: "I got your tag." [Applause on the Democratic side.] Amidst tremendous applause on the Republican side the tall sycamore from the State of Washington sank into his seat.

Now, Mr. Chairman, having fully and completely answered the tariff speech of the gentleman from Washington [laughter], I move on to the gentleman from Illinois [Mr. BOUTELL]. In his labored effort to answer the tariff speech of Mr. RAINEY he reminded me of what once occurred in the supreme court of Alabama. Col. John A. Elmore, a distinguished lawyer, was undertaking to reply to a powerful and unanswerable argument made by Hon. William L. Yancey. He made an eloquent and attractive speech, but he could not get around the facts in the case and the able argument of Mr. Yancey. He amused the court and his hearers by his wit and humor and his artistic dodging proclivities. When summing up the case, Colonel Elmore paused, looked at the judges, and smiled. The chief justice of the court, who was very much amused, saw the predicament that Colonel Elmore was in, said to him, "Well, what now, Colonel?" "If your honor please," said Colonel Elmore, "candor compels me to admit that in my effort to reply to the position taken by my distinguished opponent, Colonel Yancey, I have literally argued myself out of court." [Applause.]

Mr. BOUTELL, at the conclusion of his speech, should have been recognized for the purpose of making a like confession. He failed utterly to answer Mr. RAINEY's speech. [Applause.]

The gentleman from Indiana [Mr. CHARLES B. LANDIS], while trying to defend the present tariff system, referred to the prosperity of Birmingham, Ala. There the Almighty has stored away untold wealth in the treasury of the hills, and the industry and the enterprise of a brave people have united in producing a marvelous prosperity; and this disciple of Dingleyism gives the credit not to the lavish hand of nature or the pluck and industry of the people, but with eloquent words lays it all at the door of the tariff system. And the gentleman from Indiana [Mr. CHARLES B. LANDIS], who boasts that he is a "stand-patter," rather enjoyed reminding us that the great father of the present obnoxious tariff system [Mr. Dingley] sleeps in an unmarked grave. Ah, Mr. Chairman, this neglect of him by the heartless "protected few" that he served so well is but evidence of the fact that the tariff barons have no regard for the living save for the opportunity that such regard offers for robbery and plunder; and they care so little for the dead that they will not so much as toss a penny toward a fund to erect a monument to his memory whose tariff system did and does their cursed coffers fill. [Applause on the Democratic side.]

Freeze, freeze, oh, bitter sky
That dost not bite so nigh
As benefits forgot:
Though thou the waters warp,
The sting is not so sharp
As friends remembered not.

[Applause on the Democratic side.]

Knowing that they have failed utterly to carry out their pledges to the people, and trembling with fear before the approaching election, the Republicans in this House saw the old tariff ship tossed upon the bosom of a restless sea. Then they cried loud and long for one skilled in the art of commanding a vessel on a stormy sea. For a moment silence reigned, and, lo! Uncle PETE HEPBURN, the old tariff sea captain of Iowa, appeared. But, Mr. Chairman, in spite of his Republican skill and tariff genius, the old vessel—

Heaved and sot, and sot and heaved,
And high her rudder flung,
And every time she heaved and sot
A mighty leak she sprung.

[Laughter and applause.]

The Republican party claims credit for the existence of every good thing, even regarding those things over which they have absolutely no control. Now that money of final redemption is plentiful, they say that it is the result of Republican policies and legislation. The fact is that the Democratic party in 1896 contended for more money of final redemption. The Republican party refused to open the mints and God Almighty opened the mines. And the large increase in the volume of money of final redemption establishes the correctness of the Democratic contention at that time. Mr. Chairman, if you should ask one of the protective tariff advocates to whom we should be grateful for sunshine and shower, he would out of the fullness of his heart exclaim the Dingley tariff system.

When the people demanded tariff revision, you promised to revise. When they demanded that trusts be destroyed, you promised to destroy them. You have not kept these pledges. Under the reign of the Republican party trusts have multiplied, and they flourish to-day as never before in the history of the country. Private fortunes are springing up in the wake of the robber tariff, and graft, the latest offspring of Republican conditions, is rampant in the Republic. The consumer here sees American products sold to the foreigner at a price lower than he enjoys in his home land. Tribute money is demanded of the American by the American Government and under Republican tariff system, while favoritism is enjoyed by the foreigner to the detriment of our own people. [Applause on the Democratic side.]

Now, when the land yields abundantly, responds liberally to the pulse beats of the enterprising plowman and the demands of the people are increasing and the people themselves becoming more and more industrious and enterprising, and because in spite of special privileges and Republican favoritism we enjoy in a large measure material prosperity, the Republican party is ready to proclaim from every house top that the credit for all this is due the Republican party. The gall of the Republican party is marvelous. The comforts and conveniences of life that the American people in a measure enjoy to-day are not the products of the Republican party; but through the skill, the industry and enterprise of our people they have been achieved over Republican difficulties and in spite of the Republican party. [Applause on the Democratic side.]

You boast before election times about what you will do when you get in office.

Bees on flowers lighting cease their hum,
And Republicans in office soon grow dumb.

To-day the Democratic party has asked you to lay the hand of destruction upon the trusts that corrupt the electorate of the country and rob the people. We have asked you not to allow the ballot to become a matter of commodity for sale and traffic to the highest bidder. You refuse to do that. You do not want to cut off this hand of contribution that comes in and aids you so materially in election time. Like Jove of old—

You have turned your thunder into showers of gold, whose silent courtship wins securer joys.
Taints by degrees and ruins without noise.

[Applause on the Democratic side.]

Mr. Chairman, I have not the time to discuss this subject as I would like to discuss it. There are many other things to which I would like to call attention. Day by day, under your control, State rights are being crucified. The right of trial by jury in Federal courts is nearly a thing of the past.

The Republican party is a time server. When one in your own ranks, like the gentleman from Wisconsin [Mr. COOPER] stands up and advocates what he believes is right, and fights to protect the life of this nation from the dangers that threaten it, he has a lecture delivered to him by some of your party leaders to whip him into line. The greed of monopoly has marked her for its own. You have broken your pledges to the people. You have failed utterly to give them relief from the burdens of class legislation; and we propose to put upon the breast of your party the "scarlet letter" of deceit and unfaithfulness to the American people. [Loud applause on the Democratic side.]

The CHAIRMAN. The gentleman from New York is recognized for thirty minutes.

Mr. WALDO. Mr. Chairman, all during this session I have been in hopes that the ship-subsidy bill might come before us

for passage. It is, to my mind, one of the most important, if not the most important, measure that is now pending before Congress. Our shipping has decreased until we have barely any upon the sea. Only about 10 per cent of our great foreign commerce is carried in American ships. There has been a clamor all over the country ever since the civil war for some measure that would restore the American merchant marine. We have spent enormous sums to build up a navy. We have this year given great appropriations to keep our Navy in repair and to construct new vessels; but the most serious objection has been made, upon the other side of the House, at least, to the expenditure of any money whatever for the rehabilitation of the American merchant marine.

We of New York have a special commission here to do whatever we can to bring about the passage of the ship subsidy bill. A concurrent resolution in favor of the merchant marine bill was passed by the New York State legislature in February, 1906. This resolution is as follows:

STATE OF NEW YORK, IN SENATE,
Albany, February 8, 1906.

Introduced by Mr. Henry W. Hill.

A concurrent resolution of the legislature of the State of New York, addressed to the United States Senators and Representatives in the Congress of the United States from the State of New York, in relation to American shipping in the foreign trade by sea.

Whereas our merchant marine engaged in the foreign trade, which in 1810 carried 90 per cent of our foreign commerce and to-day carries but 10 per cent thereof, is now only one-third as large as it was in the zenith of its development in 1860; and

Whereas an American merchant marine, with trained and experienced shipmasters, officers, and seamen, sailing under the flag of the United States, is essential to our national defense as an auxiliary to the Navy in time of need; and

Whereas upon the recommendation of President Roosevelt a commission consisting of five Senators and five Representatives in Congress was appointed to investigate this subject, and public hearings were held in most of the leading Atlantic, Gulf, Lake, and Pacific ports of the United States, resulting in a report, accompanied by a bill to carry into effect the recommendation of the Commission, which measure is now pending in the Congress of the United States and is designed to upbuild and rehabilitate our shipping in the foreign trade: Therefore, be it

Resolved (if the assembly concur), That the legislature of the State of New York commends the work, the report, and the bill of the Congressional Merchant Marine Commission as worthy of the support of the Senators and Representatives in the Congress of the United States from the State of New York. Be it further

Resolved (if the assembly concur), That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from the State of New York.

By order of the senate.

LAFAYETTE B. GLEASON, *Clerk.*
IN ASSEMBLY, *February 12, 1906.*

Concurred in without amendment.

By order of the assembly.

A. E. BAXTER, *Clerk.*

It is not a new thing in this country that aid should be given to American shipping. One of the first things that was done when the American Congress met, after the adoption of the Constitution, was to pass a bill to aid not only American manufactures, but also American shipping. This bill was introduced by James Madison, and gave to American shipping 10 per cent discriminating duties on all imports over those brought in in foreign ships. This bill was supported by the President, General Washington, by Hamilton, by Jefferson, and it was largely through Jefferson's efforts that the bill was finally passed and the opposition of the South overcome. The immediate result of this bill was an enormous increase in American shipping. The bill was the result of a memorial that came from the citizens of Baltimore to the first session of the Congress of 1789. This petition reads:

Your petitioners, on whichever side they may turn their eyes, see reason to believe that the United States may soon become as powerful in shipping as any nation in the world. * * * Permit us to add that for want of national protection and encouragement that great source of strength and riches has fallen into decay and involved thousands in the utmost distress.

Jefferson in 1791, when he was Secretary of State, issued a paper in favor of the protection of our merchant marine and fisheries that did more than anything else to secure the continued support of the South for that measure. As a result of the adoption of these discriminating duties our shipping increased almost immediately. In 1789 we had only 123,893 tons of American shipping. In 1800 it had increased to 667,107 tons. In 1791 the total amount of our foreign commerce was $48,212,041. Of that only about 30 per cent was carried in American ships. In 1800, although our foreign commerce had increased to $162,224,548, the amount then carried by American ships was 89 per cent. To-day, although its proportions have become enormous, the amount of our foreign commerce carried by American ships is only about 10 per cent.

President McKinley repeatedly sent in messages to Congress in favor of this measure. In the Republican platform of 1904 we declared:

While every other industry has prospered under the fostering aid of Republican legislation, American shipping engaged in foreign trade, in competition with the low cost of construction, low wages, and heavy subsidies of foreign governments, has not for many years received from the Government of the United States adequate encouragement of any kind. We therefore favor legislation which will encourage and build up the American merchant marine, and we cordially approve the legislation of the last Congress which created the Merchant Marine Commission to investigate and report upon this subject.

At the convening of this Congress President Roosevelt sent a message which included this paragraph, directly following the platform of 1904, and following other declarations of President Roosevelt before that time:

To the spread of our trade in peace and the defense of our flag in war a great and prosperous merchant marine is indispensable. We should have ships of our own and seamen of our own to convey our goods to neutral markets, and in case of need to reenforce our battle line. It can not but be a source of regret and uneasiness to us that the lines of communication with our sister republics of South America should be chiefly under foreign control. It is not a good thing that American merchants and manufacturers should have to send their goods and letters to South America via Europe if they wish security and dispatch. Even on the Pacific, where our ships have held their own better than on the Atlantic, our merchant flag is now threatened through the liberal aid bestowed by other governments on their own steam lines. I ask your earnest consideration of the report with which the Merchant Marine Commission has followed its long and careful inquiry.

We have, then, here the policy of this country in its earliest years and the recommendation of Presidents Harrison, McKinley, and Roosevelt to grant aid to American shipping. In the time of President Polk subventions were granted to our ships of sufficient amount to aid in the growth of the merchant marine. To-day we are about the only one of the seafaring nations that has not given efficient aid to its merchant marine. In 1905 foreign nations granted subventions amounting to over $27,000,000 in aid of their steamship lines. Our aid has been so trifling that the only American lines that we now have left are about to abandon the seas unless they receive additional aid at once.

Next year Great Britain will grant subventions in aid of her merchant marine amounting to between $6,000,000 and $7,000,000; France, over $8,000,000; Italy, $3,000,000; Japan, $4,000,000, and other nations in less amounts. The present merchant-marine bill, if it is passed, will in the next ten years cause an average yearly expense to this Government of about $4,600,000.

While Congress has done nothing with regard to any aid, even this small aid to American shipping, it gives a hundred million dollars in aid of its Navy and enormous aid for the improving of the harbors of the country. It will expend $135,000,000 in the construction of a great waterway across the Isthmus of Panama. We have scarcely any deep-sea going American ships to use the harbors for which we are expending so much money. We have no American ships to go through the Panama Canal, and the moneys that we are now expending for American harbors are almost entirely in the interest of and aid to foreign ships. There are few of our larger harbors that are not ample in their waterways for any American ships that use them, and the increase in the depth of these harbors is intended almost entirely for foreign shipping. The great city of New York has spent millions of dollars in the improvement of its dock system, little of it to be used by American shipping, but nearly all for the benefit of foreign shipowners. The American people are spending between $150,000,000 and $200,000,000 a year in freights to foreign countries, mostly to Great Britain, Germany, and France.

Mr. GAINES of Tennessee. Will the gentleman allow me an interruption?

Mr. WALDO. Certainly.

Mr. GAINES of Tennessee. Will the gentleman tell us why so much capital has gone out of American ships?

Mr. WALDO. There are two reasons for that. At one time it was because there was such an enormous transportation development on land in this country that it required the investment of practically all the money offered, and at that time there was much greater profit in that investment than there was in ships. The other reason is because the repeal of discriminatory duties permitted foreign ships to carry goods abroad and bring them from abroad on exactly the same terms as we permitted them carried in American ships, instead of giving, as in the time of Washington and Jefferson, a 10 per cent discriminatory duty in favor of all imports in American ships.

Mr. GAINES of Tennessee. What is the difference between existing laws and those under the act of 1846, when we hauled 75 per cent or 80 per cent of our tonnage in American ships?

Mr. WALDO. I understand the ship subvention at that time was ample to meet the special subventions of other parts of

the world. To-day they are not, and the subventions of foreign countries are in many instances very large. The discriminatory duties have all been repealed, and to-day we have practically no protection for and no American ships engaged in foreign commerce.

Mr. GAINES of Tennessee. Does the gentleman think that this may retard it, that the foreign ship does not want to come with an empty hull to haul off freight, and the reason why it comes practically empty is because the importer can not pay the high tariff to compete with the home manufacturer?

Mr. WALDO. I think not; I think that would be met at once. If we allowed a discriminatory duty of 10 per cent, as was done in the original act, gave a discount of 10 per cent to all importers whose goods were brought here in ships built in America, I have no question but that the merchant marine would be doubled within two or three years if that was done.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. HUMPHREY of Washington. How does the gentleman figure that discriminating duties would build up the merchant marine, when 47 per cent of our imports are now on the free list?

Mr. WALDO. Because they would secure from those that are not on the free list enough under the 10 per cent reduction to make it profitable to build ships here and run them. I think also we ought to have subventions that would meet the subventions granted by the great seafaring countries abroad.

Mr. GOULDEN. Will the gentleman, my colleague, yield?

Mr. WALDO. Yes.

Mr. GOULDEN. Does the gentleman think that the same conditions exist to-day that prevailed in times gone by, spoken of by him, when money sought manufacturing and mercantile pursuits because it pays better than money invested in shipping?

Mr. WALDO. No; I think there is surplus capital to-day that could be had at reasonable rates for investment in shipping, providing that American ships brought in a reasonable return.

Mr. HUMPHREY of Washington. I would like to ask if that question is not answered by this fact: If our shippers had the same advantages as foreign shippers American capital could be found to engage in it from the fact that millions of American capital is invested in ships under a foreign flag. Does not that demonstrate that if they had an equal chance they would invest in American ships?

Mr. WALDO. I do not know what the gentleman means by "an equal chance."

Mr. HUMPHREY of Washington. I mean to equalize the conditions by subsidies sufficient to equalize the undertaking. To take a concrete illustration, take the case that happened at Puget Sound. We have an American steamship line consisting of five vessels running to the Orient. Running directly from the same wharf is a Japanese line of three vessels, and they are subsidized at $35,000 a year. There are three English vessels that are subsidized for $300,000 a year. These five large ships of the Boston Steamship Company do not get anything. Does not the gentleman think that American capital would invest in it if they could have the subsidy?

Mr. WALDO. Undoubtedly; there is no question about that. My further contention is that we ought to give in favor of American ships a discriminatory duty, which would be a great incentive that would work automatically, and it would have the same effect that it did in 1789 and would more than double our merchant marine in a few years. In 1789 our merchant marine doubled in one year on account of such a discriminatory duty, and I see no reason why this result would not follow the adoption of discriminating duties to-day. I believe it would, and it would work injury to no one and would be for the benefit and protection of American shipping, which is the only American industry that to-day has no effective protection.

Mr. JAMES. Will the gentleman yield for a question?

Mr. WALDO. Certainly.

Mr. JAMES. I understand the gentleman's argument to be that because the shipping business is not profitable, a subvention, as he calls it, or a subsidy, in other words, ought to be given by the Government out of the Public Treasury to that industry.

Mr. WALDO. Yes; that is correct.

Mr. JAMES. Now, the tobacco-raising business in my district is not profitable by reason of the combination of tobacco buyers into a trust and the fact that the Government places a tax on tobacco that denies the raiser of tobacco the right to sell the tobacco to the general consumer. Would the gentleman be in favor of giving to the tobacco growers a subvention or subsidy to make the tobacco-raising business profitable in Kentucky?

Mr. WALDO. I would not. I would be in favor of passing such laws as would prevent any trust from bringing about that result which the gentleman says obtains in his district.

Mr. JAMES. Then the gentleman would be willing to give the subsidy to the rich and those who have plenty of money to buy ships, but a man who has a little farm and can raise nothing but tobacco he would deny it to?

Mr. WALDO. Not at all. It is a different matter altogether, and there are other inducements that call for it. We may say in the first instance, I think, that tobacco raising is of no particular benefit to the people of this country. It may be a pleasure to some gentlemen, but it is no particular benefit to the country at large. It is a luxury, and it ought to pay; but, aside from that, the main objection, as I understand, to the profitable result from the tobacco industry in this country is the tobacco trust that controls the prices. We should control the trust, just as we do in our other local industries.

Mr. JAMES. A bill was introduced in this Congress for that purpose, but you can not even get the chairman of the Finance Committee, who is the leader of the gentleman's party, to call a meeting of the committee to consider it.

Mr. WALDO. Unfortunately, I would say to the gentleman from Kentucky [Mr. JAMES], that I do not control the leader of this party or the chairman of the Committee on Finance, and that if I did this ship-subsidy bill would have been on this floor and passed before this time.

Mr. JAMES. Well, there was no trouble about the ship subsidy in the Senate, I imagine.

Mr. WALDO. It does not seem to be able to pass here.

Mr. GOULDEN. I would like to ask my colleague for his position on this question—being interested with my friend from Washington [Mr. HUMPHREY] as members of the Merchant Marine and Fisheries Committee—I would like to know just what his position is? He speaks of being favorable to a subvention, to a subsidy, and to discriminatory duties.

Mr. WALDO. I am.

Mr. GOULDEN. That seems to be rather a complex system, and I would be delighted if the gentleman will tell us just exactly how he would work out that scheme, and also about how much of a subvention would be necessary in order to enable the merchant marine of this country to be placed upon what I think he would call a sound and safe footing.

Mr. WALDO. It is my opinion, as far as I have been able to ascertain, that the subventions proposed by the bill now pending here in this present Congress would give that result. There is no difficulty whatever about discriminatory duties. That can be fixed in one of two ways. It has been done in both ways in this country in the past—either by a reduction, a discount of 10 per cent from the general duty upon all goods that are imported in American ships run by American owners, or by adding 10 per cent to the general schedule on all goods that are brought in in foreign ships.

Mr. GOULDEN. May I be permitted to say to the gentleman that those who oppose the Senate bill now before the House committee were rather favorably disposed toward discriminatory duties, but the distinguished chairman of that committee came out in a report, which was published and put in the RECORD of this House, showing that discriminatory duties were simply impossible and impracticable?

Mr. WALDO. They are not impracticable. Of course it would require this thing to be done: There are certain treaties that would have to be abrogated or modified sufficiently to allow a discrimination in favor of our own ships, but there is no reason why that can not be done.

Mr. WM. ALDEN SMITH. Treaties with certain favored nations?

Mr. WALDO. Yes. There is no reason why that can not be done whenever we are ready to do it.

Mr. GOULDEN. I am in favor of discriminatory duties, under proper restrictions, to build up the merchant marine of the country.

Mr. GAINES of Tennessee. Mr. Chairman, the gentleman speaks of the discriminatory duty to restore our ships to the sea. Did we have a discriminatory duty such as the gentleman speaks of between 1846 and 1860, when we hauled from 75 to 80 per cent of our commerce in American ships?

Mr. WALDO. At that time we were giving national aid to our merchant marine, and the contest was not so severe between our own and foreign shipping as now. It may be that if we had not had our deep-sea shipping almost entirely driven from the seas during the civil war we should not be in as bad condition as we are to-day, but our shipping was entirely swept from the seas at that time, and nothing has been done to restore it.

Mr. GAINES of Tennessee. Now, if the gentleman will indulge me—and I do not want to interrupt him further, for he is making a very interesting speech—from 1846 to 1857 we had an ad valorem tariff of about 30 per cent, and under the tariff of 1857, when all parties, Republicans, Democrats, Whigs, Know-Nothings, got together in Congress and reduced that tariff and made it the lowest tariff we have had since 1812, that existed down to 1861, we hauled from 75 to 80 per cent of our tonnage in our ships. We controlled the seas. Now, it seems to me that we ought to get the tariff reduced a little bit, and then we would not need to go into the Treasury and pay some man to carry on his business better than he is already carrying it on, and then the ships would not come here with their hulls empty and go back with their hulls filled with our commerce.

Mr. WALDO. I fail to see——

Mr. GROSVENOR. If the gentleman from New York will allow me, there was never a time when the American merchant marine was nearly 50 per cent of the merchant marine of the world, nor was it ever 25 per cent. Now, a word in regard to discriminating duties. They are impossible under forty-odd commercial treaties with the great nations of the world, because we have stipulated distinctly against any discrimination in favor of the merchant marine of our country or in favor of the merchant marine of any other country. Now, again, under our free list, which carries more than 48 per cent of the imports into this country, there can not be any discriminating duties, because, to illustrate: Two merchant vessels are lying at Brazil loading with coffee, one of American registry and another of British registry. How can you have a discriminating duty, how can you pay the American more than you do the British, when there is no tariff on the commodity of coffee? And so it is all along the line. It is an ancient and long-ago obsolete proposition.

Mr. WALDO. I will say, in reply to what the gentleman from Ohio has stated, I am perfectly well aware of these treaties of which he speaks, but there is no reason why they should continue forever to the detriment of our shipping. I am opposed to it. So far as the free list is concerned, it always has been that way. There has never been any time when we could make discriminating duties on those articles coming in free. Discrimination can only apply to articles taxed, and never did apply to anything else. I did not say the American merchant marine was 50 per cent, or even 25 per cent, of the merchant marine of the world. What I did say was that 23.6 per cent of our commerce, both exports and imports, was carried in American ships in 1789. Under the discriminating duties act 89 per cent of all our foreign commerce was in 1800 carried in our own ships. The remarkable growth of the American merchant marine as well as commerce during the first twelve years of the protective law of 1789 is shown by the following table:

American tonnage and foreign trade, 1789–1800.

Year.	Shipping tonnage.	Total foreign commerce.	Proportion carried in American ships.		
			Imports.	Exports.	Combined imports and exports.
			Per ct.	*Per ct.*	*Per cent.*
1789	123,893		17.5	30.0	23.6
1790	346,254		41.0	40.0	40.5
1791	363,110	$48,212,041	58.0	52.0	55.9
1792	411,438	52,253,098	67.0	61.0	64.0
1793	367,734	57,209,572	82.0	77.0	79.5
1794	458,863	67,643,725	91.0	86.0	88.5
1795	529,471	117,746,140	92.0	88.0	90.0
1796	576,733	140,010,789	94.0	90.0	92.0
1797	597,777	126,674,116	92.0	88.0	90.0
1798	603,376	129,879,111	91.0	87.0	89.0
1799	657,142	157,734,670	90.0	87.0	88.5
1800	667,107	162,224,548	91.0	87.0	89.0

This table shows a remarkable and constant growth in the tonnage of our merchant ships, with no falling off in any year except 1793. This was occasioned largely, if not wholly, by the depredations of Barbary pirates.

Neither is a law for discriminating duties on goods brought in American ships "an ancient or obsolete proposition," as the gentleman from Ohio states.

A measure for this purpose was advocated most strenuously in the Senate in 1897. In the report of the Senate Committee on Commerce (Report No. 10, 59th Cong., 1st sess.) favoring the passage of the ship-subsidy bill, at page 96 in the appendix, remarks on "discriminating duties," will be found the following statement:

It is probable that when the Commission was appointed a majority of those Senators and Representatives composing it who had positive views favored another trial of the discriminating-duty policy and believed that that course would be recommended to Congress. Moreover, from the very beginning of the inquiry, powerful arguments for the discriminating-duty plan were advanced, especially by the Maritime Association of the Port of New York, the largest shipping-trade organization in America. This "policy of the fathers of the Republic," as it was well described, was ably advocated not only by many practical shipowners and shipbuilders, but by many manufacturers and merchants—usually, however, in connection with the policy of mail subventions to regular lines, which may be said to have met with almost unanimous support in every section of the country.

The Merchant Marine Commission and the present committees of the House and Senate failed to recommend discriminating duties, mainly because of the difficulty met in some thirty reciprocity treaties with foreign nations and the danger of retaliations of foreign governments.

It is for these reasons and for the reason that our merchant marine must have efficient and prompt aid and protection or disappear from the seas that I favor the measure now before the House for that purpose, although it does not include discriminating duties.

Senate bill 529, framed by the President's Merchant Marine Commission and passed February 14 by the Senate, provides for:

1. A volunteer naval reserve of 10,000 officers and men of the merchant marine and fisheries, trained in gunnery, etc., subject to the call of the President in war, and receiving retainer bounties as 33,500 British naval-reserve men do.

2. Subventions at the rate of $5 a gross ton a year to all cargo vessels in the foreign trade of the United States and to craft of the deep-sea fisheries, and $6.50 a ton to vessels engaged in our Philippine commerce, the Philippine coastwise law being postponed till 1909. But these cargo vessels, in order to receive subventions, must be held at the disposal of the Government in war, must convey the mails free of charge, be seaworthy and efficient, carry a certain proportion of Americans and naval-reserve men in their crews, and make all ordinary repairs in the United States. Ships lose their subventions if they leave our trade for that of foreign countries, or if, like the Standard Oil craft, they are not engaged exclusively as common carriers.

3. Subventions to new mail lines from the Atlantic coast to Brazil, Argentina, and South Africa; from the South Atlantic coast to Cuba; from the Gulf coast to Cuba, Brazil, Mexico, Central America, and the Isthmus of Panama; from the Pacific coast, via Hawaii, to Japan, China, and the Philippines, and to Mexico, Central America, and the Isthmus of Panama, and from the North Pacific coast direct to Japan, China, and the Philippines, with increased compensation to one existing contract line from the Pacific coast, via Hawaii and Samoa, to Australasia.

All ships receiving subventions must be already American by register or American built, thus excluding the foreign-built fleet of the Atlantic steamship combination. Not one dollar is given to fast passenger and mail lines to Europe. Ships constructed for foreign commerce to receive these subventions can, under the Dingley tariff, be built, equipped, and repaired of materials imported free of duty.

The maximum annual cost of the proposed mail subventions will be about $3,000,000; of the other subventions and retainers to the naval reserve, from $1,550,000, in 1907, to $5,750,000 in 1916. If tonnage taxes are increased, as originally proposed, the legislation will cost nothing the first year, but turn $616,000 into the Treasury, and the annual average net cost for ten years, with the building of new ships, will be $4,625,000.

Against this modest proposition of aid to its foreign-going shipping by the richest country in the world let us set the subventions now given by our foreign competitors to their own shipping:

Great Britain, $6,000,000 per year, not including the new grant to the Cunard Line of $1,100,000.

France pays her steamships $5,000,000 per year in mail subsidies, and in construction and navigation bounties $3,500,000 additional, making a total of $8,500,000 per year.

Germany is now paying about $2,000,000 per year to its two great steamship companies and gives them, besides, very large additional aid in special rates upon the Government railroads to emigrants and freight going by the German steamships. Under this form of assistance the German merchant tonnage has increased from 1,243,000 in 1881 to 3,393,000 in 1905.

Italy pays mail subsidies and bounties to her steamship companies of about $3,000,000 per year.

Austria-Hungary, with hardly any seacoast, expends on mail and other subsidies about $2,000,000 per year, or nearly twice the amount of ocean-mail payments by the United States.

The little island of Japan, now competing for the commerce of the Pacific and Indian oceans, is giving subventions and bounties to her merchant marine of about $4,000,000 a year, and has thereby increased her merchant shipping from 200,000 tons in 1896 to 830,000 tons in 1904—a more rapid increase in that period than has been made by any other nation in the world.

While these nations have protected, aided, and forced the building of great merchant marines, we have done practically nothing since the civil war to aid, protect, and increase our merchant shipping, until now it has almost disappeared.

We pay over $200,000,000 a year—all but 10 per cent—to foreigners for transporting our foreign commerce, and yet we do nothing to secure for ourselves this great source of national wealth and strength, rightfully ours. Great Britain since 1840 has expended over $250,000,000 in subsidies and bounties to her merchant steamships, and has so held the mastery of the seas.

In the meantime we have protected and aided every other large enterprise for the welfare of our country. We have excluded all others from our coasting and lake trade. We have in a hundred acts of Congress in aid of internal transportation by rail given away over 200,000,000 acres of land, worth now more than $2,000,000,000, and have given in money and local bonds more than $100,000,000. We have spent vast sums and made immense grants in aid of irrigation systems, and we have protected our manufacturers and labor upon shore. Our merchant ships and sailors are alone unaided and unprotected.

We have at this session voted to expend $135,000,000 in constructing a great canal to carry merchant ships from the Atlantic to the Pacific. We will next year, without doubt, vote many millions for the improvement of our rivers and harbors, and this year have already given $100,000,000 to the support and increase of our Navy.

This shipping bill is a measure that partisan politics should not delay.

The necessity of restoring our merchant marine is the most pressing, the most urgent, of those now or lately before the Congress.

When we almost unanimously vote to our Navy $100,000,000, to the construction of a lock canal $135,000,000, while many of us believe in a tide-level canal, and this for the accommodation of the merchant marine, when we have none, let us not hesitate to pass this bill and make the comparatively small appropriation of four and one-half millions per year for our merchant ships and sailors.

It is the only means to give immediate relief and protection to the little remnant of our merchant fleet now about to be crowded from the Atlantic by England, Germany, and France, and from the Pacific by Japan.

May our patriotism overcome our partisanship, as it has at this session in the regulation of interstate commerce, and permit us to join as American citizens in this effort to restore to our great ocean commerce a great fleet of American ships to carry it to and from every port of the seas.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

The CHAIRMAN. The time of the gentleman from New York has expired.

[Mr. GRIGGS addressed the committee. See Appendix.]

Mr. PAYNE. Mr. Chairman, I move that the committee rise and report the bill with the amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 19750—the general adminstrative customs act—and had directed him to report the same with sundry amendments, with the recommendation that the amendments be agreed to and the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, I move the adoption of the amendments.

The question was taken; and the amendments were agreed to.

The bill as amended was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. PAYNE, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendments to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and prior years, and for other purposes, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. HALE, Mr. GALLINGER, and Mr. BERRY as the conferees on the part of the Senate.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries, who also announced that the President had approved and signed bills and joint resolutions of the following titles:

On June 27:

H. R. 18536. An act providing for the subdivision of lands entered under the reclamation act, and for other purposes;

H. R. 19682. An act authorizing the Commissioners of the District of Columbia to permit the extension and construction of railroad sidings in the District of Columbia, and for other purposes; and

H. R. 17411. An act for the resurvey of certain townships in the State of Nebraska.

On June 28:

H. J. Res. 21. Joint resolution authorizing the President of the United States to appoint a commission to examine and report upon a route for the construction of a free and open waterway to connect the waters of the Chesapeake and Delaware bays;

H. J. Res. 160. Joint resolution authorizing the Secretary of War to furnish a certain gun carriage to the mayor of the city of Ripley, Lauderdale County, Tenn.;

H. R. 9528. An act to reimburse Fred Dickson for loss of his tools through the fire which destroyed the engine house at Fort Duchesne, on September 19, 1902;

H. R. 12086. An act to amend an act entitled "An act to incorporate the Washington and Western Maryland Railroad Company;"

H. R. 13106. An act granting to the Batesville Power Company right to erect and construct canal and power stations at Lock and Dam No. 1, upper White River, Arkansas;

H. R. 13190. An act to protect birds and their eggs in game and bird preserves;

H. R. 19431. An act permitting the building of a dam across the Mississippi River between the counties of Stearns and Sherburne, in the State of Minnesota;

H. R. 19566. An act to authorize the Coraopolis and Osborne Bridge Company to construct a bridge over the Ohio River;

H. R. 19680. An act directing the Secretary of War to cause an examination and survey to be made of Coney Island channel;

H. R. 19756. An act to amend section 2844 of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands;

H. R. 19850. An act to authorize the Monongahela Connecting Railroad Company to construct a bridge across the Monongahela River in the State of Pennsylvania;

H. R. 19854. An act to authorize the board of supervisors of Sunflower County, Miss., to construct a bridge across Sunflower River;

H. R. 15506. An act authorizing the patenting of certain lands to School District No. 57, Nez Perces County, Idaho;

H. R. 19916. An act withdrawing from entry certain public lands in Chouteau County, Mont., and leasing the same to the board of trustees of the Montana College of Agriculture and Mechanic Arts;

H. R. 18030. An act making appropriations for the support of the Military Academy for the fiscal year ending June 30, 1907, and for other purposes;

H. J. Res. 158. Joint resolution amending section 2 of joint resolution approved July 1, 1902, construing the act of June 27, 1890, and for other purposes;

H. R. 7. An act to provide a seal for United States commissioners;

H. R. 5681. An act for the relief of John Lewis Young;

H. R. 9721. An act to amend section 5481 of the Revised Statutes of the United States;

H. R. 10074. An act in relation to contracts with the District of Columbia;

H. R. 11029. An act to authorize the holding of a regular term

of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Va.;

H. R. 11501. An act to amend an act to provide for circuit and district courts of the United States at Albany, Ga.;

H. R. 13372. An act to authorize the cutting, sawing into lumber, and sale of timber on certain lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin;

H. R. 18443. An act to amend the act to provide a government for the Territory of Hawaii, approved April 30, 1900;

H. R. 19379. An act providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico;

H. R. 19607. An act for the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories;

H. R. 15333. An act for the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes;

H. R. 15078. An act granting to the Ocean Shore Railway Company a right of way for railroad purposes across Pigeon Point Light-House Reservation, in San Mateo County, Cal.;

H. R. 19374. An act to prohibit shanghaiing in the United States;

H. R. 16785. An act giving preference right to actual settlers on pasture reserve No. 3 to purchase land leased to them for agricultural purposes in Comanche County, Okla.; and

H. R. 12252. An act for the relief of the heirs at law of Massalon Whitten, deceased.

On June 29:

H. R. 18750. An act making appropriations for the naval service for the fiscal year ending June 30, 1907, and for other purposes;

H. J. Res. 92. Joint resolution authorizing the Secretary of War to deliver to the Southern Historical Society certain unidentified battle flags;

H. R. 17945. An act authorizing the Borderland Coal Company to construct a bridge across Tug Branch of Big Sandy River;

H. R. 16013. An act providing medals for certain persons;

H. R. 14975. An act amending chapter 863, volume 31, of the Statutes at Large;

H. R. 19519. An act to extend the privilege of the seventh section of the act approved June 10, 1880, to the subport of Superior, Wis.; and

H. R. 15140. An act to remove the charge of desertion from the naval record of John McCauley, alias John H. Hayes.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills and joint resolutions of the following titles; when the Speaker signed the same:

H. R. 12323. An act to extend the public land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and for other purposes;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 20461. An act to reinstate Kenneth C. Castleman as a lieutenant in the Navy;

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems and appliances for the automatic control of railway trains;

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth, at Leavenworth, Kans.;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri;

H. R. 10501. An act to incorporate the National Education Association of the United States;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 20290. An act to amend the river and harbor act of March 3, 1905;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River;

H. R. 17345. An act creating a United States court for China and prescribing the jurisdiction thereof;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 9238. An act for the relief of William Saphar;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 19364. An act granting an increase of pension to Anna Ring;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes;

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 12892. An act granting an honorable discharge to Seth Davis;

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions, and to State soldiers and sailors orphans' homes; and

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 6443. An act granting to the city of Los Angeles, Cal., rights of way over and through certain public lands, and over and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, in the State of California, and for other purposes;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alasaka;

S. 4880. An act granting an increase of pension to Emma K. Tourgée;

S. 6422. An act granting an increase of pension to John L. Wells;

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 6492. An act to correct the military record of James Devlin;

S. R. 17. Joint resolution to print the Fourth Annual Report of the United States Reclamation Service;

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 1291. An act for the relief of James W. Watson;

S. 1862. An act for the relief Joshua T. Reynolds;

S. 1864. An act for the relief James H. Oliver, a commander on the retired list of the United States Navy;

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4197. An act authorizing and directing the Secretary of the Treasury to enter on the roll of Capt. Orlando Humason's Company B, First Oregon Mounted Volunteers, the name of Hezekiah Davis;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted it;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 6004. An act to provide an American register for the steam yacht *Waturus;*

S. 5769. An act to declare the true intent and meaning of parts of the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6381. An act granting an increase of pension to John McDonough; and

S. 6359. An act granting an increase of pension to Francis D. Garrisey.

SENATE BILL REFERRED.

Under clause 2 of Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 1532. An act for the relief of the legal representatives of the late firm of Lèpene & Ferré—to the Committee on War Claims.

BRIDGE ACROSS THE MISSOURI RIVER.

Mr. KENNEDY of Nebraska. Mr. Speaker, I ask unanimous consent for the present consideration of the bill H. R. 17972.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 17972) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

The bill was read at length.

The SPEAKER. Is there objection?

Mr. JOHNSON. Mr. Speaker, reserving the right to object, I would like to know something about this bill.

Mr. KENNEDY of Nebraska. This, Mr. Speaker, is a bill to extend the time within which the South Omaha Railroad and Bridge Company may build a bridge across the Missouri River at South Omaha.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

On motion of Mr. KENNEDY of Nebraska, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; and

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

The message also announced that the Senate had passed bills and joint resolution of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6523. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Copper River, in the Territory of Alaska;

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia;

S. 5446. An act for the relief of John Hudgins;

S. 553. An act for the relief of James W. Patterson;

S. 3842. An act for the relief of Mary C. Mayers; and

S. Res. 45. Joint resolution authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park.

RESOLUTION IN RELATION TO THE BILL H. R. 18891.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved, That immediately after the adoption hereof it shall be in order to consider in the House as in Committee of the Whole H. R. 18891, "A bill to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska," and forty minutes shall be allowed for debate thereon, the time to be divided equally between those supporting and those opposing the bill, at the end of which time the previous question shall be considered as ordered and a vote taken on all amendments and the bill to its final passage without delay, intervening motion, or appeal.

Mr. DALZELL. The bill referred to is a bill incorporating a company to build a railroad in Alaska from the Gulf of Alaska, at the head of Cordova Bay, to a point on the Yukon River. It is a bill with which the House is familiar, reported by the Committee on Territories and recommended by the President in his message. Unless some gentleman wants to address the House on the rule, I will ask for the previous question. Does the gentleman from Mississippi [Mr. WILLIAMS] want any time?

Mr. WILLIAMS. Which one of the two bills is that?

Mr. DALZELL. It is the bill H. R. 18891.

Mr. WILLIAMS. The one bearing the name of Mr. Higgins?

Mr. DALZELL. Yes.

Mr. WILLIAMS. Yes; we want some time. I want to yield some time to the gentleman from Missouri [Mr. LLOYD].

Mr. DALZELL. How much time does the gentleman want? Does the gentleman want time on the rule or on the bill? I will give the gentleman as much time as he wants.

Mr. WILLIAMS. I would rather have it on the bill.

Mr. DALZELL. Then let us adopt the rule and go to the bill.

Mr. HAMILTON. As I understand, the rule permits twenty minutes on a side?

Mr. DALZELL. Yes.

Mr. LLOYD. Can not you make that, by unanimous agreement, forty minutes on a side?

Mr. WILLIAMS. Either take twenty minutes now or forty minutes later on. I do not expect to speak at all.

Mr. LLOYD. Let us have forty minutes on a side. If we do not use it, all right.

Mr. HAMILTON. We do not want more than twenty minutes on our side.

Mr. WILLIAMS. And perhaps not on this side.

Mr. DALZELL. I yield to the gentleman twenty minutes.

Mr. LLOYD. Mr. Speaker, I would rather have the twenty minutes, if it is to be only twenty minutes, on the bill, because my purpose is to speak on the bill.

Mr. HAMILTON. I understand that the rule provides for forty minutes' debate on the bill.

Mr. LLOYD. I appreciate the fact that the rule provides for forty minutes' debate, twenty minutes on a side, as I understand it. Under the rule there may be forty minutes' debate, and on the rule twenty minutes on a side.

Mr. DALZELL. I yield the gentleman twenty minutes, and then we will not consume any time on this side.

Mr. WILLIAMS. Mr. Speaker, I think I can save twenty minutes, if the gentleman will listen, by asking unanimous consent that the debate on the rule be waived, but that thirty minutes on a side be allowed on the bill itself.

Mr. DALZELL. Mr. Speaker, I ask unanimous consent to change the time in the rule from forty minutes to an hour.

The SPEAKER. Is there objection?

There was no objection.

Mr. DALZELL. Now, I ask the previous question on the rule.

The question was taken; and the previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was adopted.

The SPEAKER. There is sixty minutes of debate under the special order. The Clerk will first report the bill.

The Clerk read as follows:

The bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone lines in the district of Alaska.

The SPEAKER. The Chair desires to ask the gentleman from Michigan [Mr. HAMILTON] as to whether this bill has heretofore been read in the House?

Mr. HAMILTON. I think not.

The SPEAKER. The Clerk will read the bill.

Mr. HAMILTON. Mr. Speaker, I ask unanimous consent that the reading of the bill be dispensed with.

Mr. PAYNE. Has it ever been read?

Mr. HAMILTON. Perhaps the bill has not been read. I withdraw the request.

The SPEAKER. The bill not having been read to the House, the Clerk will read it:

The Clerk read as follows:

A bill (H. R. 18891) to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska.

Be it enacted, etc., That William L. Bull, Grant B. Schley, Winthrop Smith, William S. McLean, Sabin W. Colton, jr., W. Frederick Snyder, Irving A. Stearns, William M. Barnum, William B. Kurtz, Charles P. Hunt, Ernest Thalmann, James H. Wilson, Samuel M. Felton, John H. McGraw, Andrew F. Burleigh, and all such other persons who shall or may be associated with them, and their successors, are hereby created and erected into a body corporate and politic in deed and in law by the name, style, and title of the "Alaska Railroad Company," and by that name shall have perpetual succession and shall be able to sue and to be sued in all courts of law and equity within the United States and its Territories, and to make and have a common seal. And said corporation is hereby authorized and empowered to lay out, locate, construct, furnish, maintain, and enjoy a continuous railroad, telegraph, and telephone line and branches, with the appurtenances, namely: Beginning at a point on the Gulf of Alaska, at or near the head of Cordova Bay, in the district of Alaska; thence by the most eligible route, as shall be determined by said company, within the territory of the United States, to a point on the Yukon River at or within 2 miles of Eagle; and is hereby vested with all the powers, privileges, and immunities necessary to carry into effect the purposes of this act as herein set forth. The capital stock of said company may consist of 200,000 shares of $100 each, all of the same class and grade, or of such lesser amount as the board of directors of said company may by by-laws determine, which said stock shall in all respects be deemed personal property and shall be transferable in such manner as the by-laws of said corporation shall provide. The persons hereinbefore named are hereby appointed and constituted the first directors of said corporation, to hold their said offices until their successors are duly elected, at the first stockholders' meeting, to be held as hereinafter provided, and qualify, of whom seven shall be a quorum for the transaction of business, which said stockholders' meeting shall be held within six months after the passage of this act. The board of directors of said corporation, after the board hereinbefore constituted as the first board of directors, shall consist of nine persons, five of whom shall constitute a quorum, and said board of directors shall be invested with all the corporate powers of said company. The first meeting of said first board of directors shall be held at such time and place in the city of New York, in the State of New York, as may be designated by a notice delivered to each of said persons hereinbefore named and signed by not less than three of the said persons hereinbefore named, said first meeting to be held not later than ninety days after the passage of this act. Said first board shall organize by the choice from its number of a president, vice-president, secretary, and treasurer, and they shall require from said treasurer such bonds as may be deemed proper, and may, from time to time, change the amount thereof at their discretion. The secretary shall be sworn to the faithful performance of his duties, and such oath shall be entered upon the records of the company, signed by him, with the oath verified thereon. The president and secretary of said board shall in like manner call all other meetings, naming the time and place thereof. It shall be the duty of said first board of directors to open books, or cause books to be opened, at such time and place as they, or a quorum of them, shall determine, within four months after the passage of this act, to receive subscriptions to the capital stock of said corporation. So soon as 5,000 shares shall in good faith be subscribed for, the said president and secretary of said first board of directors shall appoint a time and place for the first meeting of the subscribers to the stock of said company and shall give notice thereof, either personally to each subscriber by mailing to his address, as shown by the books, or in a newspaper published in the city of New York, at least ten days previous to the day of meeting. Such subscribers as shall attend the meeting so called, either in person or by lawful proxy, then and there shall elect by ballot nine directors for said corporation, and in such election each share of said capital stock shall entitle the owner thereof to one vote. The president and secretary of said first board of directors, and in case of their absence or inability any two of the officers of said board, shall act as inspectors of said election and shall certify under their hands the names of the directors elected at said meeting. The said first directors, treasurer, and secretary shall then deliver over to said directors all the property, subscription books, and other books in their possession, and thereupon the duties of said first directors and the officers previously appointed by them shall cease and determine forever. Thereafter the stockholders shall constitute said body politic and corporate. Annual meetings of the stockholders of said corporation for the choice of officers and for the transaction of business shall be holden at such time and place and upon such notice as may be prescribed by the by-laws.

SEC. 2. That the right of way through the lands of the United States in the district of Alaska for a standard-gauge railroad, telegraph, and telephone line is hereby granted to the said Alaska Railroad Company, upon filing due proof of its organization under this act with the Secretary of the Interior, from some point on the Gulf of Alaska at or near the head of Cordova Bay, to be determined by said company, to a point on the Yukon River at or within 2 miles of Eagle, by the most eligible route, the same to be built wholly within American territory, to the extent of 100 feet on each side of the center line of its railroad; also the right to take from the lands of the United States adjacent to the lines of said road materials—earth, stone, and timber—necessary for the construction of said railroad, telegraph, and telephone line; also the right to take for railroad uses, subject to the reservation of all minerals and coal therein, public lands adjacent to said right of way for station buildings, depots, machine shops, side tracks, turnouts, water stations, and terminals, and other legitimate railroad purposes, not to exceed in amount 20 acres for each station, to the extent of one station for each 10 miles of its road, excepting at terminals and junction points, which may include an additional 40 acres, to be limited on navigable waters to 80 rods on the shore line, and with the right to use such additional ground as in the opinion of the Secretary of the Interior may be necessary where there are heavy cuts and fills: *Provided*, That at the ocean terminal of said road, on the Gulf of Alaska, on the Pacific, said terminal lands hereby granted shall include 160 acres of uplands, limited to 160 rods on the shore line, and also the mud flats or tidelands in front thereof: *Provided further*, That nothing herein contained shall be construed to give to such railroad company, its lessees, grantees, or assigns, the ownership or use of minerals, including coal, within the limits of its right of way or of the lands hereby granted: *And provided further*, That all mining operations prosecuted or undertaken within the limits of such right of way or of the lands hereby granted shall, under rules and regulations to be prescribed by the Secretary of the Interior, be so conducted as not to injure or interfere with the property or operation of said railroad over its said lands and right of way. And when said railroad shall connect with any navigable stream or tide water, such company shall have power to construct, maintain, and operate such piers, wharves, docks, bunkers, and terminals as may be necessary and convenient for connection with water transportation, and for that purpose may take, possess, and use the shores in front of said terminals and extend said piers, wharves, docks, bunkers, and terminals to deep water, subject to the approval and supervision of the Secretary of War. The term "navigable waters" as herein used shall be held to include all tidal waters up to the line of ordinary high-water mark. That all charges for the transportation of freight and passengers on said railroad shall be just, fair, and reasonable, and shall be subject to all the provisions of an act entitled "An act to regulate commerce," approved February 4, 1887, and all other acts which now are or may hereafter be amendatory or supplemental thereof.

SEC. 3. That said company, where its right of way, or where its tracks upon such right of way, passes through any canyon, pass, or defile, shall not prevent any other railroad company from the use and occupancy of said canyon, pass, or defile for the purposes of its road, in common with the road first located, or the crossing of other railroads at grade; and the location of such right of way through any canyon, pass, or defile shall not cause the disuse of any tramway, wagon road, or other public highway now located therein, nor prevent the location through the same of any such tramway, wagon road, or highway, where such tramway, wagon road, or highway may be necessary for the public accommodation; and where any change in the location of such tramway, wagon road, or highway is necessary to permit the passage of such railroad through any canyon, pass, or defile, said railroad company shall, before entering upon the ground occupied by such tramway, wagon road, or highway, cause the same to be reconstructed at its own expense, in the most favorable location, and in as perfect a manner as the original road or tramway: *Provided*, That such expenses shall be equitably divided between any number of railroad companies occupying and using the same canyon, pass, or defile, and that where the space is limited the United States district court shall require the road first constructed to allow any other railroad or tramway to pass over its track or tracks through such canyon, pass, or defile on such equitable basis as the said court may prescribe; and all shippers shall be entitled to equal accommodations as to the movement of their freight and without discrimination in favor of any person or corporation: *Provided*, That nothing herein shall be construed as depriving Congress of the right to regulate the charges for freight, passengers, and wharfage, or telegraph and telephone tolls, either directly or otherwise, as provided by law.

SEC. 4. That where said company shall, in the construction of said railroad, telegraph, and telephone lines, find it necessary to pass over private lands and possessory claims on lands of the United States, in case it can not agree with the owners or claimants for right of way, it may condemn the same in accordance with section 3 of the act entitled "An act to amend an act entitled 'An act to aid in the construction of a railroad and telegraph line from the Missouri River to the Pacific Ocean, and to secure to the Government the use of the same for postal, military, and other purposes,' approved July 1, 1862," approved July 2, 1864.

SEC. 5. That said company, by filing with the Secretary of the Interior a preliminary actual survey and plat of its proposed route, shall have the right, at any time within one year thereafter, to file the map and profile of definite location provided for in this act, and such preliminary survey and plat shall, during the said period of one year from the time of filing the same, have the effect to render all the lands on which said preliminary survey and plat shall pass subject to such right of way.

SEC. 6. That said company shall, within one year from the date of filing said preliminary map of location of its road, as hereinbefore prescribed, whether upon surveyed or unsurveyed lands, file with the register of the land office for the district where such land is located a map and profile of at least a 20-mile section of its road as definitely fixed, and shall therafter each year definitely locate and file a map and profile of such location as aforesaid, but not less than 20 miles additional of its line of road, until the entire road has been thus definitely located, and upon the approval thereof by the Secretary of the Interior the same shall be noted upon the records of said office, and thereafter all such lands over which such right of way shall pass shall be disposed of subject to to such right of way: *Provided*, That if any 20-mile section of said road shall not be completed within one year after the approval of said map of definite location by the Secretary of the Interior, or if the map of definite location shall not be filed within one year, as herein required, or if the entire road shall not be completed within eight years from the filing of the said preliminary plat of location, the rights herein granted may be forfeited as to any uncompleted portion of said railroad by the President of the United States: *And provided further*, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

SEC. 7. That said Alaska Railroad shall be constructed in a substantial and workmanlike manner, with all the necessary draws, culverts, bridges, viaducts, crossings, turn-outs, stations, and watering places, and all other appurtenances, including furniture and rolling stock, equal in all respects to railroads of the first class when prepared for business, with rails of the best quality, and there shall be constructed a telegraph and telephone line of the most substantial and improved description to be operated along the entire line: *Provided*, That the said company shall not charge the Government of the United States higher rates than they do individuals for like transportation and telegraph and telephone service. And it shall be the duty of the said Alaska Railroad Company to permit any other railroad which shall be authorized to be built in Alaska to form running and track connections with it on fair and equitable terms.

SEC. 8. That the provisions of this act, except the limit of time for completing the main line, shall extend to such branch lines of railroad

as said company may desire to construct, maintain, and operate within eight years from the passage of this act.

SEC. 9. That the company shall have the power to borrow money and secure the same by mortgage or otherwise.

SEC. 10. That in addition to the terminal lands hereinbefore granted for railroad purposes there be, and is hereby, granted to said Alaska Railroad Company 2,560 acres of the public lands which are not coal lands or mineral in character, to be selected by said company by legal subdivisions, together with the mud flats or tidelands in front thereof at its terminus or near the head of Cordova Bay, for which said 2,560 acres of public lands said company shall pay to the United States $2.50 per acre. Said lands shall be selected in a compact body with a water front on Cordova Bay not exceeding 2 miles. Said Alaska Railroad Company shall pay the cost of surveying the same, as now provided by law in Alaska. Said company shall have the right to select lands claimed or occupied, provided it shall obtain from the claimant or occupant an assignment or relinquishment of his rights, if such lands were claimed or occupied prior to the passage of this act, which assignment or relinquishment in writing shall be filed with the survey and selection of such lands in the office of the register of the United States land office in the district where such lands are situate. Said company shall have the right to improve the said mud flats or tidelands hereby granted for purposes of trade, commerce, and manufacture, in accordance with plans submitted to and approved by the Secretary of War: *Provided*, That ample streets and ways of access to the water front and the harbor area hereinafter provided for shall be reserved to the public by said plans and improvements: *Provided further*, That the public shall have the right to use all wharves, docks, slips, and waterways erected upon the said harbor area, in front of the lands granted by this section, upon payment of reasonable charges therefor, to be regulated by the Secretary of the Interior: *Provided further*, That the Secretary of War shall, as soon as may be after the passage of this act, cause a harbor area to be established along the water front in front of the lands granted by this section at said terminus, at or near the head of Cordova Bay, not exceeding 800 feet in width, which said harbor area shall be reserved in perpetuity for the public, and beyond the outer line of which it shall be unlawful to erect any pier, wharf, dock, or other structure, and said harbor area is hereby reserved from the mud flats or tidelands in this section granted: *Provided further*, That suitable reservations shall be made for public buildings, schools, and parks when said lands are platted, to be approved by the Secretary of War: *And provided further*, That any other railroad company that may desire to make its terminus at Cordova Bay shall have the right to condemn for rights of way and terminal purposes, in the manner provided by law, any of the lands granted by this section and not reserved as a harbor area. Said Alaska Railroad Company is hereby given the right to confine the waters of Cordova Creek to one channel, and to straighten and deepen the same.

SEC. 11. That there be, and is hereby, granted to said Alaska Railroad Company one section of coal lands in Alaska, to be selected by said company, for which coal lands said company shall pay to the United States $10 per acre. If the lands selected are claimed or occupied, they may, nevertheless, be entered by said company, provided said company shall procure and file in the local land office, when such entry is made, an assignment or relinquishment by the claimant or occupant.

SEC. 12. That said Alaska Railroad and any and all branches it may construct, or any part thereof, shall be a post route and military road, subject to the use of the United States for postal, military, naval, and all other Government service, and also subject to such regulations as Congress may impose restricting the charges for such Government transportation: *Provided*, That said company shall be exempt from license or other tax during the construction of the road: *Provided*, That the granting of this charter by Congress shall not be construed so as to prevent the taxation of the franchise and property of said company by any State or Territory constructed out of the district of Alaska or any part thereof.

SEC. 13. That the directors of said company shall make to the Secretary of Commerce and Labor an annual report of their receipts and expenditures, verified by the affidavits of the President and at least five of the directors, and shall also include the name and post-office address of its stockholders and the number of shares owned by each.

SEC. 14. That the directors chosen by the stockholders in pursuance of the first section of this act shall, so soon as may be after their election, elect from their own number a president and vice-president, and said board of directors shall, from time to time and so soon as may be after their election, choose a treasurer and secretary, wh shall hold their offices at the will and pleasure of the board of directors. The treasurer and secretary shall give such bonds with such security as the board may from time to time require. The secretary shall, before entering upon his duties, be sworn to the faithful discharge thereof, and said oath shall be made a matter of record upon the books of the corporation. No person shall be a director of said company unless he shall be a stockholder and qualified to vote for directors at the election at which he shall be chosen.

SEC. 15. That the president, vice-president, and directors shall hold their offices for the period indicated in the by-laws of said company, not exceeding three years, respectively, and until others are chosen in their place and qualify. In case it shall so happen that an election of directors shall not be made on any day appointed by the by-laws of said company, the corporation shall not for that reason be deemed to be dissolved, but such election may be held on any day within three months thereafter, which shall be appointed by the directors. The directors, of whom five, including the president, shall be a quorum for the transaction of business, shall have full power to make and prescribe such by-laws, rules, and regulations as they shall deem needful and proper touching the disposition and management of the stock, property, estate, and effects of the company, the transfer of shares, the duties and conduct of their officers and servants touching the election and meeting of directors, and all matters whatsoever which may appertain to the concerns of said company. And the said board of directors may have full power to fill any vacancy or vacancies that may occur from any cause or causes from time to time in their said board; and the said board of directors shall have power to appoint such engineers, agents, and subordinates as may from time to time be necessary to carry into effect the objects of the company, and to do all acts and things touching the location and construction of said road.

SEC. 16. That it shall be lawful for the directors of said company to receive payment in cash, or in property at its cash value, upon all subscriptions received of all subscribers at such times and in such proportions and on such conditions as they shall deem to be necessary to completely carry out the objects of this act. Sixty days' previous notice shall be given of the payments required and of the time and place of payment by publishing a notice once a week in one daily newspaper in the city of New York, and by mailing a notice thereof to each subscriber from whom such payment is due, addressed to him at the address given upon the books of the company. And in case any stockholder shall neglect or refuse to pay, in pursuance of such notice, the stock held by such person may be sold at public auction to the highest bidder, and the company may bid therefor to the amount due it upon such subscription, subject to the condition that the board of directors may allow any stockholder to redeem his stock when so sold on such terms as they may prescribe.

SEC. 17. That all lawful claims of laborers, contractors, subcontractors, or material men for labor performed or material furnished in the construction of the railroad, telegraph, and telephone lines shall be a first lien thereon and take precedence of any mortgage or other lien.

SEC. 18. That the right of way herein and hereby authorized shall not be assigned or transferred, in any form whatever, prior to the construction and completion of at least one-fourth of the proposed mileage of said railroad, telephone, and telegraph, as indicated by the map of definite location, except by mortgages or other liens that may be given or secured thereon to aid the construction thereof.

SEC. 19. Congress may at any time add to, alter, amend, or repeal this act.

The SPEAKER. The gentleman from Michigan has thirty minutes, and the Chair understands the gentleman from Missouri [Mr. LLOYD] to have thirty minutes.

Mr. HAMILTON. Mr. Speaker, this bill proposes to incorporate a railroad company for the construction of a railroad from Cordova Bay to Eagle, on the Yukon, in Alaska.

Now, Mr. Speaker, this Government is not justified in aiding a private enterprise except where great public benefit will result. In his message at the opening of the Fifty-eighth Congress the President made this recommendation:

> In my judgment it is especially important to aid in such a manner as is just and feasible in the construction of a trunk line of railway to connect the Gulf of Alaska and the Yukon River through American territory. This would be most beneficial to the development of the resources of the Territory and of the comfort and welfare of its people.

In his annual message of December 5, 1905, the President repeated his former recommendation in the following language:

> The Government should aid in the construction of a railroad from the Gulf of Alaska to the Yukon River in American territory.

Mr. Speaker, when this question first came before the Committee on Territories, the idea of Government aid took shape in the suggestion that a guarantee of construction bonds should be given by the Government. To this the Committee on Territories did not feel they could accede, and after several weeks of hearings we finally determined on a plan to aid in the construction of a great trunk line as provided for in this bill and as shown on the map before the House. As a part of the general plan of Government aid, the committee proposes also aid in the construction of a railroad now partly constructed, known as the "Alaska Central Railroad," which is projected from the town of Seward, on Resurrection Bay, northward to Fairbanks, on the Tanana River. The distance from Seward to Fairbanks is 463 miles. The Alaska Central Railroad Company, notwithstanding the fact that they have expended two and a half million dollars, have only been able to construct up to about mile 45. It is estimated that the railroad will cost upward of $20,000,000. As, of course, is known to Members of the House, this country proposed to be traversed by this railroad is utterly wild and uninhabited except that there are occasional mining camps. The line proposed in the bill that is before the House, which extends from Cordova Bay——

Mr. GILBERT of Kentucky. Before you get away from the first line, has the Government heretofore made any contribution of land or aid in any way?

Mr. HAMILTON. There are very few roads constructed in Alaska. There are 45 miles of the Alaska Central constructed, and there is a little road between Fairbanks and Chena, 26 miles long, and there are three short lines up in the Seward Peninsula, the shortest of which is 8 miles long and the longest of which is 20 miles long.

Mr. GILBERT of Kentucky. A charter authorizes the construction of a line up in here [indicating].

Mr. HAMILTON. Yes.

Mr. GILBERT of Kentucky. They have a charter. Now, is there any provision in that charter authorizing the acquisition or acquirement of public lands?

Mr. HAMILTON. There is a provision in a bill which will be brought before the House to give them certain tracts of 160 acres each at certain points mentioned in the bill.

Mr. LACEY. It was increased to 160 at division points.

Mr. HAMILTON. And 160 acres at the northern terminus of this road.

Necessarily, gentlemen of the House have been much occupied with other matters, and very few Members, I take it, have had an opportunity to make any special study of conditions in Alaska. Now, there are practically no railroads in Alaska. I

think I can remember them all, and will try to give them to the House.

The White Pass and Yukon road is a Canadian enterprise, and is a road 112 miles long, running from the head of the Lynn Canal up to White Horse. Twenty miles of that road only are in American territory. Another road, the one I have been endeavoring to describe, the Alaska Central, has constructed only 45 miles of its road, and is having great difficulty to get farther, owing to difficulty in the sale of its bonds, and it has been before the Committee on the Territories and before the Public Lands Committee asking for aid. There is another short road up here from Nome. I think that road is 20 miles long. There is another short road called the "Solomon River Railroad," which, I think, is 17 miles long.

Mr. LACEY. Thirteen miles.

Mr. HAMILTON. Thirteen miles long, the gentleman from Iowa [Mr. LACEY] suggests. And there is another little narrow-gauge road, 26 miles long, running out from Fairbanks to Chena.

Now, here is a vast territory. Alaska is nearly as large as the whole of the United States east of the Mississippi River. It has wonderful possibilities in a mineral way, and it is contended by those who have made a study of the conditions that it has all of the possibilities, from an agricultural standpoint, that Finland has realized. Finland, if I remember correctly, has about one-fourth the area of Alaska, and about one-third of that area is marsh and lake. Another third is forest, and the other third supports a population of 3,000,000 people. Now, it is contended that Alaska has all of the agricultural possibilities of Finland, and it is contended that we ought to aid in the opening up of the internal resources of Alaska, both mineral and agricultural.

Mr. HINSHAW. Along the line of the proposed railroad what agricultural possibilities are there?

Mr. HAMILTON. There are agricultural possibilities in the Copper River Valley. I might as well take that up now. The Copper River Valley is a rich valley. They say there are deposits of copper there rich enough to make another crop of millionaires, and to the east of the Copper River Valley are extensive coal fields.

Another thing I want to call the attention of the House to: We are paying for coal used on our warships on the Pacific Ocean, according to the hearings before our committee, over one million dollars per year, and the coal so purchased is Welsh coal. We are buying Welsh coal because it is said to be cheaper by reason of water transportation than Pocahontas coal, which has to be transported across the continent. Now, here are these coal deposits east of the Copper River Valley, and here are the coal deposits in the Matanuska Valley, and it is said that coal from these fields can be sold at $7 a ton delivered at the seaboard if railroads are constructed, whereas our Government is now paying $12 and $14 a ton for this Welch coal. There would be a material saving to the Government.

Now, another thing: How do we get into Alaska? The only ways of getting into Alaska to-day are, first, by way of this White Pass and Yukon Railroad to White Horse, then down the Lewes River, thence down the Yukon River, and the distance from Skagway, the southern terminus of the White Pass and Yukon Railroad, to Fairbanks, is 1,500 miles. The Yukon River is over 3,000 miles long. The other way to get into this country is around by sea up to Norton Sound. There the large ships have to unload, and their freight is taken into smaller boats and carried up the Yukon. From St. Michael, near the mouth of the Yukon River, to Fairbanks is a distance of 1,000 miles. It takes a month to transport mail to interior points of Alaska. A third route is by trail northward from Valdez.

Another proposition, gentlemen: The average cost of transporting freight to water points in the interior of Alaska is $100 per ton, and off from waterways the freight rates are prohibitive. They are all the way from $2 to $10 per ton per mile. As an illustration, at Tanana Crossing, 300 miles north of the Gulf of Alaska and 200 miles south of the Yukon River, sugar, flour, and salt are each 75 cents per pound, regardless of the real value of the commodity. The price of the commodity is fixed by the cost of transportation. One other illustration: A gentleman appeared before our committee from the town of Fairbanks, and he was intending to take into Fairbanks some motors to be used in connection with an electric lighting plant. Fairbanks is a town of something like 9,000 inhabitants. He said that the cost of the freight on these motors would be 50 cents per pound, or $1,000 per ton.

Now, it is said to be impossible for the miners to work a placer mine which does not pay upward of $10 or $20 a day because of the cost of living. A great deal of the mineral wealth of Alaska is not being utilized or developed because of lack of transportation. It is said to be absolutely impossible to work quartz mines which are not near navigable waters, because they can not get machinery to them. Of course, so far as water transportation is concerned, they can get around the coast of Alaska and up the Yukon River, but in these valleys south of the Yukon there is great mineral wealth and there are great agricultural possibilities.

I will, if I am permitted to extend my remarks in the RECORD, put in some details as to these valleys.

Mr. GILBERT of Kentucky. What about the necessity for snow sheds?

Mr. HAMILTON. I judge others by myself. I had a misapprehension of Alaska. Most people think that it is nothing but a large iceberg with a polar bear on top of it, some bare ground showing here and there. Along south of the Coast Range here the snow is deep at times. North of this Coast Range the snow is seldom more than 3 feet deep. Indeed, the testimony before the committee is that in the Sushitna Valley the blue grass grows. I don't know whether it is the same kind that grows in the State of the gentleman from Kentucky, but it is said that it grows there in its natural state 5 feet in height; and a gentleman testified before us that where the moose had run the grass was so high that a man sitting on horseback could not reach the top of it. Horses turned out in the winter there do well and come out in the spring in good condition.

Now, gentlemen, I can only touch briefly on these different points. I only want to show, or try to show, the absolute necessity of providing some kind of transportation. In regard to this railroad, I want to state that the committee has given very careful consideration to it. I admit that when I went into the consideration of it I was prejudiced against the idea of Government aid. It was quoted to us that we had given aid in the Philippines, and I insisted that that ought not to be treated as a precedent, because the railroad aid given in the Philippines was not directly given by the Federal Government, but was authorized by the Federal Government to be given by the Philippine government. But, gentlemen, we did give Government aid to railroad construction in the Philippines; that is, we put the moral strength of this Government behind a guaranty by the Philippine government of construction bonds of railroads in the Philippine Islands. After long consideration, a majority of the committee finally determined that if we could aid in railroad construction in the Philippine Islands, 7,000 miles away, we could do some little thing for our own American enterprise in our own country.

Now, what have we proposed to do? We discussed it day after day, and finally we said, "Gentlemen, we will incorporate you, and we will give you some aid; we will allow you to buy; we will not give you any land, except that we will increase the terminal grant which the law gives you from 60 to 160 acres, but we will allow you to buy some land." Gentlemen will remember that the railroad law of Alaska makes provision for the construction of railroads in Alaska. It gives 100 feet on each side of the center of the right of way and 20 acres for stations and 60 acres for terminals. Now, they want to build a town at the south end of this railroad. We said, "We will let you buy four sections of land at $2.50 an acre, the Government price. We will not give it to you, and you can not take that land so as to control the water front; you can have only 2 miles of that water front." It was determined further to leave open to the public forever 800 feet along the water front of the proposed town. They said they would like to be permitted to buy the land now, because if they had to take it under the homestead law they could not acquire title for five years, and if we gave them a chance to do this they could acquire title at once and build a city up there. At present this land has practically no value. These gentlemen are optimists. It is an inhospitable country; but they say that they will build a city there. Now, what do we do further? They go along up this right of way and there are coal fields. We say that for the purpose of running your road, and for no other purpose, you can buy at $10 an acre a section of this land. We do not give the land. Let no gentleman here get the idea that we are giving away this land. We say, You can buy a section of land at $10 an acre, the Government price.

Mr. WM. ALDEN SMITH. Mr. Speaker, I would like to ask my colleague whether any of the roads now under construction or already built in this country have been specially chartered by the Government?

Mr. HAMILTON. No.

Mr. WM. ALDEN SMITH. None of them.

Mr. HAMILTON. Perhaps I ought to say, by way of preliminary explanation—and I am hurrying a little—that under the law a preliminary survey has to be filed with the Secretary of the Interior, together with articles of association. Some

roads have filed these preliminary surveys and articles of association, but they have seldom gone beyond that. I believe one road has done some little work out of Valdez—that is to say, it is said that they have done some digging. But they have gone no further. Another thing I want to say is that the Secretary of the Interior complained of the general provision for forfeiture which was originally incorporated in the bill following existing law, and I went to the Secretary of the Interior, and I said that we wanted to be careful about this question, and he suggested that we place the right of forfeiture in the President of the United States, so that if the railroad company does not do as it is required the President can exercise that right.

Mr. GILBERT of Kentucky. The gentleman hurried away from the coal proposition. How many acres of land at $10 an acre are they limited to?

Mr. HAMILTON. One section.

Mr. GILBERT of Kentucky. On the whole road?

Mr. HAMILTON. Yes. They say that the coal is owned by other people, and they might not be able to buy it, or that the other people might not open up the coal fields, and they would have no right to do it. We give them the right to buy, but if others are in possession they must buy from them also. That is a double burden that we put upon them.

I desire to say another thing. The general law says that they shall complete their surveys and shall finish their road in four years. Obviously, gentlemen, it is utterly impossible to construct that road, 525 miles long, in four years. Everybody can see that. So we say that we will give them eight years to construct this road; but if they do not construct 250 miles of that road in five years, they shall forfeit all the lands that we have given them the right to purchase.

Mr. HINSHAW. Does this bill provide for any contribution of money from the Government?

Mr. HAMILTON. Not a cent.

Mr. HINSHAW. Or for a guaranty of any bonds?

Mr. HAMILTON. Not a bond.

Mr. HINSHAW. Then there is nothing whatever in the way of construction except the sale of these lands at a specified price?

Mr. HAMILTON. That is all; and I desire to say that those lands are not worth 2½ cents an acre to-day, and never will be worth anything until transportation companies go in there. I say that it is patriotic for us to help the construction of these railroads. I have gone over it day after day, and I believe in it, and I believe we ought to do it. The President wanted us to aid the construction of railroads, and we said if we could put a trunk line up from Cordova Bay to Eagle, on the Yukon, and put another trunk line from Resurrection Bay to Fairbanks, it would be a great help to Alaska. All of the Members can see for themselves, on the map, that when you do that you have constructed two great trunk lines which open up the internal resources of Alaska. Then, in the course of time—I may be visionary about this—we shall see another great railroad constructed across here, from Fairbanks northwesterly into the Nome country, about 1,000 miles; and we did authorize a preliminary survey or a trail survey this year looking to the ultimate construction of such a railroad.

Mr. BEALL of Texas. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. Yes.

Mr. BEALL of Texas. Under the forfeiture clause of this bill, I believe this railroad is given eight years within which to construct the road.

Mr. HAMILTON. Yes; the 525 miles of it.

Mr. BEALL of Texas. Under the general law they would have only four years.

Mr. HAMILTON. Yes.

Mr. BEALL of Texas. Is it not a fact that this bill will, to that extent, give this railroad an advantage over every other road that is proposed to be constructed into Alaska under the general law?

Mr. HAMILTON. I will try to answer the gentleman. I do not think so, for this reason: Alaska, as I said, is a vast territory and certainly there is room for all railroads who want to construct through there. The great difficulty is that the people can not get capital to go in there to construct these railroads, but whenever any other railroad wants to go through any canyon, pass, or defile occupied by this road, as the gentleman knows, we have provided that that railroad may cross this road, and that that canyon, pass, or defile shall be open to all other roads. Outside of this, there is all this vast territory open to all other railroads.

Mr. LACEY rose.

Mr. HAMILTON. I must yield to some other gentleman. If you will permit me later, I may take the floor.

Mr. BEALL of Texas. I understand about the defiles, etc., but if this road is given four years in which to complete the line, and under the general law all others will be given four years, does not that give a very decided advantage over every other one?

Mr. HAMILTON. Does the gentleman remember we have extended the time of filing definite surveys to three or four of the other roads here?

Mr. BEALL of Texas. But they have to come up by special act of Congress to get an extension of time.

Mr. HAMILTON. We always grant that, and this does not give any special advantage, in my judgment, and I think when my friend goes over it carefully he will agree it does not give any special advantage.

Alaska was acquired from Russia, the transfer being made October 18, 1867. Appropriation for the purchase price, $7,200,000, was made in 1868.

The award of the Commission appointed pursuant to the treaty signed January 24, 1903, to define the boundary between Alaska and Canada, established a line as follows:

Beginning at Cape Muzon at the South point of Dall Island; thence east to Wales Island at the entrance of Portland canal; thence north around Wales Island and northward up the center of Portland Canal to the head thereof; thence north to the fifty-sixth parallel; thence following the crest of the mountains parallel to the coast, or following a line parallel with the sinuosities of the coast and 10 marine leagues therefrom where the mountains exceed that distance from the coast, to the one hundred and forty-first degree of west longitude; thence north on the one hundred and forty-first degree to the Arctic Ocean.

The area of Alaska is about 580,000 square miles, or 37,120,000 acres. It cost the Government in 1867 about 19 cents an acre.

The permanent white population of the Territory was estimated by the subcommittee of the Senate Committee on Territories who visited there in 1903 to be 20,000. The governor of Alaska in his report in 1903 estimated the white population at 26,550, and in his report for 1905 states that it has not materially increased in the last year.

Witnesses before the Committee on the Territories this year, having intimate knowledge of conditions in Alaska, estimate the permanent white population at from 35,000 to 50,000.

Alaska is a partially organized Territory, having a governor and secretary, but no legislature. It is divided into three Federal judicial districts. It is a customs district and there are local land offices.

With reference to the larger towns in the Territory, ex-Gov. A. P. Swineford said before the Committee on the Territories February 23, 1906:

Fairbanks has, I think, the largest population at the present time. I think that in the winter season the population of that place is probably about 5,000, and, including the mining camps and surrounding district, I should say that the population is approximately 15,000. Nome is probably the next largest, having a permanent winter population in the neighborhood of 3,000, and, in addition, 10,000 persons in the surrounding camps. Then comes Juneau, with a population of 2,500. I can estimate that town's population pretty accurately, because the census is taken there nearly every year, though the effort is to make the count less than 1,500, because of the graded liquor license. Next comes Douglas, with a population of, say, 2,000; then Treadwell, with 1,500; then Skagway, with 1,500; Ketchikan, about 1,500; Haines and Fort Seward, 1,000; Wrangell, about 1,200, and Sitka, with about 1,000. Seward probably has a population of 1,500. I would not like to have any Valdez man hear me estimating the population of that place at less than 1,500 or even 2,000.

Since its acquisition, the total receipts from Alaska to and including 1903, exceeded by $999,041.63 the total expenditures of all descriptions, including such exceptional items as expense of revenue vessels, relief of people in mining regions, and Bering Sea awards and commissions.

The commerce of Alaska as compared with that of other possessions of the United States is indicated in a table submitted by ex-Governor Swineford as follows:

Total value of domestic merchandise shipped from the States to Alaska during the year ending June 30, 1905	$11,227,619
Total value of domestic merchandise shipped from Alaska to States during the year ending June 30, 1905	10,698,694
Gold shipments, same period	9,067,325
Total	30,993,638
Gold production for calendar year ending December 31, 1905	15,000,000
Shipments to Hawaii, same period	11,643,519
Shipments to Porto Rico, same period	13,387,457
Shipments to Philippines, same period	6,198,284
From Hawaii to States	36,669,109
From Porto Rico to States	15,537,265
From Philippines to States	12,637,904

MINING.

The largest part of the wealth of Alaska is in its minerals, chief among which now is gold.

The production of gold has increased from $2,000,000 in 1895

to $15,000,000 in 1905, and the total production for that period has been $70,898,000.

About four-fifths of the gold produced is from placer mining, the balance being taken from lode deposits.

Necessarily quartz mining is greatly restricted, in fact prohibited except on navigable water, by the lack of transportation facilities capable of handling heavy mining machinery.

Placer mining is limited to regions where the deposits are sufficiently rich to make return for expensive hand work.

When railroads bring in hydraulic machinery, claims can be profitably worked which can not be worked at all now by reason of physical conditions or are neglected for richer fields.

Under present conditions and by present methods, only gravels carrying at least $2 or $3 per cubic yard can be profitably mined. When means of transportation permit the bringing in of hydraulic machinery, dirt carrying 50 cents and even less per cubic yard can be very profitably worked.

The productive gold districts of Alaska may be divided into three general belts.

The first is parallel with the coast of the Gulf of Alaska, starting at the extreme southeastern point of Alaska on Portland Channel and following the coast to where it bends to the southwest.

This region contains practically all of the producing quartz mines of the Territory, including the Treadwell, at Douglas, which has been in operation for many years and now runs about 900 stamps.

Quartz properties have been located farther west in the coast belt, and Mr. John E. Ballaine, of Seward, Alaska, stated before the Committee on the Territories that last summer a ledge of quartz was discovered in the Kenai Peninsula, east of Cook Inlet, near the line of the Alaska Central Railroad, ore from which assayed as high as $1,600 a ton, and which, it was believed, would average $100 a ton.

Mr. Ballaine further refers to the statement of Mr. Purinton, a mining engineer, who asserted that, in his opinion, Crow Creek Valley, on the north side of Turnagain Arm, Cook Inlet, contains not less than $125,000,000 in gold, which, however, will have to be mined by heavy hydraulic machinery, which can not now, for lack of transportation facilities, be taken into that country.

Some of the smaller placer districts are contained within this coast belt.

The second gold belt extends westward from the international boundary near the Klondike region, and includes the rich camps in the Fortymile and Tanana districts, among them Fairbanks. This belt has an area of approximately 20,000 square miles.

Although the Fairbanks camps alone sent out more than $6,000,000 in gold in 1905, placer mining is limited and quartz mining practically prohibited by lack of transportation.

The third gold-bearing belt extends westward from the Upper Koyukuk, near Coldfoot, above the Arctic Circle, to the Seward Peninsula. For much of the distance between these extremities, it is said, the gold-bearing gravel is covered by "younger" rock.

The placer mines of the Seward Peninsula have produced gold to the amount of $30,000,000.

One quartz mine near Solomon in the Seward Peninsula has been in successful operation for some years, and the development of the field generally has been more rapid because of proximity to tide water.

It has been stated that South Africa is producing $100,000,000 a year in gold, and it is at the same time asserted that the fields in that country are not so rich as those of Alaska.

There is no room for doubt that the extension of placer mining and the inauguration of quartz mining throughout Alaska are dependent almost wholly upon improved transportation.

COPPER.

Copper ores are known to exist in four distinct districts in Alaska.

Two of these districts, one at the southern end of Prince of Wales Island and the other on the east shore of Prince William Sound, being on tide water and having ready access to ocean transportation, are on a profitable commercial basis and produced copper last year to the value of $600,000.

The third copper district is in the Chitina Valley on the southern slope of the Wrangell Mountains.

The deposits are chiefly sulphide ores, found along a contact of greenstone and limestone.

Tests by drilling and surface investigations indicate the existence of extensive bodies of rich ore.

The transportation conditions which restrict gold operations absolutely prohibit copper mining away from the seaboard.

The Chitina field is now reached only by a horse trail 150 or 200 miles long.

The fourth copper district is located in the region of the headwaters of the Tanana, Copper, and White rivers.

It has not been extensively explored, but it is believed that copper exists in commercial quantities.

This district, even more than the Chitina, is dependent upon railroad transportation for development.

COAL.

Coal fields are distributed throughout Alaska. The fields now known in Alaska are equal in area to the fields of Pennsylvania, and only about one-fifth of the Territory has been explored.

While there are some coals of very high grade, probably the greater part are of low grade, lignitic in character, and with a small percentage of fixed carbon.

The total coal production for 1905 was about 2,000 tons.

Lack of transportation is of course more severely felt than in the case of gold or copper, coal away from the seacoast or not reached by a railroad, being of no immediate commercial interest and only valuable as a possible future fuel supply.

Anthracite and semianthracite coal is found in two localities principally, on Bering River, east of the mouth of the Copper River and about 25 miles from Controller Bay. This is sometimes known as "Kayak coal."

This field covers an area of about 70 square miles, of which 25 square miles is anthracite and 45 square miles is semianthracite and semibituminous coking coal.

Doctor Martin, of the Geological Survey, says the quantity is great and the quality high.

The serious obstacle to the development of this field is the fact that although a railroad could easily be built from tide water to it, an artificial harbor would have to be constructed at great cost. Otherwise a railroad must be built from some harbor on Prince William Sound, a distance of practically 100 miles. The Alaska Railroad Company, which the pending bill proposes to assist, intends to reach the coal field by this route.

The second valuable field lies in the valley of the Matanuska River, which flows southwest into Knik Arm, at the head of Cook Inlet. Doctor Martin estimates that this field has an area of from seventy to several hundred square miles. The coals are anthracite, semibituminous, coking, and low-grade bituminous. Both quantity and quality indicate a promising future for the field.

The coal is about 50 miles from tide water, in Cook Inlet.

This field will doubtless be reached by a branch of the Alaska Central Railroad, the main line of which runs north from Seward, and when finished will extend around the head of Knik Arm and up the Sushitna Valley to the vicinity of Fairbanks, a distance of 463 miles.

Next in quality to the coal of the Bering and Matanuska fields appears to be a semibituminous coal found in the vicinity of Cape Lisburne, north of Bering Strait, in about latitude 69°.

This coal is of fair quality, but because the coast is ice locked all but two or three months in the year and because there is no harbor, the coal is not now of commercial value.

There is a small mine on Chicago Creek, on the north side of Seward Peninsula, the output of which, although a low-grade lignite, has sold readily at $40 a ton.

Explorers and prospectors have reported large coal fields on the Arctic slope of northern Alaska, but these fields are too remote to be of present commercial interest.

Bituminous and lignite coals are found in the valleys of the Yukon, Tanana, and Koyukuk rivers, in the Alaska Peninsula, at Kachemak Bay, on the east shore of Cook Inlet; in southeastern Alaska, and in small quantities in various other places.

The two coal fields of immediate commercial and national interest are those on the Bering and Matanuska rivers.

The quantity of coal in each is apparently great and of high quality.

The officers of the Geological Survey say that in quality this coal ranks with Pocahontas coal of West Virginia, and the Welsh coal used by the Navy, and which is necessarily of high quality.

It should be understood that practically no coal, except bituminous coal unfit for use by the Navy, is found on the Pacific coast outside of Alaska.

The Government can buy Welsh coal cheaper at Puget Sound than it can buy coal from the Pennsylvania fields because of cheap water transportation and the advantage of return cargoes.

The Navy uses on the Pacific stations about 100,000 tons of coal a year, which costs an average price of from $12 to $14 a ton, or considerably over $1,000,000.

Gentlemen representing railroad companies seeking to reach the coal fields in question say that when railroads are completed

coal of a grade fully equal to that required by the Navy can be delivered at tide water for from $6 to $7 per ton.

Aside from the interest which the Government should take in the opening of Alaska, it has, so far at least as coal is concerned, a direct financial interest in the deveolpment of railroad transportation, without which coal is inaccessible.

OIL.

The Geological Survey, in a bulletin issued in 1905, reports indications of petroleum in three districts in Alaska—at Controller Bay, just east of the mouth of the Copper River; at Dry Bay and Oil Bay, on the west shore of Cook Inlet, and at Cold Bay, on the east coast of the Alaska Peninsula, opposite the lower end of Kodiak Island.

There are seepages and other surface indications of oil in all these districts, and wells have been drilled, but results have not yet demonstrated that the fields have commercial value.

TIN.

Extensive placer and quartz deposits of tin have been discovered in Seward Peninsula, in the vicinity of Cape Prince of Wales. At least one mine, the Bartels, is in operation at Twin City, Cape Prince of Wales. Assays show values of from $12 to $800 a ton of ore.

Numerous other ledges of tin ore have been located, and assays show high commercial value.

It is estimated by experts that the tin fields cover an area of at least 1,200 square miles, with at least $25,000,000 in ore in sight.

FISHERIES.

The coast line of Alaska is equal to the circumference of the globe at the equator, and it has been stated that there is good fishing for every mile. However, there has been little fishing for commercial purposes north of Bristol Bay.

While the fisheries of Alaska are almost entirely salmon fisheries, still halibut, cod, and herring are caught in large numbers. The red salmon is the principal commercial variety.

That part of the coast where fishing is carried on has been divided for convenience into three general districts—the Bering Sea district (Bristol Bay), the central Alaska district, and the southeastern Alaska district.

Some knowledge of the peculiar habits of the salmon is necessary to an understanding of the methods pursued in fishing.

Salmon eggs are laid in the upper waters of streams flowing into the ocean. It is stated that a female red salmon, the most common variety, lays about 3,000 eggs, a very small proportion of which are hatched, and that only a small proportion of fish hatched reach maturity.

Hon. C. W. Dorr, of the Alaska Packers' Association, states, and his statements are confirmed by Dr. B. W. Evermann, scientific expert of the Bureau of Fisheries, that in his opinion a young salmon remains in the waters in which it is hatched for about a year, and then, being what is known as a "fingerling," it goes down the stream to the ocean, and there utterly disappears for a period varying, in the opinion of experts, from four to seven years. It is believed that it goes into deep ocean water. Experts are not able to tell what becomes of it, but at the end of the period stated, having reached maturity, it returns, by unerring instinct, to the stream where it was hatched, to propagate.

From the time it enters fresh water it practically ceases to eat, and as it passes up the stream over rocks and falls and through rapids it becomes weaker and weaker. It may die before it reaches the spawning grounds in the headwaters and float back downstream, but, at best, it reaches the grounds exhausted and nearly dead. The females deposit the eggs, which are fertilized by the males, whereupon, within a few days, both male and female die and float downstream. The Pacific salmon never goes to the ocean a second time alive.

The salmon deteriorates in commercial value as it advances up the stream, and inasmuch as it never returns from the headwaters alive it must be taken for food purposes at or near the mouths of the streams, and it is there that the fishermen pursue their occupation. The run of salmon up the streams in Alaska lasts usually about a month, and that month ordinarily is July, although seasons vary.

There are about 100 streams which are fished in Alaska. Canneries are located at convenient points on or near them. The fishing fleets come up from the States, cans are made, the fish are canned, and the cans are cased—48 in a case—at the canneries.

The fish are taken almost entirely by three methods—seines, traps, and gill nets.

The great number of salmon in northern waters is indicated by the statement of Mr. Dorr before the Committee on the Territories, that he had on one occasion visited the Fraser River, in British Columbia, during the salmon run, when there were set in the river no less than 525 miles of netting, and it was incomprehensible how a fish going up the stream could escape the obstructions; yet Mr. Dorr asserts that above the nets the fish were so thick in the river as to interfere with each other in their progress upstream.

Numerous similar instances are of record.

Inasmuch as salmon never return to the ocean after going to the spawning grounds, such as are caught are caught on their way to their natural death, and the future supply of fish is only reduced to the extent that captured fish are prevented from spawning. Some streams in Alaska show failure; others which have been fished for twenty-five years show no perceptible decrease of supply.

Admitting, however, that reproduction must be limited by the capture of numerous fish, it is agreed by fishing companies and by officials of the Bureau of Fisheries that the supply of salmon can best be maintained by hatcheries. Already there are several such hatcheries in Alaska, and it is stated by Howard M. Kutchin, special agent of the Bureau of Fisheries for Alaska salmon fisheries, in his report for 1905, that in the last year 109,500,000 young salmon were released from hatcheries maintained by certain of the fishing companies.

According to the same report of Special Agent Kutchin, 45 corporations, firms, and individuals were engaged in salmon fishing in Alaska in 1905. The capital stock of these concerns was $11,371,150, the value of their plants was $5,728,978, and the value of the salmon pack for 1905 was $6,563,655.

Ten thousand six hundred and forty-five men were employed at wages amounting to $2,231,119.

Sixty-eight traps, 211 seines, and 1,154 gill nets were in operation.

FURS.

Furs and fur skins were shipped from Alaska during the year ending June 30, 1905, to the value of $494,764.

The skins taken are mainly polar, black, and brown bear; black wolf; white, red, blue, and silver-gray foxes; badger, beaver, sable, and seal.

AGRICULTURE.

Agriculture in Alaska is at present confined to vegetable gardens scattered throughout the Territory as far north as Coldfoot, above the Arctic Circle; to small patches of hardy cereals, grown mainly at United States experiment stations; to the pasturing of wild grass and the harvesting of it for winter feed.

Practically all the hardy vegetables are grown, success varying with the length and character of the summer seasons. Potatoes have done well as far north as the Arctic Circle.

While vegetables are grown largely for private use, small market gardens are found in various places.

The Department of Agriculture has experiment stations at Sitka, Kenai, on the east shore of Cook Inlet, Copper Center, on the Copper River, 105 miles from Valdez, and at Rampart, on the Yukon.

That part of Alaska possessing agricultural possibilities may be divided into two general regions:

1. The southern coast region, lying between the ocean and the coast ranges of mountains, and including numerous islands; and

2. The river valleys between the coast ranges of mountains on the south and the Yukon Valley on the north.

To these regions may be added the Seward Peninsula, separated from Siberia by Bering Strait, and the great plateau extending north from the Arctic Circle to the Arctic Ocean. Both these regions are barren and covered with tundra, and propably neither need be considered from an agricultural standpoint, although, as stated, vegetables are raised in gardens as far north as Coldfoot, considerably above the Arctic Circle.

The coast region may be subdivided into southeastern and southwestern divisions.

Throughout the entire coast region experiments with grain have been almost wholly unsuccessful because of heavy rainfall and lack of dryness and sun heat necessary for maturing grains.

The coast region is rough and in nearly all places broken into small valleys. There are no extensive plains or valleys, unless a possible exception be the Yakutat Plains, near Yakutat Bay, about midway between Sitka and Valdez. Blue top, sedge, and beach rye are found here, but the area is limited and the soil boggy, requiring drainage for successful cultivation.

In the southeastern division of the coast region much of the land which might be arable is covered by timber, mainly spruce. Even where the timber has been cut the stumps remain a great length of time, and can only be removed and the ground otherwise prepared at great labor and cost.

Vegetables do well in this region. Experiments are being

made with hardy fruits. Professor Georgeson expects that some hardy varieties, including apples, may succeed.

Wild currants and berries of high quality grow profusely throughout Alaska.

The soil, where it is at all arable, throughout the coast region is reported by Professor Georgeson to be somewhat sour, because, by reason of lack of heat, decomposition has been too slow and acids have formed. This difficulty is in some measure overcome by the use of lime as fertilizer.

The southwestern division of the coast region, known as the "treeless region" and extending westward from Prince William Sound, will be mainly valuable for grazing. Wild grass of good quality is found along the coast and on the larger islands, principal among them Kodiak, lying just below Cook Inlet.

The most common grasses are blue top, beach rye, and sedge.

Sedge is found in a zone next the coast. Beyond this is a belt of beach rye, while blue top is most abundant on the hillsides.

Blue top, owing to its slender stems and thin leaves, cures readily, beach rye with more difficulty, and sedge very slowly.

In the coast region at least it seems practically impossible to preserve large amounts of winter feed by curing, and it is believed resort must be had to silos.

In the southwestern division of the coast region vegetables are easily raised. Grains do not ripen for the reasons stated.

The climate of the southern coast region is mild and moist, both conditions resulting from the Japan current. The average winter climate of Sitka, Juneau, and Seward, on the southern coast, has frequently been said to be milder and more equable than that of Washington. The snowfall is heavy.

INTERIOR ALASKA.

Interior Alaska, north of the coast range of mountains, available for agricultural purposes comprises five river valleys—the Sushitna, Copper, Tanana, Yukon, and Kuskokwim. The climate of interior Alaska is dry and cold. The summer temperature in the interior valleys is said to range from 70° to 80°. In winter the mercury has been known to fall as low as 70° below zero, but the average winter temporature is said to be from 10° to 35° below zero. The general climate has been compared to that of Montana. Rain and snow fall is not heavy. The lack of moisture is complained of in connection with agricultural experiments, but lack of rain and snow is supplied in some degree by the moisture rising from the frozen earth always found underneath the surface.

The Sushitna River rises near Mount McKinley and flows almost directly south for something over 200 miles into the head of Cook Inlet.

The valley proper is said to have an altitude of from 100 to 700 feet above sea level.

The Coast Range shuts off the moist atmosphere of the coast, and the climate is dry and cool.

The winters are long and cold, and the summers, with long arctic days, are short and hot.

Vegetation matures rapidly in many hours of hot sun.

Seeding begins in May, and frosts may be expected in late August or early September.

Wild grass is abundant, growing to the height of 6 feet in some cases. Where it can be cut it yields commonly 2 or 3 tons to the acre, and frequently more.

Owing to the dry, clear atmosphere, grass is cured with comparative ease.

Except in unusually short seasons hardy grains mature easily and produce well. Oats, wheat, rye, and barley have been subjects of successful experiment. Mr. Ballaine, of Seward, believes Russian Club wheat to be particularly adapted to the climate of interior Alaska.

Vegetables are easily grown.

It has been estimated that the possible agricultural area of the Sushitna Valley is 10,000 square miles.

The Copper River Valley lies perhaps 150 miles east of the Sushitna Valley. Its altitude is somewhat greater than the Sushitna, and its climate is somewhat colder. Otherwise conditions are much the same as in the Sushitna Valley.

Grains have frequently been matured at the experiment station at Copper Center. Vegetables are regularly raised.

In this valley the land rises in broad terraces from the river bottom.

Professor Georgeson estimates the possible agricultural area at 15,000 square miles.

The Tanana Valley follows the river of the same name, which flows in a northwesterly direction from near the headwaters of the Copper River into the Yukon at the one hundred and fifty-seventh meridian, and is estimated to have a possible agricultural area of 15,000 square miles.

Climatic conditions are similar to those in interior valleys heretofore named.

Portions of the Yukon Valley are available for agricultural and grazing purposes practically throughout its entire length in American territory.

The possible agricultural area of the Yukon Valley is estimated at 30,000 square miles. Conditions are much the same as in the Sushitna, Copper, and Tanana valleys.

The Kuskokwim Valley, less explored than the other valleys, follows the river of that name, which rises near Mount McKinley and flows in a general southwesterly direction into Bering Sea north of Bristol Bay.

Climatic conditions are similar to those in other inland valleys. The possible agricultural area of the valley is estimated to be 15,000 square miles.

Professor Georgeson has estimated that about 85,000 square miles in interior Alaska may be devoted to agriculture and grazing.

SUMMARY.

On February 27, 1906, Professor Georgeson appeared before the Committee on Territories, and in the course of his remarks, in reply to a question as to how the land and climate of Alaska compared with the land and climate of nations of Europe in about the same latitude as that of Alaska, made a comparison between Alaska and Finland.

Finland lies between the sixtieth and seventieth parallels, as does the main body of Alaska, with southeastern and southwestern Alaska lying south of the sixtieth parallel.

Climatic conditions are practically the same.

Finland has an area of about 148,000 square miles, or about one-fourth that of Alaska.

One-third of the area of Finland is forest, one-third lakes and marshes, and the remaining third, about 50,000 square miles, supports a population of about 3,000,000, only about one-tenth of whom live in towns and engage in occupations other than agriculture.

From Professor Georgeson's estimate of the possible agricultural area of Alaska it will be seen that there is no reason why Alaska should not support an agricultural population at least equal to that of Finland, which is maintained on barely more than half the agricultural area of Alaska.

It is not contended that agricultural developments will be rapid, but that the high prices paid for agricultural products in Alaska and liberal homestead laws will gradually attract a population of hardy settlers.

At present the population furnishing a market for agricultural products is limited to those engaged in placer mining.

The construction of railroads will not only result in the extension of placer mining, but permit the bringing in of machinery for quartz mining, stamping and smelting of gold, and will open extensive copper and gold properties, which for lack of adequate transportation can not be developed.

The development of these enterprises, which can only come with trunk lines of railroad, will necessarily result in greatly increased population, affording a proportionately larger home market for agricultural products, and the gradual establishment of stable agricultural communities.

COMMUNICATION AND TRANSPORTATION.

MAIL SERVICE.

Eighty-seven mail routes are reported to be in operation in Alaska, covering 26,247 miles.

Mail is carried by contract, in some cases at a certain rate per pound, in others for a fixed amount per round trip, and in others at a fixed amount for a given period.

Trips vary in frequency, with the geography of the Territory, from seven trips a week to two round trips during the winter in each year.

TELEGRAPH.

The only telegraph system in Alaska consists of the Government cables and land lines.

The cable system extends from Seattle to Sitka, Valdez, and Seward, with a branch line from Sitka to Juneau, Haines Mission, and Skagway, a total distance of 2,333 miles. The estimated cost of the cables is $1,121,900, or $481 a mile.

The land lines, 1,405 miles in extent, connect with the cable system at Valdez, run to Eagle, thence across through Fairbanks, and down the Yukon to St. Michael.

The estimated cost of the land lines is $867,500, or $617 a mile, the comparative high cost of land lines being largely due to the cost of transportation.

St. Michael and Safety Bay, near Nome, are connected through a distance of 107 miles by wireless service, the two stations for which cost $32,000. Safety Bay and Nome are connected by a short land line.

TELEPHONE.

Short telephone lines are reported in various parts of Alaska.

It was stated before the Committee on Territories that one company was operating about 700 miles of telephone line in Seward Peninsula.

TRANSPORTATION.

In a general way it may be said that there are three routes of travel and transportation into Alaska.

First, by sea to Skagway; thence by the White Pass and Yukon Railroad to the head of navigation on the Lewes River, a tributary of the Yukon, and thence down the Lewes and Yukon Rivers to such points as can be reached on the latter and its tributaries. By this route the distance from Skagway to Fairbanks is about 1,500 miles.

The second route is by the Pacific Ocean, Bering Sea, and the Yukon River. The distance from St. Michael at the mouth of the Yukon River to Fairbanks is something over 1,000 miles.

These two routes are available during the summer months only. The ice goes out of the Yukon so that boats can go down the river about June 1, and navigation on the river closes about October 1.

The ice in St. Michael's Bay prevents entrance to the mouth of the Yukon River until about July 1, and navigation continues until about the middle of September.

The third route is inland by trail from Valdez. The trail runs northwest to Copper Center; above that point one branch follows the military telegraph line to Eagle City, and the other branch strikes north across country to the Tanana and Fairbanks.

Freight can only be taken over this route in winter. Travel in summer must be by horse or on foot.

Maj. W. P. Richardson, of the Army, states that even with good wagon roads it is "hardly possible to bring the cost (of transportation) below $2 per ton mile, and it ranges from that to $8 or $10 per ton mile, a price prohibitive except for short distances."

Freight rates by water into such points in the interior as are on navigable water are said to average about $100 a ton.

One witness before the Committee on the Territories, Mr. A. Spring, of Fairbanks, president of the Tanana Electric Company, stated that on his return to Fairbanks he would take with him certain electric motors to be used in connection with the pumping operations of his plant, and that he would have to pay freight charges of 50 cents a pound, or $1,000 per ton.

At Tanana Crossing, 300 miles from the Pacific Ocean and 200 miles from the Yukon, flour, salt, and sugar were quoted at 75 cents a pound, and in the winter horse feed ranges from 7½ to 25 cents a pound, or from $150 to $500 a ton. This cost is fixed wholly by high transportation charges.

WAGON ROADS AND TRAILS.

Under existing law all money collected from licenses, which are in the nature of occupation taxes, outside of incorporated towns, is set apart for what is known as the "Alaska fund."

Seventy per cent of this fund is expended by the board of road commissioners for the improvement of roads and trails, but the fund has been too small to permit extensive improvements.

The Senate added to the military appropriation bill an item of $150,000 to be applied to this work.

The Secretary of War proposed to recommend and urge an appropriation of $1,000,000 for road and trail improvement in Alaska, but stated that in case Congress concluded to extend aid in the construction of railroads this appropriation for road and trail work might properly be withheld.

The work of the Government in surveying and establishing roads and trails not only confers immediate benefit in improved shipping facilities, but is of large indirect benefit in possible railroad construction by determining at Government expense the most feasible routes for railroads, and in ascertaining and reporting the conditions to be encountered along various routes.

RAILROADS.

The primary interest of the Federal Government in connection with railroads in Alaska should be to extend such aid as will secure the construction of certain trunk lines connecting the Yukon River and intermediate interior points with ports on the Pacific Ocean, which are open to navigation throughout the year.

Two natural routes from points on the Gulf of Alaska commend themselves both because of the excellence of the harbors at their ocean termini, and because of the physical advantages along the line of the routes.

One of these routes is by the valley of the Sushitna River, which extends northward from the head of Cook Inlet and furnishes comparatively easy grades through the mountain ranges and for the greater part of the distance from the ocean to Fairbanks on the Tanana and to the Yukon River. As heretofore indicated, a liberal coal supply of high quality is conveniently at hand in the Matanuska Valley.

The other of these routes is from some point on Prince William Sound or adjacent waters up the valley of the Copper River, thence northeast to the Yukon River near Eagle City, or northwest up the Tanana Valley to Fairbanks and the Yukon.

Railroads extending from the Gulf of Alaska by these routes, supplemented by a line from the vicinity of Fairbanks westward to Seward Peninsula and Nome, would solve the problem of transportation in Alaska. Branch lines would quickly meet local needs, and in time the whole of Alaska would be given quick and ample transportation during the entire year.

Progress in railroad construction in Alaska is indicated in a memorandum submitted to the Secretary of War by Maj. W. P. Richardson, of the Ninth Infantry, and president of the board of road commissioners of Alaska.

The memorandum is as follows:

The railroad mileage in Alaska at present embraces the following:

1. A section 20 miles in length of the White Pass and Yukon route, from Skagway to the summit of White Pass, which is continued in Canadian territory to White Horse, and there connects with river navigation in summer and stage in winter for Dawson. No extensions of this road have been made since the summer of 1901.

2. At Valdez, preliminary work only, upon a proposed road from that point to the copper properties south of the Wrangell group of mountains, with possible extension to similar deposits reported on the Nebesna branch of the upper Tanana.

3. At Seward, Resurrection Bay, the Alaska Central Railroad (building), which reported late last season a probable completion of 50 miles by the end of 1905. This road, I understand, is heading for some point on the Tanana.

4. Tanana Mines Railway, 26 miles, constructed last season, connecting Fairbanks with Chena, on the Tanana River, and creeks in the vicinity.

5. On the Seward Peninsula (Nome district) the Nome-Arctic Railway, extending from the town of Nome something over 20 miles into the peninsula northward toward the head of Nome River and the Kongorok district.

6. The Solomon River road, from the mouth of Solomon River (35 miles east of Nome) up the said river and toward Council City, the proposed terminus, 17 miles of which are now completed.

7. The Council City and Ophir Creek road, from Council to mining claim No. 15, Ophir, about 8 miles.

Of these various roads, the Alaska Central and the Solomon River roads are standard, the others narrow gauge. The roads in the Nome district operate at present only during the summer season. The White Pass and Yukon is operated continuously, and is in excellent condition for all kinds of traffic.

These different sections of roads are enumerated to show the progress of railroad construction up to date in Alaska. It has been demonstrated that the cost of construction is not abnormally large and that roads can be operated the year round.

With the exception of the White Pass and Yukon route, which serves mostly Canadian territory, the railroads so far constructed have been of little, or only local, benefit in the development of the region, partly through lack of information and absence of defined plan in the minds of promoters, and in some cases through a conflict of effort to secure concessions or aid from the Government, by which investors would be assured a return upon their capital stock.

Of such of these roads as are in operation or actual construction, only the Alaska Central gives promise of being such a trunk line as would warrant Government aid on the theory of the general good of Alaska and of the United States.

Reference is made to a proposed road from Valdez. This road is doubtless one of a group of roads proposing, or stating that they propose, to construct trunk lines from the vicinity of Valdez, Orca, or Martin Island up the Copper River Valley to the Yukon.

Up to this time five companies, seeking to utilize the Copper River Valley route, have been organized under the laws of various States of the Union, and are availing themselves of the meager advantages offered by the general law relating to the construction of railroads in Alaska, approved May 14, 1898.

The following analysis indicates what grants are made to railroads under this law and what steps railroad companies must take to secure the benefits offered by the act.

By the general law, act of May 14, 1898, companies building railroads in Alaska are granted:

1. Right of way 100 feet each side of center of road.

2. Right to take from adjacent public lands earth, stone, and timber for construction purposes.

3. Right to take 60 acres for terminals and 20 acres each 10 miles for stations, side tracks, etc.

4. Right to use such additional ground as in opinion of the Secretary of the Interior may be necessary in case of heavy cuts or fills.

5. Minerals in right of way and other lands are reserved from grant.

To take advantage of the act companies must—

1. File copy of articles of incorporation and proofs of organization with Secretary of the Interior.

2. File "preliminary actual survey" with Secretary of the Interior. (Such preliminary survey gives right to file "map and profile of definite location" within one year, and during

that year the lands covered by preliminary survey are subject to the right of way.)

3. File, within one year of date of filing preliminary survey, map and profile of definite location of at least one 20-mile section.

4. File thereafter each year map of definite location of at least one additional 20-mile section.

5. Uncompleted sections of road will be forfeited—

(*a*) If any section be not completed within one year after filing map of definite location.

(*b*) If map of definite location be not filed within one year as above required.

(*c*) If the entire road is not completed within four years after filing map of definite location.

The extent to which these companies, which for convenience may be called the Copper River companies, have proceeded under the general law is indicated by the following statement, based on information furnished by the Secretary of the Interior:

STATUS OF COPPER RIVER VALLEY ROADS.

1. Valdez, Marshall Pass and Northern:

Proposed from Valdez to Eagle City, 413 miles.

Incorporated under laws of New Jersey.

Articles of incorporation accepted by Interior Department June 9, 1905.

Preliminary survey for 25.78 miles from Valdez to Marshall Pass filed May 6, 1905.

Stated that map of definite location filed in land office at Juneau.

2. Copper River Railway Company:

Proposed from mouth of Copper River to Fairbanks, with privilege of continuing to the Yukon.

Incorporated under laws of Washington.

Articles of incorporation accepted March 14, 1906.

Preliminary survey from point on Copper River at mouth of Kotsina River south to Eyak Point, Orca Inlet, accepted for filing April 11, 1906.

3. Copper River and Northwestern Railway Company:

Proposed from Valdez to Eagle City, with privilege of continuing to the Koyukuk.

Incorporated under laws of Nevada.

Articles of incorporation accepted July 18, 1905.

Map of definite location for 20 miles from Valdez through Keystone Canyon accepted for filing January 17, 1906.

Preliminary survey from Keystone Canyon to Ptarmigan Drop accepted April 9, 1906.

Preliminary survey from Hayden Canyon to Copper River accepted January 31, 1906.

Three plats for station and terminal grounds filed and approved.

4. Alaska Pacific Railway and Terminal Company:

Proposed from Martin Island, in Controller Bay, to Eagle City, 450 miles.

Incorporated under laws of Washington.

Articles of incorporation accepted April 6, 1906.

Preliminary surveys covering 117 miles north from Martin Island have been filed, but no action has yet been taken upon maps.

Three plats of definite location of station and junction grounds have been filed, but no action has been taken.

5. Akron, Sterling and Northern Railroad Company:

Proposed from Valdez to Eagle City.

Articles of incorporation and preliminary survey from Valdez to Eagle City and map of definite location 20 miles northward from Valdez, filed in 1903, but rights so obtained have been relinquished.

Probably the only railroad now on a profitable commercial basis in Alaska is the White Pass and Yukon road, extending from Skagway, at the head of Lynn Canal, 20 miles in American and 92 miles in Canadian territory to White Horse, at the head of navigation on the Lewes River, a large tributary of the Yukon.

This road, owned by English capital, of course controls traffic seeking entrance to Alaska by the upper Yukon route and serves the Yukon River country often as far west as Rampart and Fairbanks.

The Canadian government has always given liberal aid to railroad construction.

At present a road being built from Dawson, 84 miles, to Stewart River, in British Yukon territory, is receiving a cash subsidy of $6,400 a mile. Gentlemen connected with the road state that the company has been assured that if it would extend its line southward to connect with the Canadian Pacific, or with the proposed Grand Trunk Pacific, the Canadian government would guarantee the interest on its construction bonds to the extent of $30,000 per mile.

Aside from aid from the Dominion government, the province of British Columbia is offering liberal land grants in aid of railroad construction.

The evident policy of the Canadian government is to secure an "all Canadian" route to the Yukon, and in pursuance of this policy Canada is assisting the Grand Trunk Pacific Company in the construction of 3,600 miles of road from the Atlantic to the Pacific. Approximately the eastern half of the road is being guilt by the government, to be leased to the company on the basis of 3 per cent of the cost of construction. In the prairie section of the western half of the road the government will guarantee the company's bonds to the extent of $12,000 per mile, and in the mountain section of the western half the government will guarantee the company's bonds to the extent of three-fourths of the cost of construction.

The western terminus of this line is Port Simpson, just below the southern end of Alaska and nearer Alaska by almost 500 miles than any port in the United States.

THE ALASKA RAILROAD COMPANY.

It is intended that the road, the building of which the pending bill seeks to encourage, shall start at the head of Cordova Bay, on Prince William Sound, run south and east to the Copper River, which it is to cross at the head of the delta just below Childs Glacier. From this point a branch is to run southeast about 50 miles to the Bering River coal fields. The main line again crosses the Copper River about 3 miles above the first bridge and follows the river on its west bank to a point above Copper Center, where it leaves the river and in a general way follows the line of the military telegraph to Eagle City; in all, a distance of about 525 miles.

No surveys have been officially filed with the Interior Department, because there is no corporate entity to make the filing, the incorporation of certain persons being one of the objects of the pending bill.

However, a reconnoissance has been made covering practically the entire route. Its feasibility has been determined, and its cost estimated at from $30,000 to $40,000 per mile, or about $20,000,000 for the entire road.

The financial standing of the proposed incorporators is sufficient guaranty of their ability to finance the road.

Such objections as are publicly made to the pending bill may all be reduced to the complaint that it conflicts with the rights of other companies which have gone ahead in good faith under existing law.

First, it can not be claimed that the proposed charter conflicts with other companies in their rights of way. The exact provisions of the general law as to the location of rights of way are followed. This charter confers no special privilege in that respect.

Even if the bill sought, which it does not, to deprive any other company of rights which it has acquired under existing law, it could not legally do so.

Mr. C. Z. Gordon, representing the Alaska Pacific Railway and Terminal Company, stated before the Committee on Territories that, in his opinion as a lawyer, the bill could not deprive his company of any legal rights.

Dr. M. W. Bruner, agent and promoter of the same company, referring to the bill, stated that he "would be glad to see these gentlemen get any aid they are asking. The pending bill will not reach our own case, and we do not expect to avail ourselves of its beneficence."

On the question of any possible advantage which the road seeking incorporation by this bill might acquire over any other road, ex-Senator George Turner, representing the Alaska Central Railroad Company, said:

> I can see no advantage that would accrue to a company incorporated by Congress over that of a company incorporated by one of the States.

The representatives of the gentlemen seeking incorporation by this bill state frankly that they hope to raise money more readily under a Federal charter, which is evidence of the interest of the Government in railroads in Alaska.

Objection is made on the ground that this bill grants a right to obtain land which is not granted to other roads proceeding under the general law.

If it is wrong to grant a charter and if it is wrong to grant land and if it is inadvisable to extend the Government credit, then there is no proper aid for railroads in Alaska, and they may as well be allowed to shift for themselves under the provisions of the general law which grants no encouragement which has been sufficient so far to cause to be built any railroad of commercial value in Alaska.

Land grants in aid of railroads have seldom, if ever, been made otherwise than by special act. They can not well be made by general law, because until the request for the grant is

made and its location indicated neither the necessity for it nor the wisdom of it can be determined.

The Committee on the Territories did not feel justified in reporting a bill to extend the credit of the Government by guaranty of interest on railroad bonds.

The gentlemen interested in the pending bill expressed the belief that with the small grant of terminal lands, the right to purchase town-site land, and the Federal charter they could build a trunk line of railroad, and the lands purchased are forfeited if they do not build such a line.

The bill grants to the company a right of way 200 feet wide, with 20 acres each 10 miles for stations. The provision of the general law is the same. The bill grants 160 acres for terminals, instead of 60 granted by the general law.

The bill gives to the company the right to buy 2,560 acres of land on Cordova Bay for a town site, which tract shall be in compact form with a water frontage not exceeding 2 miles. A harbor area 800 feet wide across the entire water front is reserved to the public forever.

The bill grants the proposed company the right to buy 640 acres of coal land at the Government price of $10 per acre.

This is giving the company no special privilege as to coal land, compared with a bill which recently passed the House proposing to give any individual the right to enter upon 1,280 acres at that price. This bill merely enables the company to obtain full title at once.

Representatives of some companies have urged that the people seeking this charter and land grant should be content with the advantages offered by the general law in respect to the construction of railroads in Alaska.

The inefficiency of the general law in the securing of trunk lines of road in Alaska is shown by the fact that of at least seven companies, organized under the laws of various States and proceeding under the general law which has been in operation for eight years, only two have built any road, and both of these asserted before the Committee on the Territories that they were sorely in need of aid and doubted their ability to proceed without it. Both are now curtailing their operations.

The other five companies have done no more than file surveys, with the possible exception of one which is said to have done some grading out of Valdez.

The pending bill is the result of long and careful investigation and work upon the provisions of the bill by a subcommittee of the Committee on the Territories.

The bill as at first introduced was objected to by the Interior Department.

It was again amended, but in some particulars still met objection in the Department. It was again amended and has the approval of that Department. [Applause.]

Mr. LLOYD. Mr. Speaker, I fully concur in everything that has been said about the possibilities of Alaska and the necessity for railroad construction. I fully agree in all that is said with reference to the coal lands and copper industry and the necessity of having some means of transportation by which those products may reach a market. But I can not agree in the judgment of the committee as expressed by its chairman that because Alaska needs railroads that this particular railroad is to be favored by the United States Government. If you will carefully investigate this matter you will ascertain that there are now two roads projected practically over the same route that this proposes to travel. There are two roads now chartered under the laws of the States and each of them have done some work looking toward construction of their roads. I may be mistaken, but my judgment is that the only effect the passage of this bill is to make a choice amongst three roads and give an opportunity to one that is not afforded to the other two. The proposed road seeks through this bill to obtain a charter. The several roads that are now doing business in Alaska are not chartered by the United States. Their incorporation is effected under State law.

Mr. YOUNG. Will the gentleman tell me what the three roads are to which he refers?

Mr. LLOYD. The Alaska Central, which has been graphically described by my friend [Mr. HAMILTON], the Copper River road, and I do not know the name of the other road, but it is represented by some Pennsylvania people. I guess there is no question about the fact that there are two roads.

Mr. HAMILTON. You mean the Bruner road?

Mr. LLOYD. The Bruner road.

Mr. HAMILTON. I did not understand what the statement of the gentleman was in that connection. Will you kindly repeat it? I was listening to something else.

Mr. LLOYD. The gentleman from Michigan [Mr. YOUNG] asked me to state what were the three roads to which I referred. I said the Alaska Central was a chartered road, and I said there are two others that practically go over the same route that is proposed by this one, and one of those is the Copper River route and the other is the Bruner road.

Mr. HAMILTON. I do not agree with the gentleman in that they go over the same route.

Mr. LLOYD. I said practically. Of course, it is not exactly the same. In going through the difficult part of it, which is the defiles in the mountains, I suppose they will travel necessarily over the same route.

Mr. HAMILTON. I believe that is true.

Mr. HUMPHREY of Washington. That is provided for in the bill.

Mr. LLOYD. That is provided for in the bill. But up to the present time, if the House will permit me to say, no railroad has been chartered by the Government to do business in Alaska, and what is sought to be done by this bill is to give this particular road a Government charter.

Mr. HAMILTON. Will the gentleman yield?

Mr. LLOYD. Yes.

Mr. HAMILTON. Does not the gentleman think we might as well give a charter to these people, or that it would be as proper, at least, to give a charter to these people, as to give a Government guaranty of interest on construction bonds on railroads in the Philippine Islands?

Mr. LLOYD. Mr. Speaker, I will not reveal any secrets of the committee room when I say that the gentleman from Michigan and myself fully agree, or have thus far, on the question of Government aid to a railroad. Both of us are opposed to guaranteeing any interest on bonds.

Mr. HAMILTON. That is true.

Mr. LLOYD. And as far as the Philippine Islands are concerned, we both agree on the question of guaranteeing interest on bonds there; and I think we further agree that if the legislation that guaranteed interest on Philippine bonds had come from the Committee on Territories, we would have had considerable trouble in getting the bill out.

Mr. HAMILTON. I think you are right. The point I was making is this: We are seeking here in this bill to give a Government charter to a railroad, when we have a law that is applicable to Alaska that gives the right of way and terminal facilities, and gives every facility for the construction of a railroad. A company can be organized anywhere in the United States just as these other companies have been and transact a railroad business and build their railroad in Alaska.

Mr. HUMPHREY of Washington. Have any roads been built under companies that have organized under State incorporations?

Mr. LLOYD. Yes; the Alaska Central is incorporated and doing business under State laws.

Mr. HUMPHREY of Washington. How much have they built?

Mr. LLOYD. They have built about 50 miles of road.

Mr. HUMPHREY of Washington. That is practically all in Alaska, except the White Pass and Yukon?

Mr. LLOYD. There are five little roads, as I remember it, in Alaska. This road is the longest. That has been constructed a distance of between 40 and 50 miles, and there is the Solomon City road, and a little road out of Nome, and a little road out of Fairbanks.

Mr. HUMPHREY of Washington. But none of them practically, except these you have mentioned, have done any constructing work.

Mr. LLOYD. I beg your pardon. The Solomon City road has 17 miles of road constructed and in operation. There is a little road of about 8 miles in length, if I remember, out of Nome.

Mr. HAMILTON. That is the Council City road.

Mr. LLOYD. There is also a little road out of Fairbanks to the coal banks, narrow-gauge road that is now doing business, about 18 miles in length.

Mr. HAMILTON. All of these roads are narrow-gauge roads, except the Alaska Central and the Solomon City road.

Mr. LLOYD. The Alaska Central road, the one that is intended to go from the Pacific Ocean to the Yukon, a distance of some 400 miles, is a standard-gauge road.

Mr. HAMILTON. I have figured up, and including the 20 miles of the White Pass and Yukon there are only 136 miles of railroad, all told, in Alaska, including that little short line out of Fairbanks.

Mr. LLOYD. I think that is true; yes, sir. Now——

Mr. YOUNG. Can the gentleman tell me how long it has been since we began building roads in Alaska?

Mr. LLOYD. Not very long—some five or six years, I think. The greater part of these roads have been constructed in that time. The White Pass has been completed and in operation a longer time than that, but I do not know exactly the date at

which construction began. Of course, most of them are not yet completed.

Mr. YOUNG. So the total result of five or six or seven years of work has been 137 miles?

Mr. LLOYD. Yes.

Mr. YOUNG. And none of them have reached the interior of the country?

Mr. LLOYD. No, sir. Now, at the present time there are three roads already incorporated under the laws of the States that are engaged in preliminary and permanent survey or in the construction of roads from the Pacific Ocean to the interior of that country. There are two general roads—one the Alaska Central, about which nobody complains, and so far as this bill is concerned is not before the House in any particular.

The Alaska Central has already spent over $2,500,000, according to the testimony, in its construction, and has 45 miles of standard-gauge road ready for use. There are two other roads projected, and have their preliminary surveys filed, up the Copper River, not running exactly as this proposed one does, but practically in effect over the same route, because these go from the Gulf of Alaska to the interior. The difference is this: The proposed road has done nothing; no survey, no expenditures, no nothing, except they come to Congress and ask at the hands of Congress a charter. [Applause on the Democratic side.]

Mr. HAMILTON. Will the gentleman yield?

Mr. LLOYD. Yes, sir.

Mr. HAMILTON. The gentleman, I know, wants to be accurate.

Mr. LLOYD. I want to say in this connection that for the chairman of this committee I have the highest personal regard.

Mr. HAMILTON. It is entirely reciprocated.

Mr. LLOYD. And I know he would make no statement that he did not believe was absolutely true.

PURE-FOOD BILL.

Mr. MANN. Mr. Speaker, a privileged report. I desire to present a conference report on the bill S. 88—the pure-food bill—and ask unanimous consent that the statement be read in lieu of the report.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 88) entitled "An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment.

Strike out all of said amendment and insert in lieu thereof the following:

"That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed $500 or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than $1,000 or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court.

"SEC. 2. That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court; *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared or packed according to the specifications or direction of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this act.

"SEC. 3. That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country.

"SEC. 4. That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

"SEC. 5. That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided.

"SEC. 6. That the term 'drug,' as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term 'food,' as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

"SEC. 7. That for the purposes of this act an article shall be deemed to be adulterated—

"In case of drugs:

"First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

"Second. If its strength or purity fall below the professed standard or quality under which it is sold.

"In the case of confectionery:

"If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

"In the case of food:

"First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

"Second. If any substance has been substituted wholly or in part for the article.

"Third. If any valuable constituent of the article has been wholly or in part abstracted.

"Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be contrued as applying only when said products are ready for consumption.

"Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

"SEC. 8. That the term 'misbranded,' as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

"That for the purposes of this act an article shall also be deemed to be misbranded:

"In case of drugs:

"First. If it be an imitation of or offered for sale under the name of another article.

"Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

"In the case of food:

"First. If it be an imitation of or offered for sale under the distinctive name of another article.

"Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any of such substances contained therein.

"Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

"Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

"First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

"Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'limitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term 'blend' as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

"SEC. 9. That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act.

"SEC. 10. That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States.

"SEC. 11. The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee.

"SEC. 12. That the term 'territory' as used in this act shall include the insular possessions of the United States. The word 'person' as used in this act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies, and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

"SEC. 13. That this act shall be in force and effect from and after the first day of January, nineteen hundred and seven."

That the House recede from its amendment to the title and agree to the title as passed in the Senate.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

W. B. HEYBURN,
P. J. MCCUMBER,
A. C. LATIMER,
Managers on the part of the Senate.

The Clerk read the statement, as follows:

STATEMENT OF MANAGERS ON PART OF THE HOUSE.

The conferees on the part of the House on the bill (S. 88) for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes, submit the following statement:

The House struck out all of the Senate bill after the enacting clause and inserted in lieu thereof, as one amendment, an act complete in itself. There was, therefore, but one amendment as a whole to be considered by the conferees. The conferees accepted the House amendment as a basis and modified the same as herein explained by striking out all of the House amendment and inserting in lieu thereof the same matter as amended in conference.

The following statement is in explanation of the bill as reported by the conferees:

Section 1 is substantially section 1 of the Senate bill and prohibits manufacture of adulterated and misbranded foods and drugs within the Territories or District of Columbia.

Section 2 is substantially section 2 of the Senate bill and section 1 of the House amendment.

Section 3 is substantially section 3 of the Senate bill and section 2 of the House amendment.

Section 4 is substantially section 4 of the Senate bill and section 3 of the House amendment.

Section 5 is substantially section 5 of the Senate bill and section 4 of the House amendment.

Section 6 is substantially sections 6, 7, and 8 of the Senate bill combined and section 5 of the House amendment.

Section 7 is the one defining adulterations and contains the provisions of the House amendment and the Senate bill on the same matter in somewhat different arrangement. This section deals with adulterations. The conferees struck out the provision in the House amendment giving the definitions of adulterations of drugs and adopted the definitions in section 9 of the Senate bill. The remainder of the section is the same as the remainder of section 6 of the House amendment, which is substantially the same as provisions in the Senate bill in section 9, except that in the fifth subdivision in section 6 of the House amendment there is inserted after the word "otherwise," line 14, page 6, the following: "and directions for the removal of said preservative shall be printed on the covering or the package," so that said subdivision will read as follows:

"Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption."

Section 8 is substantially the same as section 7 of the House amendment, with the following amendments:

Strike out of the first paragraph of the section numbered "Second" the following words at the end of the paragraph, to wit:

"*Provided, however*, That it may be proven as a complete defense to any accusation or prosecution for failure to state the quantity or proportion of alcohol as above required that the quantity or proportion of alcohol contained in any package does not exceed the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active necessary constituents of the medicine or preparation in such package."

And by amending the third paragraph, marked "Second," by inserting after the word "blends" the words "and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale," and inserting after the word "ingredient" the words "used for the purpose of coloring and flavoring only," so that said paragraph will read as follows:

"Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the word 'compound,' 'imitation,' or 'blend,' as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding."

This section includes the provision requiring the labeling of habit-forming drugs by declaring any drug to be misbranded "if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilid, or any derivative or preparation of any such substances contained therein."

And the same requirement is made as to foods containing any of such narcotics.

Section 9 is the same as section 10 of the Senate bill and section 8 of the House amendment, and relates to the giving of a guaranty by the seller to the purchaser.

Section 10 is the same as section 13 of the Senate bill and section 13 of the House amendment.

Section 11 is the same as section 14 of the House amendment, for which there is no corresponding section in the Senate bill.

Section 12 is section 15 of the House amendment.

Section 13 declares that the act shall be in force and effect from and after the 1st day of January, 1907.

Omitted from the bill, as reported by the conferees, is section 9 of the House amendment relating to the fixing of standards of food. Also omitted is section 10 of the House amendment. Section 10 of the House amendment required any person to sell to a Government agent an article of food or drug which might be used against him in prosecution. Omitted is also section 11 of the House amendment providing for penalty for violation of the preceding section omitted, and providing for additional costs and expenses to be put against a defendant as part of the penalty. Omitted is also section 12 of the House amendment, providing that the articles complying with the provisions of the act shall not be interfered with by the several States so long as they remain in original unbroken packages.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on part of the House.

Mr. MANN. Mr. Speaker, in presenting the conference report on the pure-food bill I ask the indulgence of the House for a few moments in reference to the bill as agreed upon in conference.

I may say to the House that the bill as reported by the conferees is substantially the bill as passed by the House, with a few exceptions. We struck out in conference the section requiring the Secretary of Agriculture to determine the standards of food. We struck out in conference the section which required a man to sell articles of food which might be used against him in evidence, or made it a misdemeanor if he refused to sell—a provision which, in my judgment and in the judgment of most members both of the House and Senate, ought never to have been in any bill, and which was unconstitutional and might have made the whole bill unconstitutional. This provision was in both the Senate and House bills in identically the same language. The conferees thought that so far as the parliamentary situation was concerned they had authority to strike it out, it being part of the House amendment, and

that upon its merits the provision ought to go out; and I think nobody here desires it to remain in.

We struck out the provision which affected the question of States' rights and the control of the Federal Government over original packages, leaving the law as it stands without regard to this bill.

We made a slight change in the amendment which affected the case of whisky, by specifically providing what we thought we had already covered—and still think we had covered—in the House bill—by specifically providing that in the case of compounded, imitation, and blended articles the package label shall bear the word "compound," "imitation," or "blend." And on the drug provision, while we accepted one definition of drugs that was in the Senate bill—which is not quite so strong as the House definition—we retained the important provision in regard to labeling on the package all the habit-forming drugs, as set forth in the House bill, and struck out the proviso excepting alcohol used as a solvent or preservative; so that as the bill is reported from the conferees it requires on all medicines the labeling of the quantity or proportion of alcohol, opium, morphine, and other habit-forming drugs which are named in the bill.

Mr. Speaker, I would think that I was somewhat derelict in my duty in reference to this bill if I did not say a word or two in regard to the services of the man in this House who is principally entitled to the credit for the enactment of a pure-food law at all. The chairman of the Committee on Interstate and Foreign Commerce—and these words will come as a surprise and embarrassment to him—the gentleman from Iowa, Colonel HEPBURN, for eight years and more has been a determined, constant, steady advocate of pure-food legislation. Three times at least the House, under his lead, has passed a pure-food bill. And when it shall become enacted into law, as I believe this shortly will be when this conference report is agreed upon, to him the most credit for the law will be due. [Loud general applause.]

And I wish also to express my appreciation of the great services rendered in connection with the work on this bill by one of the ablest, most industrious, and most efficient Members of the House, the distinguished gentleman from Minnesota [Mr. STEVENS]. [Loud applause.]

Mr. Speaker, I propose to take the House a little further into my confidence in reference to this matter before the final vote is had. For some weeks past we have been bombarded from all parts of the country with newspaper requests that the House cease urging the passage of its bill and agree upon the Senate pure-food bill. The source and inspiration of these demands is not known to many Members of the House.

Mr. WILLIAMS. Will the gentleman permit an interruption?

Mr. MANN. I yield to the gentleman.

Mr. WILLIAMS. I understand that in the conference report section 12 of the original bill is stricken out. Is that true?

Mr. MANN. It is stricken out.

Mr. WILLIAMS. Just a word. I am glad to hear that, for I was very anxious to vote for the bill, and now I am able to do so.

Mr. BURLESON. Coupled with that statement, I desire to say that there were others who voted against the bill because of section 12.

Mr. MANN. Mr. Speaker, it was because we desired the vote of the distinguished gentleman from Mississippi that we struck it out, so that it may be unanimous in the House. [Laughter and applause.]

Mr. POLLARD. Will the gentleman yield to a question?

Mr. MANN. I yield to the gentleman.

Mr. POLLARD. I would like to ask the gentleman whether there was any change made in the amendment of the Committee of the Whole in regard to the labeling of food products?

Mr. MANN. Does the gentleman refer to the labeling of the quantity of the contents?

Mr. POLLARD. Yes.

Mr. MANN. There was no change made in the conference from the amendment as adopted by the House.

Mr. POLLARD. I should like to ask another question.

Mr. MANN. Certainly.

Mr. POLLARD. I believe the gentleman made the statement that the conference struck out the House provision that the Secretary of Agriculture should determine what the standards should be?

Mr. MANN. That section goes out entirely in the conference report.

Mr. POLLARD. Was there any change made in the provision of the House, wherein we provided that a board of five inspectors should be selected to pass upon the wholesomeness or deleteriousness of the foods?

Mr. MANN. That provision was in section 9, directing the Secretary of Agriculture to determine standards, and the entire section goes out.

Mr. POLLARD. If that is the case, who determines whether a preservative that is used is poisonous or deleterious to health?

Mr. MANN. Mr. Speaker, as I stated to the House when the bill was before the House, it is the courts which must determine in the end as to the question of the wholesomeness or the deleteriousness of preservatives or of any article of food. The only object in having that provision in the bill, requiring the Secretary of Agriculture to determine standards, was for the purpose of governing prosecutions and provide uniformity and give to producers in advance of prosecution knowledge of the requirements insisted upon by the officials in charge; but the Senate conferees were unalterably opposed to that provision, and as it was not an essential provision of the law we gave way on that provision in order to save the rest of the bill practically intact as the House had enacted it.

Mr. COOPER of Wisconsin. From such study as I have been able to give the bill it seems to me a good measure; but I should like to put to the gentleman one question in line with the question that was asked by the gentleman from Nebraska [Mr. POLLARD], and that is on the matter of the standards. In the report submitted by the Committee on Interstate Commerce on this bill I find this clause on page 4:

> It is, however, essential to the success and operation of any pure-food measure that standards of food products shall be arrived at, for the guidance of the officials charged with the administration of the law and often for the information of the courts.

And a little later it says:

> It is therefore provided in the bill that the Secretary of Agriculture—

And so forth. That report states that it is essential for the success and operation of any pure-food law to have standards established by the Secretary. Now, I presume that the conferees have reached a conclusion, in view of some provisions of the bill, that will justify a reversal of that opinion, and I should like to hear from the gentleman from Illinois on that subject.

Mr. MANN. Mr. Speaker, when the report on this bill in the House was written, I did say in the report that it was essential to the success of a pure-food bill. It is essential to the best success of a pure-food bill that the Secretary of Agriculture or some other official shall determine the standards; but the gentleman from Wisconsin certainly has enough understanding of language to know that nothing in the world is *absolutely* "essential" in legislation. We do not have the bill exactly as we wanted it, but, so far as the vital features of the bill are concerned, we have them contained in the bill as it comes back to the House. I may say to the House further that, under the law as it now stands in the agricultural appropriation bill, the Secretary of Agriculture is authorized to fix standards of foods; and while I do not believe that is sufficient legislation, and while for one I never would be willing to consent that the Secretary of Agriculture should have the arbitrary power to determine what is adulterated or misbranded food, I do think that the provision that the House committee brought into the House as section 9, as amended in the House at my suggestion, was, on the whole, the most perfect provision upon the subject of fixing standards which has ever been before the House, and the committee owe quite largely the perfection of that section to the gentleman from Wisconsin [Mr. ESCH] and the gentleman from Michigan [Mr. TOWNSEND]; and I regret exceedingly that we met a stone wall on that section of the bill in the determined opposition of the Senate conferees. The existing law, however, is entirely sufficient for the operation of the pure-food law.

Mr. LACEY. Can I ask the gentleman a question?

Mr. MANN. I yield to the gentleman.

Mr. LACEY. I would like to ask the gentleman this question: The gentleman will recall that we accepted an amendment providing that this should not modify the Wilson law. Is that retained?

Mr. MANN. It is not retained. We struck out the whole of section 12. The amendment offered by the gentleman from Iowa [Mr. LACEY] was to section 12, and was a modification of it, and the entire section went out, so that the law remains as it now is.

Now, Mr. Speaker, I was about to say that we have been bombarded with requests to accept the Senate pure-food bill. I want to state to the House the reason why and to tell the House a confidence on my part, which it ought to know before it passes finally on the conference report.

When the Senate bill first came before the House it contained

a provision that on packages containing *food* there should be placed on the label the quantity of alcohol and opium in them. That provision as it came to the House in the Senate bill only applied to *food*. While it may be well to require, as we now have, that any foods that have opium or narcotics in them shall state the quantity of opium and other narcotics, it was ridiculous to say that we should require the statement on food packages of the amount of liquor and opium and not require it on medicinal articles. When the bill came before the House committee I prepared a provision in the bill requiring that as to medicinal articles there should be placed on the package the amount of alcohol and of opium and other poisonous substances, and we ran at once against the powerful influence of the Proprietary Medicine Association, which has a greater control of the newspapers of the land than any other institution in our country, as far as affecting the financial end of the papers is concerned.

I did not care to have the House bombarded with requests at the instance of the patent-medicine advertisers asking that that provision might be stricken out, and I resorted to what might almost be called strategy.

The pure-food bill as it passed the Senate did not contain any provision requiring a statement of the amount of alcohol, opium, or other narcotic or habit-forming drugs. The Senate bill contained no restriction whatever. The House substitute for the Senate bill as reported back to the House contained a provision, which I had drawn without suggestion from anyone else and which was adopted by our committee, providing that any article of drug or medicine should be deemed misbranded "if it fail to bear a statement on the label of the quantity or proportion of any alcohol therein, or of any opium, cocaine, or other poisonous substance which may be contained therein." Immediately after the bill was reported back to the House containing this provision, the manufacturers of proprietary medicines containing habit-forming drugs got busy. The officers of the proprietary association started at once for Washington. They insisted that the provision was absolutely new, had been adopted without any hearings, and would be ruinous to their business if enacted into law. Our subcommittee gave them courteous, full, and patient hearing. They presented to us an amendment to be substituted for the provision on the subject, which I have quoted. This substitute amendment was practically a copy of the Massachusetts statute upon the subject, and was as follows:

Or if it fail to bear a statement on the label of the quantity or proportion of alcohol therein, where such quantity is in excess of the amount shown to be necessary by the United States Pharmacopœia or the National Formulary, as a solvent or preservative of the active constituents thereof and to prevent freezing and fermentation; or if it fail to bear a statement on the label of the quantity or proportion of any opium, morphine, heroin, alpha or beta eucaine, or chloral hydrate contained therein, provided that the package contains more than 2 grains of opium or more than one-quarter grain of morphine or more than one-sixteenth grain of heroin or more than one-sixteenth grain of alpha or beta eucaine or more than 8 grains of chloral hydrate in 1 fluid ounce or, if a solid preparation, in 1 avoirdupois ounce, or if it fail to bear a statement on the label of the quantity of cocaine therein; but such statement shall not be required upon preparations made from coca leaves, where not over 2 ounces of such leaves are used to make each fluid pint of such preparation, and to which no alkaloid cocaine has been added.

We were also informed that if the provision which I had drawn remained in the bill it would result in the local druggists preparing practically all of the medicinal preparations now prepared and sold as proprietary or patent medicines. They said the proposition in the bill was distinctly in the interest of the local druggist as against the proprietary-medicine manufacturers. At the same time, through some kind of representations which they made to the druggists throughout the country, they were enabled to flood the committee with telegrams and letters from local druggists insisting that the provision in the bill would be a great detriment to the local druggists. The proprietary-medicine people informed us that the provision in the bill would benefit the local druggists, and they caused the local druggists to inform us that the same provision would ruin the local druggists. At the same time they gave out to the public and through various newspaper sources the statement that an amendment had been proposed to the House bill which would legalize the use of opium and other habit-forming drugs in patent medicines and urging that the Senate bill be adopted in the House.

Patent-medicine people, therefore, for the purpose of knocking the House bill, which contained my provision, and for the purpose of insisting upon the adoption of the Senate bill, which contained no provision relating to habit-forming drugs, caused to be circulated the statement that their own amendment had been proposed and was pending in the House.

Mr. Speaker, I could see looming up in front of me, as an almost insurmountable obstacle to the passage of the pure-food bill, the activity of the proprietary medicine people and their tremendous influence through their enormous newspaper advertising. I was unwilling to sacrifice the pure-food bill, even if it became necessary to yield somewhat to that influence. I prepared an amendment as a temporary palliative for the purpose of weakening and overcoming, if possible, the activity and opposition of the proprietary medicine people. That amendment was as follows, and provided that a medicine should be deemed misbranded—

If, when the article contained be not described in the United States Pharmacopœia or National Formulary, and be not the prescription of a regularly licensed physician, the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, or chloral hydrate, or any preparation of any of such substances, contained therein: *Provided, however,* That the quantity or proportion of alcohol need not be stated when not more than the quantity or proportion prescribed by the United States Pharmacopœia or the National Formulary as a solvent or preservative of the active constituents of the medicine or preparation in such package is used: *And provided further,* That the quantity or proportion of opium or morphine need not be stated when the contents of the package contain not more than 2 grains of opium or one-quarter grain of morphine to the fluid ounce, or if a solid preparation, to the avoirdupoise ounce.

It was intended as a substitute for the provision already in the House bill on the subject. This amendment was agreed to by our committee, was given out to the public, was satisfactory to the larger proportion of the proprietary medicine people, though not satisfactory to those using cocaine and some other habit-forming drugs. But I had canvassed the eighteen members of our Committee on Interstate and Foreign Commerce, and knew how each one stood on the proposition. I knew that a considerable majority of that committee were in favor of absolutely requiring the statement of the amount of the habit-forming drugs on every medicine, without regard to the amount, and I knew that a majority of the committee were ready and willing at any time, at the request of Colonel HEPBURN and myself, the persons in charge of the bill, to agree to the amendment which was afterwards agreed to and is now in the bill.

Mr. Speaker, it so happens that my committee room is close to the press gallery in the House. It so happens that a number of the newspaper correspondents make frequent use of a typewriting machine in my room. This has been done with my free consent and invitation, and I am glad to extend to them that courtesy. It so happened during the progress of the fight over this drug amendment that one day I was in consultation in my committee room with Samuel Hopkins Adams, of Collier's Weekly, who has done so much good in the fight against these narcotic or habit-forming drugs, and that on that day the staff correspondent of the Chicago Daily News was in my room making use of my typewriting machine. I talked with Mr. Adams for some time in a general way, and then said to him that his interest in the matter was so great that if I might speak to him in absolute confidence I would be glad to do so. I have always considered that when the newspaper correspondents were in the room they might freely overhear anything I said, because unless I gave them permission otherwise I felt confident that what I said would be treated in confidence, and my courtesy has never been abused except on this one occasion. I stated to Mr. Adams what my programme was; that I felt it would be a losing fight if the proprietary medicine people should stir up the papers any further against the House provision; that they had already succeeded in making many people believe that it was the Senate bill and not the House bill which contained the drug-labeling provision; that it was my plan to call the Committee on Interstate and Foreign Commerce together just before the pure-food bill came up for actual consideration in the House and ask the committee to adopt a stringent amendment in place of the one which had been given out to the public; that I had canvassed the committee as to the attitude of each individual member upon it and felt absolutely confident of success, but that if this were known it would stir up the Proprietary Medicine Association, and we would again commence to receive urgent pleas from all parts of the country to take the Senate bill (containing nothing on the subject) in place of the House bill.

I talked freely and fully to Mr. Adams while the Daily News correspondent was sitting within hearing distance at the typewriting machine, but was not actually typewriting on the machine most of the time. That correspondent walked out of my room after listening to my confidential talk with Mr. Adams and published my proposition. Immediately the proprietary association got in its work, and we have been flooded for some time past by newspaper advice urging that the Senate bill should be adopted, claiming that the House leaders were trying to hold up the pure-food bill and that the only thing to do was to pass the Senate bill. I have no doubt that most of the newspaper articles were written in good faith, but they were based

upon information and statements furnished by gentlemen in the pay of the proprietary medicine association. The story has been spread wide and far that the Senate bill contained the provision requiring the labeling of the narcotics and that the House bill proposed to legalize the use of these narcotics. That story has been spread through the influence and the pay of the proprietary-medicine people. Newspaper men necessarily rely upon statements which are made to them from many sources. They have been woefully imposed upon in this case. Even the medical associations have sent resolutions to us urging that the House "accept the Senate bill requiring the labeling of narcotics in place of the House bill legalizing their use." But I am thankful to say that the Members of the House have exhibited a marked degree of confidence in the members of our committee urging the passage of this bill, and they have accepted, without question, our statement that the House bill did require the thing which the newspapers stated it did not.

The provision on this subject which is now in the bill requires that as to medicines the package shall bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein. This is the most stringent provision upon this subject which has ever been adopted by any legislative body. It will be one of the most popular provisions of the pure-food and drug bill. The origin of that provision was in the House of Representatives. It has been put into the bill by the House. The country owes to the House that portion of the pure-food law, as well as many other of the best and most stringent features in the law.

As we report the bill back from the conference committee now it does not omit one single provision of any importance which was in the bill as it passed the Senate. It has not been weakened any from the Senate bill, but it has been greatly strengthened by various provisions which have been inserted in the House.

Mr. Speaker, I do not desire to close without saying a word in regard to Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry. While in some important respects I have been unable to fully agree with Doctor Wiley's opinions, yet he and I have formed a close friendship in connection with the consideration of pure-food legislation, and I have constantly sought his advice as well as his knowledge of facts. We owe much to him.

Mr. Speaker, in my opinion the pure-food bill, which will surely become a law, is a distinct step forward, and I believe it will prove itself to be one of the most valuable and most popular laws ever placed upon the statute books. [Loud applause.]

Mr. Speaker, I ask for a vote.

The SPEAKER pro tempore (Mr. WATSON). The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. HEPBURN, a motion to reconsider the last vote was laid on the table.

BLACKFEET INDIAN RESERVATION, MONT.

The SPEAKER pro tempore laid before the House the following message from the President of the United States:

To the House of Representatives:

I return herewith without approval H. R. 19681, entitled "An act to survey and allot the lands embraced within the limits of the Blackfeet Indian Reservation, in the State of Montana, and to open the surplus lands to settlement," calling attention to the inclosed report of the Acting Commissioner of Indian Affairs, and especially to that portion of the report running as follows:

"Attention is invited to the fact that all of the waters of the reservation are at once subject to appropriation under the laws of the State of Montana, but such appropriation shall not be held to create a right adverse to any Indian allottee who actually appropriates water or for whom an actual appropriation is made to the extent that may be necessary for use on the allotment within two years from the date of the President's proclamation opening the surplus lands to settlement. While this language would seem to have been designed to protect the water rights of the Indian allottees, I am strongly of the belief that in practice it will fail to do so. In the first place, there will be a necessary delay of several days before the allotments can be made, owing to the fact that the reservation is not surveyed, and even after it is surveyed and allotments made thereafter no actual appropriation of waters can be made by the Indians or for them, as they have no means to construct the necessary irrigation ditches, and this bill makes no appropriation to aid them in so doing. They will derive no funds from their surplus lands for this purpose for several years at least after the issuance of the President's proclamation. If this bill becomes law, I think it will be found that a very large part of the waters of the reservation will at once, or within a very short time, be appropriated by white settlers living outside thereof and that irrigation works will be constructed for their use. When the time comes when the Indian allottee is ready to appropriate water it will in all probability have been completely appropriated and fully used by white settlers who have expended large sums on their irrigation works and other improvements in making homes for themselves. True, under the terms of this bill the Indians seem to have a right to take the water from the white settlers, but the practical difficulties against doing this, in the light of what has just been said, are, in my opinion, too obvious to require extended comment."

I am anxious to favor in every way the actual bona fide homesteaders of northern Montana, and I will gladly sign any bill which will thus favor them, provided that it explicitly and unequivocally guarantees to the Indians their water rights—that is, the right of each Indian to a sufficiency of water to make his allotment of real use to him. Subject to this guaranty, and also of course to the certainty that the action of the Government will redound not to the benefit of one individual or corporation who wishes to exploit the water rights, but to the benefit of the actual settlers, I will gladly approve any bill which may be drawn to achieve the purposes of this bill without containing its defects.

THEODORE ROOSEVELT.

WHITE HOUSE, *June 29, 1906.*

Mr. CURTIS. Mr. Speaker, I move to refer the message and the accompanying documents to the Committee on Indian Affairs.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Kansas to refer the message and the accompanying documents to the Committee on Indian Affairs.

The question was taken; and the motion was agreed to.

ANNUITIES OF THE SAC AND FOX INDIANS.

The SPEAKER pro tempore laid before the House the following message from the President:

The Clerk read as follows:

To the House of Representatives:

I return herewith without approval H. R. 10133, entitled "An act to provide for the annual pro rata distribution of the annuities of the Sac and Fox Indians of the Mississippi between the two branches of the tribe, and to adjust the existing claims between the two branches as to said annuities," for the reasons enumerated in the accompanying extract from the report of the Commissioner of Indian Affairs of February 12, and the letters of the Acting Commissioner of Indian Affairs of June 25 and of June 28. I have directed the Acting Commissioner of Indian Affairs to have an immediate and thorough investigation made of the matter in accordance with the concluding paragraph of his letter of June 28, and after the report of this investigation has reached me I shall be prepared to give my assent to any bill which shall do justice both to the Indians in Iowa and the Indians in Oklahoma.

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 29, 1906.*

Mr. CURTIS. Mr. Speaker, I move that the message be referred to the Committee on Indian Affairs.

The motion was agreed to.

ANCHORAGE OF VESSELS.

The SPEAKER pro tempore laid before the House the following bill with House amendment disagreed to:

The Clerk read as follows:

The bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News and adjacent waters, in the State of Virginia.

Mr. RYAN. Mr. Speaker, I move that the House insist upon its amendment and agree to a conference.

The motion was agreed to.

The SPEAKER pro tempore. If there be no objection, the Speaker pro tempore will appoint the following conferees. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

Mr. HEPBURN, Mr. MANN, and Mr. RYAN.

RAILROAD, ETC., IN ALASKA.

The SPEAKER pro tempore. The gentleman from Missouri has nineteen minutes remaining.

Mr. LLOYD. Did I understand the gentleman from Michigan wanted to ask a question?

Mr. HAMILTON. The gentleman made the statement, and I know he made it in very good faith, but I think under a misapprehension of the facts, that there had been no survey made by the people who were seeking to be incorporated here. As a matter of fact, as I understand it, the testimony does show that these gentlemen have made a survey, and I am not certain whether the testimony shows the amount, but I am informed that they have spent $15,000 on surveys already.

Mr. LLOYD. Mr. Speaker, that is in part true. It is not really a survey, as I understand the testimony. They have made an investigation of the Copper River district and the copper region, and on that investigation they have expended perhaps $15,000. It is an exploration rather than an investigation. There is no preliminary map filed and there is no preliminary survey. There is no question about that.

Mr. HAMILTON. It would not be possible for them, not being incorporated, to file a preliminary survey. The testimony, for instance, on page 61, shows, in the testimony of Mr. Hawkins, that an inquiry was made in relation to a survey, and he said: "Yes, sir; the ground was very carefully examined by Mr. Jamieson and his party, and he very carefully prepared an estimate of the construction expense." And in several places throughout the testimony this is shown.

Mr. BEALL of Texas. I will call the gentleman's attention

to page 14, where Mr. BURLEIGH says he has examined the route, and to page 61——

Mr. LLOYD. I think there can be no question of difference between us on this question. There has been nothing done by these gentlemen except an examination of the route. They have made no survey in any definite sense, and, as the chairman properly says, they would not have been expected to make a survey, because the company is not yet organized.

Mr. HAMILTON. I said they could not file a survey—that as a company they could not have filed a survey.

Mr. HUMPHREY of Washington. If the gentleman will permit me, as you know I have not attended any of your committee meetings, and I have not taken any particular interest in this matter; but upon the question of expenses I desire to state to the gentleman it was told me to-day by a gentleman, a man whom I have known for a great many years, and in whose truth and veracity I have every confidence—Mr. Burleigh—that he wrote checks to the amount of about $15,000 for the costs in examining this road and such preliminary surveys as were necessary.

Mr. LLOYD. That is not in dispute.

Mr. HUMPHREY of Washington. And I am constrained to think that is true.

Mr. LLOYD. It is an examination. He examined that road. And I will go further, and say that they are not ready to file a map of definite survey or preliminary survey.

Mr. HUMPHREY of Washington. The party went through there so as to make surveys to locate their road.

Mr. LLOYD. They have made an examination and expended as much as $15,000, perhaps. There is no question; there is no dispute about the facts.

Mr. HAMILTON. I understood the gentleman to say they had made no expenditure.

Mr. LLOYD. No; I never said that. You misunderstood me. I meant there had been no expenditure for survey of a regular character. They have made an examination and expended some money. They have been in the Copper River country exploring the mines, and have explored for coal fields to some extent, and made an examination in reaching them. Now, I want to call attention to another matter. You will doubtless infer from the statement made by my good friend from Michigan that the President had announced himself in favor of this particular road.

If you will read the message of the President on this subject you will find that he has not connected himself with this particular enterprise. And I want to call the attention of the House to another fact that there appeared before the committee at the instance of the committee, in order that it might get full information from the proper source, the Secretary of War, Mr. Taft. In this connection I want to call your attention to what I described a moment ago, which was the fact that there is another road that is attempting to be constructed in this same locality, known as the "Copper River Railroad Company," and that seeks to build a road from Resurrection Bay, Copper River, to Tanana, and from Tanana to Rampart. In the testimony of Mr. Taft, on page 169 of the printed testimony, you will find this statement:

> The plan, as I understand it from Major Richardson, is to construct a trunk line which shall go from the open water of the Gulf of Alaska up into the mining regions and around to the Nome Peninsula. There are two private interests—one which is constructing a railroad from Valdez to the copper mines—

And there is no question as to what that road is. It is the Alaska Central—

> and another which is constructing a railroad from Resurrection Bay up to the Tanana mining district. These two lines in a general way would be parallel, but at such a distance from each other that I should not think they could be called parallel. They would ultimately reach Fairbanks by different routes, and then the route is to continue down the Tanana Valley to Rampart, and then from Rampart over to Nome.

The road that is sought to be incorporated does not go within 300 or 400 miles of Fairbanks. It goes to Eagle City.

Mr. LACEY. I would like to ask the gentleman from Missouri a question.

Mr. LLOYD. If you will excuse me just a moment, until I read this:

> Whether those two lines—the Alaska Central and the Copper River lines—will be constructed by private capital or not is, of course, a question for the committee to decide. If they can be constructed by private capital, of course it is better that they should be.

Mr. LACEY. I would like to ask the gentleman why this company can not incorporate under the general law?

Mr. LLOYD. This company can incorporate under the general law, but they do not wish to do so.

Mr. LACEY. What disadvantage would it be to any other company if this company is singled out for the benefit of a Congressional charter?

Mr. LLOYD. There must be some benefit by reason of a charter, else they would not ask it. They are wanting some advantage that is not obtained under existing law, or they would not seek the charter.

Mr. LACEY. Let me ask if this proposed charter varies materially from the right-of-way act of 1898?

Mr. LLOYD. It varies in some respects. It varies especially in two respects. One is that it extends the time within which the road must be constructed from four to eight years, and it provides that 250 miles of road must be constructed within five years, and the most material difference in that particular is in reference to the forfeiture. Under the law which you framed, and for which you are responsible, as I understand it, the forfeiture is made as a matter of course if they fail to comply with the terms of their contract. But under this bill, if it becomes a law, there will not be a forfeiture of the terminal facilities under any circumstances.

Mr. HAMILTON. Oh, yes; there will be.

Mr. LACEY. Forfeiture only under the direction of the President—an Executive forfeiture?

Mr. HAMILTON. The forfeiture was advised by the Secretary of the Interior after many interviews with him.

Mr. LACEY. I would ask if it does not give 2,560 acres instead of 60?

Mr. LLOYD. I will read:

> *And provided further*, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

Mr. HAMILTON. The gentleman will concede that that is a matter we discussed a good deal. The gentleman will also concede they ought to have their right of way and 160 acres of terminal lands. I think the gentleman will concede they ought to have that much left. If they do not construct 250 miles, we could not confiscate that, and would not want to.

Mr. LLOYD. As to the question of the terminal itself, this 2,560 acres of land that is sought to be given to them rather than to any other road would probably be construed as part of the terminals of the road and would not be forfeited.

Mr. HAMILTON. The gentleman from Iowa asked whether this would operate injuriously upon any other railroad. The gentleman from Missouri will remember, I think, that from time to time gentlemen who appeared before the committee were interrogated as to the fact, and Senator Turner, for instance, who appeared before the committee, said that he could see no way in which a Federal charter for this company would affect injuriously the road which he represented and the one that Mr. Gordon represented—the so-called "Bruner road." Did not Mr. Gordon state that so far as he knew the corporation he represented would not be injuriously affected? And so on through. I think the gentleman will agree with me it was so.

Mr. LLOYD. I agree that the statements were made that the gentleman refers to. There are no other hearings in reference to this matter—that was months ago—since then. I think I am saying nothing that is improper. These parties, after careful examination of the bill—the Bruner people and the Copper River people—were led to oppose the passage of this bill because they feared it would seriously interfere with their scheme.

Mr. YOUNG. I suppose these roads would prefer this road should not be built at all, because it would be a competing line.

Mr. LLOYD. The truth is, I think—I may be mistaken—that if this road is built the Copper River road will not be, nor will the Bruner road.

Mr. HAMILTON. What would prevent?

Mr. LLOYD. Because there is not enough traffic in there for two trunk lines traveling over the same territory up the Yukon River.

Mr. HAMILTON. You mean by the Copper River road or the Bruner road?

Mr. LLOYD. No; if the Burleigh road should be built, probably neither of the others would.

Mr. HAMILTON. Who are the incorporators of the Copper River road?

Mr. LLOYD. I do not know who the incorporators are. I know this——

Mr. HAMILTON. They have not done anything.

Mr. LLOYD. Oh, yes; I know the Copper River Company is the one that is represented on the outside, as you are aware, by Mr. Shaffroth, of California.

Mr. HAMILTON. Have they filed any preliminary survey?

Mr. LLOYD. They have filed a preliminary survey.

Mr. HAMILTON. It is an English company, is it not?

Mr. LLOYD. It is not an English company; it is organized in Washington as an American company.

Mr. HAMILTON. The incorporators are largely English and Canadians, are they not?

Mr. LLOYD. They are all American stockholders, as far as I have known.

Mr. HAMILTON. The incorporators?

Mr. LLOYD. And if you will excuse me on this question, I will read a letter from the attorney of that road:

CHICAGO, *May 29, 1906.*

Hon. JAMES T. LLOYD,
Committee on Territories, Washington, D. C.

DEAR SIR: In response to your inquiry I will say that I am a member of the firm of Close Brothers & Co., composed partly of American and partly of English members, which financed the White Pass and Yukon route and is now aiding in the financing of the Copper River Railway Company, a corporation incorporated under the laws of the State of Washington, which is now building a railroad up Copper River solely on American territory, under the general act of May 14, 1898. The preliminary actual survey for 200 miles has been completed at a cost of above $50,000, and the map thereof filed in the office of the Secretary of the Interior and accepted. Three surveying parties are now in the field checking up the survey and fixing the definite location of the road. The contract for the construction of 200 miles of the road has been let to Mr. M. J. Heney, of Seattle, Wash., who is now at work grading the same, and we expect to have the contract completed by the close of the season of 1907. The Copper River Railway Company also has purchased and paid for its tidewater terminals at a cost of over $50,000.

The White Pass and Yukon route never received a dollar of subsidy or one foot of land or other aid from the Canadian or any other government. On the contrary, it was claimed in Canada by the promoters of rival companies that because its tide-water terminus was at Skagway, on American Territory, it was an American road. The White Pass and Yukon Railway Company is a corporation operating the White Pass and Yukon route by means of local companies, of which latter I act as president, but I do not consider that this is material, as the territory to be served by the Copper River Railway is entirely American, subject to American laws, and distinct from the territory served by the White Pass and Yukon route, which is many hundreds of miles away and in no wise competitive.

There is no foreign interest or foreign capital in the Copper River enterprise, unless my firm is to be considered foreign. The control and management of the Copper River Railway is as purely American as that of any railway in the United States.

Respectfully, yours, L. H. GRAVES.

Mr. HAMILTON. Is that company financed by some London brokers?

Mr. LLOYD. I have just explained by whom it is financed. And now, in this connection, Mr. Burleigh, who represents this proposed enterprise for which this bill seeks the incorporation, gave his testimony before the committee.

But let me first say my friend the chairman of this committee by this query would indicate that he is very anxious that this road, when constructed, shall be an American road, controlled by American citizens. Let us see about it.

Mr. Burleigh said:

Mr. BURLEIGH. I would not hesitate a minute to say that the combination there would represent and control $100,000,000; not that each man has got his proportion of that in his own right—I do not mean that. Of course when a man gets beyond a million dollars it is hard to tell what he is worth; but I would say that those gentlemen would easily represent or control $100,000,000, and I can say further that there are important financial interests, both in this country and abroad, that are likely to become interested in this matter, provided the investigations of the country bear out the statements I make in regard to the resources.

Mr. WANGER. Mr. Speaker, will the gentleman permit a question?

Mr. LLOYD. Yes.

Mr. WANGER. Are the grants of coal and other lands in this bill contingent, or are they absolute and may they be availed of by this company, whether it ever builds any railroad or not?

Mr. LLOYD. My impression is that they can hold the lands they buy, whether they construct the road or not.

Mr. WANGER. Is the price fixed in the bill?

Mr. LLOYD. Yes; the price is fixed.

Mr. WANGER. Is that the market value, or is it such a low value that it is giving them a favor?

Mr. LLOYD. This bill provides that, in addition to terminal facilities which are authorized under the law, about 60 acres, they are permitted to have 2,560 acres of land and pay $2.50 an acre for it, and in addition to that they are given the mud flats, consisting of that part of the land lying between low tide and high tide.

Mr. YOUNG. Can you tell whether this land has any market value at the present time?

Mr. LLOYD. Mr. Speaker, I am of the opinion that lands in Alaska now have no value; but if it happens that you give to this company 2,560 acres of land, extending 2 miles along the bay, and a town grows up there, as they think it will, of several hundred thousand inhabitants, then that 2,560 acres of land will become exceedingly valuable.

Mr. YOUNG. There is no probability of that occurring, however, unless this railroad is built, is there?

Mr. LLOYD. Unless some railroad is built. If there is a road built to the interior, then Alaskan property will become valuable; but the point I am undertaking to make is that this Congress is not concerned to make choice between railroad companies. Here are two companies, both of whom say they want no help, and both of whom say they will construct the road without any assistance.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LLOYD. Mr. Speaker, there have been so many interruptions in various ways that I have not been able to keep tab on the clock. I agreed to yield to some gentleman, and I should like to have ten minutes more. I am perfectly willing that there shall be ten minutes on the other side.

The SPEAKER pro tempore. The Chair will state that inasmuch as this debate is being conducted under a rule, it would not be in order to extend the time except by unanimous consent.

Mr. LLOYD. I ask unanimous consent.

Mr. DWIGHT. I object, Mr. Speaker.

Mr. LLOYD. Without objection, I will file as part of my remarks the minority report, as follows:

VIEWS OF THE MINORITY.

We do not concur in the views of the majority.

No sufficient reason has been given for the passage of the bill.

The bill charters the Alaska Railway Company and authorizes it to construct a railroad and telegraph and telephone line between Cordova Bay and Eagle City in Alaska and makes certain grants and concessions to the company.

No other railroad or corporation doing business in Alaska has been organized under special act of Congress, and we see no satisfactory excuse for the action attempted here.

We think it unwise to give this company any advantage not given to other railroads already incorporated which have made investments thereunder and are seeking to develop the interior of Alaska. We are not in favor of giving this company special recognition by Congressional action to the detriment and discouragement of railroad companies now engaged in railroad construction in Alaska.

The proposed company has no organization; it has made no preliminary survey; it has done no work in definite location: it has built no part of a railroad. There is no guaranty that if this bill becomes a law that it ever will organize a company or build a railroad. The incorporators are reputed to be wealthy citizens, but there is no assurance from any source that these men will subscribe the stock or any part of it that is necessary to the construction of the proposed road.

There are two companies already incorporated which are now engaged in the work preliminary to the construction of their roads to the interior of Alaska from the Pacific coast and up the Copper River to the Yukon region. Both these companies have expended thousands of dollars, and have filed their maps of actual survey with the Secretary of the Interior, and are proceeding to the work of construction by letting contracts for the building of their roads. Both companies are reputed to be composed of stockholders who are immensely rich and whose ability to construct the road is unquestioned.

These companies ask no assistance from the Government, and insist that no aid is needed and that it is unfair to them to give aid to any rival enterprise. We think their request is reasonable and that legislation sought by this bill is unjust to them and ought not to be enacted.

The pending bill greatly changes existing law in making grants of land, extension of time for surveys and construction of road, exemption from taxation, and in other ways makes specific legislation favorable to this proposed railroad, which we think unwise and unfair to those who have in good faith entered upon railway enterprises and may have the effect of discouraging the construction of railroads in the interior of Alaska.

JAMES T. LLOYD.
JACK BEALL.
E. Y. WEBB.
JNO. M. REYNOLDS.
A. O. STANLEY.

The SPEAKER pro tempore. The gentleman from Michigan has seven minutes remaining.

Mr. HAMILTON. I yield four minutes to the gentleman from Washington [Mr. JONES].

Mr. JONES of Washington. Mr. Speaker, this subject has been looked after almost entirely by my colleague [Mr. CUSHMAN], who introduced the bill with reference to this matter in the first instance. Mr. CUSHMAN is thoroughly familiar with all the details of the bill and the testimony that has been given before the committee, but he is sick to-day and it is impossible for him to be here. I can not speak with reference to the measure from particular knowledge concerning the testimony given before the committee. All that I can say is simply in a general way concerning the necessity of having railroads in Alaska, no matter how they may come. There seems to be no disagreement between the gentleman from Missouri [Mr. LLOYD] and the gentleman from Michigan [Mr. HAMILTON] as to the importance of securing the construction of railroads there, but the main difference appears to be as to the incorporation of this company by an act of Congress. Now, it appears from the testimony in the case that the other railroad companies that were represented before the committee did not object to this bill, so far as this company was concerned, or, rather, stated that it would not interfere with the construction of their road.

I understand there is one company interested that did not appear before the committee. I think it certainly had an oppor-

tunity to appear, because there was abundance of time given to the consideration of this proposition. It appears, under the terms of this bill, that this company is required within five years to actually construct more miles of railway in Alaska than are now constructed. They must within five years construct 250 miles of railway or else lose forever the lands that they have purchased, and so forth. There also seems to be an idea that there are large grants of land made to this company—coal lands, etc. I judge this from the question asked by the gentleman from Pennsylvania [Mr. WANGER]. He asked whether these lands would be forfeited if they did not construct the road. Here is a proviso, on page 10 of the bill, which reads as follows:

Provided further, That if said Alaska Railroad Company shall not complete and put in operation at least 250 miles of its said railroad within five years from the passage of this act, all the lands granted by or purchased under this act shall revert to the United States, except the terminal and station grounds and right of way mentioned in section 2 of this act.

So that all grounds outside of the right of way, outside of the terminals, are forfeited even if they pay money for them. They are forfeited if they do not complete the construction of 250 miles of railway within five years. As I understand this bill, also the only provision made by which this company can secure coal lands in Alaska is that they are permitted to purchase 1 square mile, or 640 acres, but they must pay $10 an acre for that. So that there is no privilege granted, there is no bonus or gift or anything of that sort, and no large body of land can be secured by this company. It seems to me that if by the passage of this bill we can secure the construction of 250 miles of railway in five years or 525 miles of railway in about eight years we ought to pass the act. We have also authorized companies to take rights of way, make surveys, and locate lines of railway there, and yet they have been coming to Congress for extension of time, Congress after Congress, so that it seems to me that if this will not injure these other companies, if they do not object to it, if they say that the passage of this act will not interfere with the construction of their lines, if it will insure the construction of another line of railway there, then we should pass it, because they need it in that country.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. HAMILTON. Mr. Speaker, the gentleman from Missouri [Mr. LLOYD] inadvertently, owing to the confusion, occupied more time than he expected and had promised to yield to a colleague a little time. I therefore ask unanimous consent that he may have six minutes.

Mr. MADDEN. I object.

The SPEAKER pro tempore. Objection is made by the gentleman from Illinois.

Mr. HAMILTON. Mr. Speaker, I simply want to call attention to one or two things the gentleman from Missouri [Mr. LLOYD] referred to. The gentleman spoke about a certain railroad company which he said had been organized and proposed to extend a road from Resurrection Bay northeasterly. He admits the incorporators of that railroad are English and Americans. The information which I have is that the gentlemen who propose to incorporate that company are the gentlemen who control the White Pass and Yukon road, which now controls practically all the traffic down the Yukon River in Canada and a large part of the traffic in American territory as far down as Fairbanks. We regard it as a patriotic American enterprise to give to American people a right to construct a road here. The objection these gentlemen have is that they do not want their line paralleled by an American railroad on American soil. We are doing no more here, nowhere nearly as much, as Canada is doing on her soil for her railroads. A railroad is being projected across Canada now, known as the "Grand Trunk Pacific," and the eastern half of that road, about 1,900 miles, is being constructed by the Canadian government, and the whole of those 1,900 miles will be turned over to the proposed company on a 3 per cent basis by the Canadian government. On the western half of that road, in what is known as the "prairie country," the Canadian government is giving a cash bonus of $12,000 per mile. In that part of the road known as the "mountain country" the Canadian government is contributing three-fourths of the cost of every mile of that railroad. Their western terminus is Port Simpson. They propose to control this traffic as far as they can. The Stewart River Railroad, which it is proposed to extend across northwestern Canada as a branch of the Grand Trunk Pacific, the Canadian government proposes to aid to the extent of $6,400 per mile. What are we doing here? Almost nothing in comparison with that. We are enabling this corporation to buy at $2.50 an acre land which they are entitled to buy of the Government at $2.50 per acre.

Mr. MONDELL. Is it not true that other lines of road are now being constructed——

Mr. HAMILTON. No; not to any extent.

Mr. MONDELL. Under the general law over the line these people propose to construct and through which they are given rights?

Mr. HAMILTON. The fact is that seven or eight companies have filed preliminary surveys and have not been able to get away from the starting point, except the Alaska Central Railroad. They have filed these preliminary surveys, it is true. The fact is that the reason why we are proposing to aid the company is because ever since this general railroad act, which does not permit the incorporation of a railroad, has been on the statute books, none of these companies have been able to succeed in constructing a railroad. We want a railroad across here from Controller Bay to Eagle, on the Yukon, to open up the internal resources of Alaska. We want another railroad across here, from Seward to Fairbanks, to open up the internal resources of that country. We believe it will be done, and when that is done other railroad companies may perhaps construct.

Mr. MONDELL. My information is that companies are at this time constructing.

Mr. HAMILTON. They are not to any extent. That is the difficulty.

Mr. MONDELL. Their rights of way have been approved by the Secretary of the Interior.

Mr. HAMILTON. They have filed their preliminary surveys under the law. One company, as I understand, has done some little work near Valdez, but not a rail has been laid, as I understand, and not a tie has been put down, as I understand. If a tie or a rail has been laid, this would do them no harm. Those roads generally tend in the direction of the copper country. They want to get in and get the copper and the coal. Here is a project which runs up across the country 525 miles.

The SPEAKER pro tempore. The time of the gentleman has expired. The question is on the engrossment and third reading of the bill.

The question was taken; and on a division (demanded by Mr. BEALL of Texas) there were—ayes 88, noes 50.

So the bill was ordered to be read a third time, and was read the third time.

The SPEAKER pro tempore. The question now is on the passage of the bill.

The question was taken; and on a division (demanded by Mr. LACEY) there were—ayes 104, noes 49.

Mr. LLOYD. Tellers, Mr. Speaker.

The SPEAKER pro tempore. As many as favor the taking of the vote by tellers will rise and stand until they are counted. [After the counting.] Thirty-seven gentlemen have arisen—not a sufficient number.

Mr. LLOYD. The other side, Mr. Speaker.

The SPEAKER pro tempore. There is no other side for tellers, the Chair will state to the gentleman. One-fifth of the last vote——

A MEMBER. Thirty-seven is more than a fifth.

The SPEAKER pro tempore. One-fifth of a quorum is required for tellers, and the Chair will state that is a fixed number. But thirty-seven gentlemen rose, and tellers were denied. The ayes have it, and the bill is passed. [Applause.]

On motion of Mr. HAMILTON, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. CURTIS, one of its clerks, announced that the Senate had passed with amendment bill of the following title:

H. R. 15673. An act for the relief of Harry A. Young.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 7235. An act granting an increase of pension to Abel W. Payne;

H. R. 8867. An act granting an increase of pension to George Stillman; and

H. R. 3933. An act granting a pension to James P. Fletrellen.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills:

H. R. 20287. An act to authorize George Hammons, Charles Vaunice, and F. A. Lyons to construct a bridge across Kentucky River at Beattyville, Ky.;

H. R. 717. An act granting an increase of pension to Oscar B. Morrison;

H. R. 19659. An act granting an increase of pension to Margaret S. Miller;

H. R. 19364. An act granting an increase of pension to Anna Ring;

H. R. 18601. An act granting an increase of pension to Edward A. Barnes;

H. R. 6963. An act granting a pension to William P. Knowlton;

H. R. 14930. An act granting a pension to Mary Whisler;

H. R. 13836. An act for the relief of Taylor Ware;

H. R. 5509. An act for the relief of Russell Savage;

H. R. 9238. An act for the relief of William Saphar;

H. R. 7099. An act to amend section 2871 of the Revised Statutes;

H. R. 20409. An act to authorize the Minneapolis, St. Paul and Sault Ste. Marie Railway Company to construct a bridge across the Red River;

H. R. 19814. An act authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes;

H. R. 12892. An act granting an honorable discharge to Seth Davis;

H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb;

H. R. 13193. An act to prohibit the killing of wild birds and wild animals in the District of Columbia;

H. R. 4599. An act to remove the charge of desertion from the military record of Wakeland Heryford;

H. R. 20451. An act to authorize the construction of a bridge across the Wabash River; and

H. R. 17345. An act creating a United States court for China and prescribing the jurisdiction thereof.

ISTHMIAN EXPOSITION, TAMPA, FLA.

Mr. SPARKMAN. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk with amendments.

The SPEAKER. The gentleman from Florida asks unanimous consent for the present consideration of the following concurrent resolution, which the Clerk will report.

The Clerk read as follows:

Concurrent resolution 28.

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner by an exhibition of the resources, development, and progress of the United States, to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Wheras such an exhibition should be of a national character and should have the sanction of the United States Government; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition there during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President of the United States be, and he is hereby, requested to issue his proclamation to the governors of the several States, inviting them to participate in said exposition by sending exhibits thereto showing their growth, development, and progress; and that the President be further requested to hold a naval review in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

The amendments were read, as follows:

On page 2, line 7, between the word "be" and the word "further," insert the words "and he is hereby."

On page 2, line 7, between the word "review" and the word "in," insert the words "at his discretion."

On page 2, line 10, between the word "President" and the word "cause," insert the words "of the United States be, and he is hereby, requested to."

On page 3, after line 2, insert the following:

"*Resolved further*, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or expenditures or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition."

The SPEAKER. Is there objection?

Mr. CRUMPACKER. Mr. Speaker, I would like to know something about the resolution before giving consent.

Mr. SPARKMAN. Mr. Speaker, the purpose of this resolution is very clearly stated in the resolution itself. The people of Tampa, and I may say of Florida, intend in good faith to hold an exhibition at the city of Tampa for the purpose of celebrating the commencement of work on the Panama Canal——

Mr. MADDEN. Mr. Speaker, I desire to reserve the right to object.

Mr. SPARKMAN. This exposition is to open early in January, 1908, and to continue for four or five months. The governor of the State of Florida has already issued his proclamation inviting the governors of the various States to send exhibits there and to otherwise participate in the exposition. Now, the resolution that has just been read here is not just the resolution that the House will act upon if unanimous consent is given for its consideration. I propose to offer some amendments which will materially change the resolution as read.

Mr. CRUMPACKER. What I would like to know is what the resolution requires the Federal Government to do in connection with that exposition?

Mr. SPARKMAN. The resolution, as it will be amended, will require the Federal Government to do nothing except the holding of a naval review in the waters of Tampa Bay, which it requests the President to do, and to make such display of the Army there as he may see proper, all to be in his discretion, without any expense whatever to the United States Government.

Mr. CRUMPACKER. I have no objection to the measure.

Mr. BURTON of Ohio. Mr. Speaker, I would like to ask my friend from Florida several questions. Is there any special reason why this exposition should be held at Tampa? Would not there be an equal reason for holding an exposition at Pensacola, New Orleans, Galveston, or, in fact, on the Atlantic coast? I would also like to ask why this should have the sanction of the Government of the United States?

Mr. SPARKMAN. I will say in reply to the gentleman from Ohio that the only reason, if any, why this exposition should be held at Tampa and not at some other place is that stated in the resolution, that Tampa is nearer to Panama than any other city with a deep-water harbor reached by railroad facilities.

Then, again, I have heard of no other place wanting or proposing to hold such an exposition. So I take it that no other place will be applying to Congress to take any action like this. The resolution, I will say further, is certainly unobjectionable from every standpoint, because it does not propose to call on the Government at any time for money to pay any part of the expenses of the exposition; and I say here and now, so far as I am concerned, I will never call on Congress for a cent. And it seems to me that if the people of the State of Florida are willing to go down into their pockets for the purpose of holding this exposition, and the people of any of the other States are willing to assist in it, Congress should raise no objection, as the Government will not be injured.

Mr. BURTON of Ohio. Does the gentleman from Florida [Mr. SPARKMAN] state that at no time and under no circumstances is it expected that any appropriation will be asked from the United States Government?

Mr. SPARKMAN. I so state.

Mr. BURTON of Ohio. For this exposition?

Mr. SPARKMAN. I state that most emphatically, as far as I am concerned; and I do not think that anybody here will do so over my head or protest.

Mr. BURTON of Ohio. Would not certain expenses be incurred, however, by the United States Government if this exposition was held?

Mr. SPARKMAN. I think not. The resolution provides that the Government shall be at no expense whatever, and I can see no expense in sight. Perhaps I did not make myself clearly understood. I propose to offer some amendments here which will eliminate the feature that was read in the resolution a moment ago requiring the President to invite the governors of the States, so that all that will be left will be the request of the President to hold the naval review and to make such military display of the Army as he may see proper, the whole to be done without any expense to the Government of the United States.

Mr. BURTON of Ohio. Is it expected that there will be a Government exhibit?

Mr. SPARKMAN. No, sir; not at all.

Mr. BURTON of Ohio. Is the gentleman from Florida able to state how much money will be raised by the State of Florida, or by the municipality of Tampa, or private parties, combined?

Mr. SPARKMAN. I can not state that, but I am told they propose to raise all that is necessary, so far as the State of Florida is concerned.

Mr. BURTON of Ohio. The gentleman states, "so far as the State of Florida is concerned."

Mr. SPARKMAN. So far as the participation in it by the State of Florida is concerned, and if any part of the Army should go there—there would be but a few companies at most—it will be expected that the State of Florida or somebody there shall pay the expenses of transportation.

Mr. HULL. Does this bill carry an appropriation to pay the expenses of the Army and Navy?

Mr. SPARKMAN. No, sir; it does not.

Mr. HULL. Well, the regular appropriation will not do it. We cut them down in the Army to the lowest possible point.

Mr. SPARKMAN. I will say, first, the Navy will have to be supported, no matter where it is, and it is usually in those southern waters during the winter and spring of the year. It is very frequently sent to Pensacola and other places in that region, where it makes more or less of a display under the orders of the President or, what is the same thing, of the Navy Department. But if any part of the Army goes down there, one, two, or three companies, or a regiment, somebody will have to pay their traveling expenses. The Government would not do it without authority. So the expense would necessarily fall on some one else. We had a company of United States cavalry down there last year at our State fair, and the fair association had to pay for its transportation.

Mr. HULL. How many does this propose to take down?

Mr. SPARKMAN. It is left to the discretion of the President entirely.

Mr. HULL. The President might order a division down there, if you wanted them badly, and that would be a good deal of expense.

Mr. SPARKMAN. He could do that anyway. This resolution is certainly as harmless as any that could be introduced in this body. [Cries of "Vote!"]

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I would like to have five minutes on this proposition.

The SPEAKER. The Clerk will first report the amendment.

The Clerk read as follows:

Strike out all after the reserving clause and insert:

"That the President be, and he is hereby, requested to hold a naval review at Tampa Bay at such time during the progress of said exposition as he may deem best.

"*Resolved further*, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable."

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition or in connection with such celebration and exposition.

The SPEAKER. Does the gentleman from Florida yield?

Mr. SPARKMAN. I yield five minutes to the gentleman.

Mr. PAYNE. Mr. Speaker, I did not object to this resolution, because of the most urgent importunity of gentlemen on the floor, and because of their private assurances that under no circumstances would the United States be called upon to appropriate a dollar of money for this show at Tampa, and not because my judgment approved of it, and not because I did not believe that some other gentlemen would come in here and the House and the Senate will run away with an appropriation for this object in the future. I have been fighting these things for some time, and I have made up my mind that the only way to get rid of them is to go in for every show, not by my vote, that any communities want, and let the people see the foolish extravagance into which we are running in this direction.

It is only a year or two ago that I had the pleasure of going through the bill for a naval exposition down here on the James River, and I was told that no appropriation would ever be asked of Congress for that exposition down there, and the assurances were as strong as they are upon this subject to-day. I went through the bill and struck out in blue pencil every reference to the show in any way, shape, or manner in that bill that provided for a naval exhibit to occur in certain months of the summer.

Mr. WILLIAMS. The same thing was in the Buffalo bill in the beginning.

Mr. PAYNE. I know it.

Mr. WILLIAMS. It is in all of them.

Mr. PAYNE. Certainly; and if it is any answer, I acknowledge that I went wrong on the Buffalo bill; but I do not intend to vote for any more of these so long as my name is on the rolls of the House.

Mr. GROSVENOR. I would like to ask the gentleman a question. The gentleman says he has been fighting these bills for a long time. What success have you had?

Mr. PAYNE. I will tell the gentleman in a minute.

In this Jamestown matter every reference to an exposition was taken out of that bill. What is the result? Why, we are here now with an appropriation agreed to by the committees on the sundry civil bill for $1,350,000 for a place down there where we actually have to appropriate $400,000 in building a dock or docks by which we can approach the place. Now, that is the rediculous position that we are in. I have no doubt but that this Tampa business will loom up, and Congress will engage in the same way with a resolution from some other community and go into the show business. It is time the Government got out of the show business. The time will come after the people have breathed a while on the subject. But there is a day when it will come. Congress can not tell when, but it will not be until the people begin to see the ridiculousness of the Government continuing in the show business; and then I hope there will be a sufficient revulsion of feeling to compel Members of the House and Members of Congress to refrain from getting into such a performance as we are entering upon by the passage of this resolution at this time. [Applause.]

The SPEAKER. The question is on agreeing to the amendment. Without objection, the amendment will be considered as agreed to.

Mr. PAYNE. I object to that, Mr. Speaker. I want the privilege of voting against it.

The SPEAKER. The question is on the amendment.

Mr. SIBLEY. I would like two minutes before the vote is taken.

Mr. Speaker, I have at some time or other had to vote either for or against every exposition that has been held, commencing with Chicago, and I have sworn off and declared that I would never vote another dollar to any exposition. When my friend from Florida [Mr. SPARKMAN] came to me, knowing that I have a residence on the shores of the most beautiful bay in the world, Tampa Bay, on the west coast of Florida, I read his bill carefully and found that it did not provide for the expenditure of one penny from the Federal Treasury, and it declares that it never shall cause the expenditure of one penny by the Government. It authorizes the President, in his wisdom and at his discretion, to cause the fleet to rendezvous and display within the borders of that bay, at Tampa, where the people hold each year a State fair that I have never seen equaled by any Commonwealth in our Federal Union. [Applause.] The display of citrous fruits and of semitropic products is the most marvelous that is afforded by any Commonwealth in this country.

This bill simply provides that during the holding of that fair the President may, in his discretion, rendezvous the fleet at that point. That fleet will be rendezvousing or sailing through some portion of the Caribbean Sea. It will be in those waters, and this merely provides that it may rendezvous at that point, and that the Federal troops stationed adjacent to that point may, in his discretion, also be afforded the opportunity to exhibit.

Mr. PAYNE. I want to say to the gentleman I have seen just as fine an exhibit as the one he describes now at Jacksonville, and I presume Jacksonville will come on in due time.

Mr. SIBLEY. Mr. Speaker, I have no objection to admitting that Jacksonville holds a good display, but it could not, of course, rival Tampa, or I would not be going over to Tampa to live.

Mr. HULL. Will the gentleman from Pennsylvania be there in all his glory when this exhibit takes place? If he is there, of course we shall all want to go. [Applause.]

Mr. SIBLEY. I hope the fact that there can be no appropriation from the Federal Treasury will prompt every gentleman to vote for this measure, and I will be there ready to extend a welcome to one and all. [Applause.]

Mr. SPARKMAN. I yield three minutes to the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Speaker, I want to say that I have been one of the Spartan few who have voted uniformly against every exposition a project for which has been presented to the House—Chicago, Nashville, Buffalo, St. Louis, Jamestown, all of them—because it took money out of the Treasury for a purpose that I did not think was legitimate, according to my views.

This bill, however, is totally unlike any bill that has ever

come before the House, even in the initiatory stages of the other bills. This bill merely provides—to use a French expression—that the President be requested by Congress, "if in his opinion" it is expedient, to permit the Navy and the Army to "assist" at the performance; that is, to be present. That is all there is in it. Then at the end of it there is an absolute obligation in the bill itself never to call for anything further.

Mr. PAYNE. I want to say that was all there was to that Jamestown thing in the first place.

Mr. WILLIAMS. I beg the gentleman's pardon. That was not all there was in the Jamestown thing, and that is the reason I voted against the Jamestown thing. There was in the Jamestown bill a provision to invite foreign powers to participate. There is no such provision in this bill. There was, moreover, no pledge in the body of the bill, as to the Jamestown exposition, that there would be no future requests to Congress for an appropriation.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question being taken, on a division (demanded by Mr. PAYNE) there were—ayes 125, noes 30.

Accordingly the resolution was agreed to.

Mr. SPARKMAN. I offer an amendment to the preamble.

The SPEAKER. The gentleman from Florida offers an amendment to the preamble, which will be reported by the Clerk.

The Clerk read as follows:

Strike out the preamble and insert:

"Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner, to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

"Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

"Whereas it has been determined to hold such an exposition at Tampa, Fla., during the months of January, February, March, April, and May, A. D. 1908; and

"Whereas His Excellency Napoleon B. Broward, governor of the State of Florida, did, on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it.

The SPEAKER. The question is on agreeing to the preamble.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. SPARKMAN. I yield.

Mr. MANN. Does the city of Tampa need this certificate of good character that is carried in that preamble?

Mr. WILLIAMS. Oh, it won't do any harm, I suggest to the gentleman.

Mr. MANN. It sounds to me like the most ridiculous advertisement I have ever heard read.

Mr. SPARKMAN. I am sorry the gentleman takes that view.

Mr. MANN. I do not believe the city of Tampa needs a certificate of good character from Congress in that manner.

The SPEAKER. This is an amendment to the preamble. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the adoption of the preamble as amended.

The question was taken; and the preamble as amended was agreed to.

On motion of Mr. SPARKMAN, a motion to reconsider the last vote was laid on the table.

SUSAN C. SMITH.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President be requested to return the bill (H. R. 19047) entitled "An act granting an increase of pension to Susan C. Smith."

The SPEAKER. Is there objection?

There was no objection.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

MOVEMENTS OF VESSELS IN HAMPTON ROADS, ETC.

Mr. RYAN. Mr. Speaker, I present a conference report on the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters in the State of Virginia, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from New York presents a conference report and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The conference report and statement are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House numbered 1, and agree to the same.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

KNUTE NELSON,
J. H. GALLINGER,
THOMAS S. MARTIN,
Managers on the part of the Senate.

STATEMENT OF MANAGERS ON THE PART OF THE HOUSE.

The conferees on the part of the House on the bill (S. 4774) relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia, submit the following statement:

The House adopted an amendment providing, in effect, that the act could only be enforced from January 1, 1907, to January 1, 1908. By the conference agreement the Senate recedes from its disagreement to the amendment of the House and agrees to the same.

W. P. HEPBURN,
JAMES R. MANN,
W. H. RYAN,
Managers on the part of the House.

Mr. RYAN. Mr. Speaker, I move the adoption of the conference report.

The question was taken; and the conference report was agreed to.

ALASKA CENTRAL RAILWAY.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report from the Committee on Rules, which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, That immediately after the passage of this resolution it shall be in order to consider in the House, as in the Committee of the Whole (S. 5901), an act to extend the time of the completion of the Alaska Central Railroad, and for other purposes, reported from the Committee on the Public Lands, and forty minutes shall be allowed for debate thereon, the time to be divided equally between those supporting and those opposing the bill, at the end of which time the previous question shall be considered as ordered and a vote taken on all amendments and the bill to its passage, without delay, intervening motion, or appeal.

Mr. WILLIAMS. Mr. Speaker, I understand this is the bill that went to the Public Lands Committee and was amended there.

Mr. DALZELL. Yes.

Mr. WILLIAMS. Well, this bill has been put into such shape that I shall not ask for any time at all.

Mr. DALZELL. Mr. Speaker, I demand the previous question.

Mr. SMITH of California. Mr. Speaker, is it not contemplated when the bill is brought up under this rule to strike out the amendments which the Committee on Public Lands made to the bill?

Mr. DALZELL. Mr. Speaker, I will state that I am unable to answer the question.

Mr. LACEY. Mr. Speaker, so far as I am concerned I will say that I think we ought to vote down the amendment. We have just given 2,560 acres to this other line, and these people want only 80 acres. I think the amendment should be stricken out.

Mr. DALZELL. As I understand it, the rule does not permit any vote on the amendment.

The SPEAKER. It permits a vote on the committee amendments.

Mr. GAINES of Tennessee. Mr. Speaker, the committee amendments are amendments of a great deal of importance, and the committee considered them and made the changes in the bill.

The SPEAKER. The rule covers the amendments.

Mr. GAINES of Tennessee. Well, we do not want the amendments to be put back into the bill.

The SPEAKER. Then they can be voted down.

Mr. DALZELL. Mr. Speaker, I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The question was taken; and the previous question was ordered.

The SPEAKER. The question now is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

The SPEAKER. This bill was read on a former occasion, as the Chair recollects, on a motion to suspend the rules.

Mr. HAMILTON. That is true.

Mr. LACEY. Yes; read on a motion to suspend the rules.

The SPEAKER. Is there objection to dispensing with the reading of the bill?

Mr. GAINES of Tennessee. Mr. Speaker, I object, because I think it ought to be read.

The SPEAKER. The Clerk will read the bill.

The Clerk read as follows:

Be it enacted, etc., That the time for the compliance by the Alaska Central Railway Company with the provisions of sections 4 and 5 of chapter 295 of the laws of the United States, entitled "An act extending the homestead laws and providing for the right of way for railroads in the district of Alaska, and for other purposes," approved May 14, 1898, by locating and completing its railroad in Alaska, is hereby extended, and the powers of said company are enlarged as follows:

First. Said company shall have three years from the passage of this act within which to file a map of definite location, until which time all their rights originally secured by the filing of their plats of preliminary location shall continue, and six years from the date of filing of such maps of definite location within which to complete said railroad to the Tanana River.

Second. That there is hereby granted to said company for terminal purposes and for the building of approaches, wharves, docks, warehouses, elevators, and such other structures as may be necessary for the conduct of the business of said railway, on and contiguous to the Tanana River and the Yukon River, and at such points thereon as the company shall select, public land not exceeding 160 acres at each of said points and having a frontage on each of the said rivers not to exceed 1 mile; and a similar grant of land is hereby made to said company for intermediate division terminals at points on the line of its railway to be selected by it as most convenient for said intermediate division terminals and approximately 100 miles apart.

The land hereby granted shall be located and selected by said company and its rights shall attach thereto when it shall have filed in the office of the Secretary of the Interior a plat thereof, with a copy thereof in the local office. Said company shall have the right to enter on and possess said lands immediately, but title shall not vest until the railroad of said company shall have been completed to said points, respectively. There is further hereby granted to said company for similar purposes, on Resurrection Bay, two parcels of public land, one of an area of 1.40 acres and the other of an area of twenty-eight one hundredths acre, which lie between the line of mean high tide on said bay and the east line of the present right of way of the Alaska Central Railway and immediately east of the United States survey No. 726 south and United States survey No. 726 north, F. L. Ballaine soldier's additional homestead location, said two parcels being in addition to the land located by said company for terminal purposes on Resurrection Bay under the provisions of general law.

Third. There is hereby granted the said company the right to purchase at $1.25 an acre the reserve tract between the homestead locations of Scheffler and Ravell on the north shore of Resurrection Bay, said reserve tract having the same depth from the water front as the adjoining homestead locations.

Fourth. Said company shall have the right to locate its right of way along the navigable waters of Alaska and as near thereto as may be necessary for the safe, economical, and efficient construction and operation of its line of railway, any restriction, condition, reservation, or easement provided in, by, or under any act of Congress to the contrary notwithstanding, and the right of way for its railway is granted to said company on Resurrection Bay and at such other points as it may be found desirable to establish terminal facilities on, over, along, and across any roadway established along the shores of navigable waters under the act of Congress of May 14, 1898.

Fifth. Said company shall be exempt from license tax and tax on its railway and railway property during the period of construction and for five years thereafter: *Provided*, That the total period of exemption shall not exceed ten years from the time of the passage of this act.

Sixth. Congress reserves the right to alter, amend, or repeal this act.

Seventh. Nothing herein contained shall be taken as vacating or impairing the reserved shore roadway and riparian rights provided for under the said act approved May 14, 1898.

With the following committee amendments:

On pages 2 and 3 strike out paragraphs numbered second and third.

Page 4, line 1, after the word "notwithstanding," strike out all the rest of the paragraph.

Mr. FOSS. Mr. Speaker——

The SPEAKER pro tempore. For what purpose does the gentleman rise?

Mr. FOSS. I waive my right to the gentleman from Iowa.

The SPEAKER pro tempore. The gentleman from Iowa [Mr. LACEY] is in control of one-half of the time and——

Mr. SMITH of California. We want some time in opposition to striking out the amendment.

The SPEAKER pro tempore. The gentleman from Arkansas [Mr. ROBINSON] and the gentleman from Missouri [Mr. RUCKER] signed the minority report, and one of those gentlemen should control the opposition.

Mr. LACEY. Will the Chair state who controls the time on the other side?

The SPEAKER pro tempore. There are twenty minutes on each side and the gentleman from Missouri [Mr. RUCKER] will control the time in opposition.

Mr. LACEY. Mr. Speaker, I only want a very few minutes, to begin with. This bill has been very well explained in the debate upon the bill which has just passed. The difference between this bill and the one which has just passed is that the parties who will be the beneficiaries of this bill have spent nearly $3,000,000 in building 48 miles of road and have given the best evidence of their good faith. They have not asked a charter; they have taken a charter under State laws, and have not asked a special Congressional charter here or any aid of any kind; but what they ask now is additional terminal facilities at Resurrection Bay, an extension of time to complete their work, and, in addition, they ask to have a quarter section of land every hundred miles for a division, a quarter section of land when they reach the Tanana for terminal facilities, and a quarter section when they reach the Yukon for like facilities. That is all they ask, and it is a very modest request.

Mr. MADDEN. Do they want that free of charge?

Mr. LACEY. They ask the lands free of charge except the land on the bay, and they pay for that at Government price.

Mr. MADDEN. How many quarter sections are there, putting it all together?

Mr. LACEY. They get one every hundred miles under this bill.

Mr. MADDEN. How many?

Mr. LACEY. Five hundred miles. They get five quarter sections, and under the general law they get 20 acres for stations every 10 miles, and this increases it. When they come to a divisional point, each hundred miles there they can take 160 acres of land.

Mr. MADDEN. And they do not pay a cent for it.

Mr. LACEY. No; of course not.

Mr. NEEDHAM. How much water front do they get?

Mr. LACEY. Not to exceed a mile. We have just given 4 miles water front to the other road.

Mr. MADDEN. Two miles.

Mr. LACEY. Two thousand five hundred and sixty acres of land. This company pays the Government price for the shore land. Now, Mr. Speaker, I yield to the gentleman from Illinois.

Mr. FITZGERALD. What is the effect of the amendment?

Mr. LACEY. The effect of the committee amendment is to strike out this grant of 160 acres and strike out the granting of the quarter mile extra on the water front.

Mr. FITZGERALD. Mile of water front.

Mr. LACEY. They want an additional quarter, which is reserved between two tracts which they already have. Under the Alaska law, between the homestead or other entries on water fronts there must be a quarter of a mile reserved. This quarter of a mile occurs right at their terminal, and they ask the privilege to buy that quarter of a mile, which would connect their two tracts of land. Now, I do not know, in view of the temper of the House giving four miles——

Mr. HAMILTON. Two miles, as I remember.

Mr. LACEY. Well, say 2 miles—2,560 acres—that there ought to be much debate on this proposition, especially when it comes in in behalf of a company that has spent nearly $3,000,000 in building this road and is at work upon the road now. I yield five minutes to the gentleman from Illinois [Mr. Foss], who introduced the bill.

Mr. FOSS. Mr. Speaker, I would like to have the attention of the House for just a moment.

I desire to state that I introduced this bill into the House. A similar bill was introduced about the same time in the Senate. This bill was carefully considered by the House Committee on Territories and unanimously reported to this House without any amendment whatever. A similar bill, as I said a moment ago, was introduced in the Senate, and that was unanimously reported by the Committee on Territories to the Senate, and passed the Senate without any amendment what-

ever, and that is the bill which we are considering to-day in the House. Now, when this bill came over after its passage in the Senate, it went to the Committee on Public Lands. In my judgment, it should have gone to the Committee on Territories. And the Committee on Public Lands held a hasty hearing upon the consideration of this matter. They did not go into a full and careful analysis of it, as they did not have time during the closing days of this session, as did the Committee on Territories, whose hearings upon this question I now hold in my hands.

Mr. LACEY. Will the gentleman yield? The Committee on Public Lands reported this same bill in the last Congress and went over it very thoroughly and had a full hearing.

Mr. FOSS. The Committee on Public Lands in the last Congress practically reported this same bill, but the other day the Committee on Public Lands reported this with some amendments which I do not think, if they had taken careful consideration of this measure and had had time to hold hearings as in the Committee on Territories, they would have reported to this House. Consequently, I trust when it comes to these amendments the House will vote them down, and then the bill will be restored to its original shape and condition, the same as it passed the Senate, the same as it was unanimously reported from the Committee on Territories, and the same as the House, in my judgment ought to pass it to-day.

Now, a moment as to this company, the Alaska Central Company. It is not a company asking for a charter to-day. It already has a charter, and it has had a charter for three or four years. It obtained its charter under the laws of the State of Washington, and it has gone on under the general law in laying out surveys for a railroad in Alaska, and it has already, without any aid from the Government of the United States, built 45 miles of railroad in Alaska. No other American enterprise has done as much as that. It leads them all. It has put in between two million and a half and three millions of dollars into the building of this road, and now it asks for a little aid in the way of extension of time for the completion of the road, and in the way of an extension of its terminals, or a little more land that nobody else would take. As my friend from Michigan said to you a little while ago, it is hardly worth 2½ cents an acre.

The SPEAKER pro tempore. The gentleman's time has expired.

Mr. FOSS. I would like three minutes more.

Mr. LACEY. I yield two minutes more to the gentleman from Illinois [Mr. Foss].

Mr. FOSS. So it is seeking the right to buy some land at the usual price of $1.25 an acre. Gentlemen, in my judgment, this is the worthiest proposition in connection with the railroads of Alaska of any that have been presented to the House, because the people have gone ahead and built the road, and have never asked a single dollar from the Government in the way of subsidy nor an acre of land in the way of a land grant, nor a guaranty of any kind whatever. They have gone in there on faith, and not only that, with faith plus work actually done and performed. And they are entitled to the favorable consideration of this House.

It costs a good deal of money to build a road up in Alaska. It costs anywhere from $25,000 to $30,000 per mile, and in some places where this road is being constructed it is going to cost $150,000 to $200,000 per mile. And so for these reasons it seems to me if we are going to open up Alaska, with all its boundless resources, to trade and to commerce and to civilization, we ought to do what we can legitimately and rightly to aid these men who have gone forth with such faith in the building up of this road.

I thank the gentleman for yielding me some time. That is all I have to say. [Applause.]

Mr. LACEY. Will the gentleman from California use a portion of his time now?

Mr. SMITH of California. I yield to the gentleman from Missouri.

Mr. RUCKER. Mr. Speaker, the speech we have just listened to from the distinguished gentleman from Illinois [Mr. Foss] reminds the House of the time when the great naval appropriation bill was pending for consideration. We are used to seeing the gentleman on those occasions in most vehement manner proclaim the merits of his bill. But just why he, a Representative of the State of Illinois, is so profoundly and so deeply concerned about a railroad away out in Alaska—the passage of a bill which did not come from his committee—one with which, so far as the record shows, he has no connection, I am somewhat confused to know.

I want to say, Mr. Chairman, that it would be better for legislation in this Congress, it would be better for the estimate in which we hope the American people may hold the Congress of the United States, if gentlemen here were guided in their legislative conduct solely by their oath of office, and that alone. I want to say, too, that so far as I am concerned, this bill, if amended as the gentleman demands, will have to be passed with a quorum of this House present and voting.

I do not intend to permit a railroad or any other corporation or a lot of capitalists from Chicago or elsewhere to come here and exploit the country and rush through measures in which the Treasury of the United States is concerned if I can prevent it. I care nothing about what the Public Lands Committee did in the last Congress. I care nothing about what the Senate Committee may have done. If they have heretofore established bad precedents, it is time for us to break away from them. This bill must stand upon its merits. Gentlemen say it was not considered in a committee of the House, and that is true. And why? Because those interests which can always get the ear of chairmen and members of committees, and which can always get the ear of the Committee on Rules, and can always command—I say it with shame—support on this floor, at least some support; because gentlemen representing these interests came here at the very last hour of the last meeting of the Committee on Public Lands and insisted—supported by lawyers, experts, and capitalists from all parts of the country, interested in this enterprise, and supported by some Members on this floor, who perhaps have some interest, I know not what, in this legislation—and, in effect, demanded immediate consideration of their measure. I say that committee did a wise thing, it did an honest thing, when it struck those provisions which are now in dispute out of the bill.

Why, gentlemen, it has been charged here repeatedly during the last few days, and never denied or explained, that great labor organizations have come here, in most respectful attitude and in most courteous manner, and appealed in vain for consideration of meritorious measures affecting the welfare of millions of American citizens. But let the money power of this country; let men representing great corporations, the capitalists of the nation come here, and we then find as good men as the chairman of the Committee on Public Lands standing here, urging the House to undo that which a majority of his committee, in its judgment, thought proper and wise to do.

I want to say, Mr. Speaker, before I take my seat, because I know what will be done—we are not blind to everything—I do not know who would be on the conference committee; and therefore I say to you, if these amendments are reinserted in this bill, it will have to have the approval and support of the majority of the Members of this House before it passes. It will require the presence of a quorum to pass it.

Mr. LACEY. Will the gentleman allow me to ask him a question?

Mr. RUCKER. Certainly.

Mr. LACEY. Did you demand a quorum when we voted 2,500 acres to this other railroad?

Mr. RUCKER. Why, Mr. Speaker, like the gentleman from Iowa, I had no special duty in connection with that bill. I left the gentlemen who were charged with duty in connection with that bill to attend to that duty and contented myself with voting against its passage, because I thought it bad legislation. But I will say to you that in my humble judgment, and I speak with the greatest deference and respect to my friend, I have individual responsibility here. The committee over which you preside by a large vote decided the provisions here in controversy should not be left in the bill, and they struck them out.

Mr. Speaker, I will not have time to analyze this measure, because I want to yield time to others. But I want to say that it will not do to listen to the arguments of—I was about to say of attorneys—it will not do to listen with too much confidence to the arguments of gentlemen from remote States, whose interest is not apparent, as to what this bill does or will do, because, I tell you, in its carefully prepared provisions it carries a great deal more than a superficial investigation will suggest. If these amendments are insisted upon, I warn gentlemen now they will have to have loyal friends here who will support them on its passage, because if enough gentlemen will stand with me and assist me in protecting the people of the United States against this sort of legislation in behalf of corporations it will require a quorum to pass it.

Mr. Speaker, I will not prolong this controversy. I want to yield some time to my colleagues on the committee. I yield to the gentleman from California [Mr. SMITH].

Mr. SMITH of California. Mr. Speaker, I want to see if I can clear up the atmosphere a little on what we consider the demerits of this bill. The Committee on Public Lands made a majority report in favor of the passage of the bill as amended, and I am willing to stand by the committee in that attitude; but notice has been served upon us that when this debate is

over and the matter is brought to a vote, that it will be proposed to ask the House to undo what the Committee on Public Lands has done in connection with this bill and pass it in a form in which the Committee on the Public Lands refused to recommend it. I will show the House wherein it differs.

Mr. MONDELL. Did the gentleman support the bill that passed the House a few minutes ago?

Mr. SMITH of California. No; I did not vote either way on that.

Mr. MONDELL. The gentleman did not oppose it?

Mr. SMITH of California. I did not oppose it, because I did not know anything about it.

Mr. MONDELL. The gentleman knows that that bill granted infinitely more than this bill does.

Mr. SMITH of California. I object to the gentleman taking my time on this subject. It is not a question of whether we shall give this railroad 160 acres or 320 acres. Gentlemen lower themselves beneath the dignity of debaters on the floor of this House when they state merely that the land desired is not worth anything up there. The thing that this company is fighting for is the water front. That is all there is in the bill. A law was passed in 1898 with reference to homesteads in Alaska, in which it was specifically provided that homesteads lying near a navigable water should not be more than 80 rods wide, and there should then intervene 80 rods which nobody could take, and there is the express declaration in that law that the Government will not part with its water front, but will hold it in perpetuity for the benefit of the commerce of that country.

This bill now proposes, if these amendments of the committee are stricken out, to give to this railroad company, not so many acres of land—nobody cares for that—but to give to this railroad company 1 mile of water front at its termini and 1 mile of water front wherever it ses fit to touch a navigable stream. Now, that is the part to which the committee was opposed to, and that is the part which I am opposing. I am willing to let the bill go through as the committee reported it, although I think it contains some questionable provisions on another point, but I am not going into that here. I am not, however, willing to sit here and let this Congress blindly vote away the water front of that country. Gentlemen say that this land is of no value and that there is no population in that country. That is very true, and that was substantially true when every transcontinental railroad was built across the United States, and I will say of this bill as the promoters and those railroads did, that it is in anticipation of a population and a commerce in that portion of the country that they propose to build this road. It is perfectly evident that if they did not expect there would be a population and a commerce in that country they would not be here talking about building railroads.

Now, look ahead a little and see the time when there will be a sufficient population and commerce in Alaska to justify the building of a railroad, and then tell me if the water-front privileges are not the key to the situation. The railroad company that controls the water front touched by its line will have the commerce and the rights of the people in its hand, and it can close its hand as tightly as it pleases. The railroads that were built into California more than a quarter of a century ago would have given millions for a provision of that kind in the law granting them the right of way to enter California. And so they would in Washington, or any other portion of the country that has been touched by the transcontinental railroads.

[Here the hammer fell.]

Mr. RUCKER. Mr. Speaker, how much time have I remaining?

The SPEAKER. The gentleman has seven minutes.

Mr. RUCKER. I yield to the gentleman one minute more.

Mr. SMITH of California. I say no man can estimate the value that would accrue to the Central or Southern Pacific Railroad if they had been given such privileges at San Francisco and San Pedro or on any other navigable waters in California as are contained in this bill.

Mr. MONDELL. Does not the gentleman know that those railroad companies received vastly greater grants and privileges than is given to this road?

Mr. SMITH of California. That is another consideration. They did not receive in the entire land grants that which represents one-tenth part of the value to them of the water-front privileges that are contained in this bill. I tell you the Southern Pacific to-day would surrender every acre of the land grant that it received for the privilege of controlling the water front on San Francisco and San Pedro bays.

Mr. LACEY. Now, Mr. Speaker, I yield two minutes to the gentleman from Wyoming.

Mr. MONDELL. Mr. Speaker, I think the House should keep an even keel. We passed a bill a short time ago by a large majority granting valuable privileges to a company that has not spent much money in Alaska up to this time, or, so far as I know, built any railroad, and as we now have before us a bill proposing to grant to a company that has built many miles of railroad in Alaska, that has spent millions of dollars in Alaska, a few poor, miserable privileges compared with the grants to the company I have just referred to and infinitesimal compared to the grants and privileges given to railroads built across the continent a few years ago.

The gentleman talks about granting water fronts. We do grant this company the right to take 80 rods on a certain bay which was reserved very properly by the Congress for just such purposes as this, with a view to encouraging the construction of railways, in order that we might have land on tide water to grant to those who desired to build the very expensive railways that must be built in that country. The few acres these people are allowed to buy they pay for at the Government rates.

The gentleman talks about granting a privilege on tide water. No privilege is granted here on tide water that any owner of land adjacent to tide water does not have and enjoy. There are no privileges given on lands below high tide—simply a right to buy certain lands that were reserved with a view of disposing them for the purpose of aiding in the development of the Territory of Alaska. These people have been proceeding under the general law, asking no special grants or privileges of Congress until they found that in order to complete the road which they have so far pushed forward as rapidly as possible, they must have a slight extension of time and have a few more acres of land.

Mr. LACEY. Mr. Speaker, I now yield two minutes to the gentleman from Michigan [Mr. HAMILTON].

Mr. HAMILTON. Mr. Speaker, I simply want to say that a similar bill to the one under consideration was referred to the Committee on Territories, considered carefully, and reported favorably. A similar bill was considered by the Senate Committee on Public Lands, reported favorably, and passed the Senate. That bill, which is the bill under consideration, came to the House and was referred to the House Committee on Public Lands, and the House Committee on Public Lands reported it back to the House with some changes in it—that is, they proposed to strike out certain sections whereby it was proposed to give to this company 160 acres of land for a terminal and 160 acres at intervals of 100 miles.

Mr. GAINES of Tennessee. Why did not this bill go to the Committee on Territories?

Mr. HAMILTON. I don't know.

Mr. GAINES of Tennessee. Well, of course it ought to.

Mr. HAMILTON. I think it is a good bill, however.

Mr. GAINES of Tennessee. Well, the gentleman from Michigan is familiar with all the facts, and yet it was sent to the Land Committee, which knew nothing about it.

Mr. HAMILTON. I feel it my duty to say that I regard it as a good measure, and it is a part of the general plan to give transportation facilities for the interior of Alaska. After consideration our committee thought that if these two trunk lines, one from Controller Bay to Eagle and the other from Seward to Fairbanks, could be constructed, that would open up the internal resources of Alaska.

Mr. BROOKS of Colorado. Will the gentleman yield for a question?

Mr. HAMILTON. Yes.

Mr. BROOKS of Colorado. Will the gentleman tell us whether or not the granting of this frontage will in any way exclude other people from getting similar privileges in Resurrection Bay?

Mr. GAINES of Tennessee. Of course it will.

Mr. HAMILTON. So far as any of the frontage given is concerned it would exclude other people, but no further than that.

Mr. BROOKS of Colorado. As I understand it, there is a very large frontage there still left.

Mr. HAMILTON. Yes; I so understand it.

Mr. BROOKS of Colorado. And this gives only a very small portion.

Mr. HAMILTON. That is my understanding.

Mr. McCLEARY of Minnesota. How much is the frontage?

Mr. HAMILTON. It is very small. I don't know how much. These people have spent two and a half million dollars in the construction of this railroad, and have only constructed up to mile 45. They are having great difficulty in selling their bonds.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. LACEY. Mr. Speaker, I yield two minutes to the gentleman from Indiana [Mr. BRICK].

Mr. BRICK. Mr. Speaker, I don't know that I care to take up even two minutes. This bill has come before the Committee on Territories, and we have considered it. We believe that it is a good thing for Alaska. The gentleman from Missouri [Mr. RUCKER] seemed to have some idea that everybody that is for this bill had some ulterior interest. I want to say to you, Mr. Speaker, that I have no interest in any railway company in the world, except as that railway company may be a good thing for the world. I have not any interest in this proposition except that it may do good. If Alaska needs anything in the world—it has good men, 30,000 of the bravest, hardiest, and best men of America—it needs transportation facilities, and that is all the reason in the world why I am for this bill. This measure does not cost the United States a single dollar. They talk about its taking up the frontage of the bay. There are 20 miles of frontage on that bay, and it takes up only 1. The reason that I am for the bill is that I would like to open up the coal mines. I would like to open up all of the interior of that great empire that belongs to this country and which has been unappreciated by the people of this country all these years. [Applause.] I hope, Mr. Speaker, that this bill will pass as it was originally introduced, as it passed the Senate, and as it was approved once before by the Committee on Territories. We have done little enough for Alaska—when they have a chance don't block the way. Give them a fair show. [Applause.]

Mr. RUCKER. Mr. Speaker, I yield five minutes to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. Mr. Speaker, this bill came before the Committee on Public Lands, without a single member, so far as I know, knowing a blessed thing in the world about it. We considered it at our last meeting of the committee. If the gentleman from Iowa [Mr. LACEY] knew anything about it, we got very little or no information from him. There was no one except the very gentlemanly and able lawyer who came before us to explain it. We gave some relief to this road it wanted. We extended a limit for them to do certain things three years. We also extended another limit that was about to expire. This was satisfactory; and then we got down to the second section, and they proposed then to take great river fronts, without our knowing anything about the value of those river fronts, without anyone before us to tell the committee the value of these lands. They were anxious to build the road. We wondered why it was that they were so anxious to build the road. Yet it is said that these water fronts are valueless. The statements of the gentleman from California [Mr. SMITH] gave us some light on the subject. His information and common sense suggested to us to save these river fronts for the people who some day may go and build the cities about these railroad stations and river fronts.

Mr. LACEY. Let me ask my friend a question.

Mr. GAINES of Tennessee. Oh, Mr. Speaker, the gentleman from Iowa has had and has all the time that he wants. I am going to stand by what we agreed in the committee to do. We cut this lake front matter out. The gentleman's committee did it and did it conscientiously and as intelligently as we could. I am going to stand by that. I am going to stand by the river fronts. I am going to stand by the Government's rights. If it is a good thing for the railroad, it is a good thing for the Government not to give it to the railroads—that is, all of it at any one place, at least. The bill gives this road 160 acres of land, not in a lump, but in such a way as that this road can take miles of land up the river and miles of it down the river and thus make out its 160 acres and control the whole water front. They can make it 6 feet wide along the river front for miles and thus deprive the people who go there from ever getting to use the front of these waters. We cut that out, and we cut out a similar provision respecting the water front at some other places. They say that the land up there is worth a dollar and a half. Section 3 gives them the right to buy this land at any time for a dollar and a quarter. We struck that out, because we did not know what the value of the land was. We don't know whether it is gold or silver or copper. We had no light on the subject, and as faithful members of the gentleman's committee we tried to preserve the Government's right and yet help this road. The gentleman brought up this bill when he knew that we knew nothing about it; we amended it and now he is coming into the House with this great strong rule, running roughshod over the recommendations of his committee when we stood by him in the committee in our efforts at least to protect the Government and the rights of the people. [Applause.]

I will never turn tail and run from my committee recommendations. [Applause.] What else, Mr. Speaker? We gave the road an exemption from taxation for a few years, a thing I did not want to vote for, but did so under the circumstances. The road's representatives said the Government had given such an exemption to other Alaska railroads. Here are young men trying to build a railroad. I said to the splendid young railroad lawyer: "I want to help you, but when I help you I want also to protect the public; I want to protect the people who are to go out to this country and help to build it up, but I do not want you to swallow everything in the country." [Applause.]

Mr. PAYNE. Mr. Speaker, I am about to move to take a recess until 8 o'clock, and, if the House will indulge me, to say this: It is necessary that every Member be present at that time, and the more prompt they are in attendance the sooner we will get through with the business of the House and the session, so as to close up.

Mr. LACEY. I would like to inquire, before that motion is made, how the time remains?

The SPEAKER pro tempore. The gentleman from Iowa has four minutes and the gentleman from Missouri two.

Mr. PAYNE. I move that the House take a recess until 8 o'clock.

The motion was agreed to; and accordingly (at 6 o'clock and 1 minute) the House took a recess until 8 o'clock.

EVENING SESSION.

The recess having expired, the House was called to order by the Speaker.

Mr. SIMS. Mr. Speaker, I wish to call from the Speaker's table the bill S. 6209, and ask for the present consideration of the same.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia.

Be it enacted, etc., That the Commisisoners of the District of Columbia are hereby authorized to prepare a new highway plan for that portion of the District of Columbia lying north of Ordway street, south of Rodman street, east of Reno road, and west of Connecticut Avenue Highlands subdivision, under the provisions contained in the act of Congress approved March 2, 1893, entitled "An act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," and an amendment to said act approved June 28, 1898; that upon the completion and recording of said new highway plan it shall take the place of and stand for any previous plan for said portion of the District of Columbia.

The SPEAKER. The gentleman from Tennessee asks unanimous consent to consider the bill at this time. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President:

To the House of Representatives:

In compliance with the resolution of the House of Representatives (the Senate concurring), of the 29th instant, I return herewith House bill No. 18901, entitled "An act granting an increase of pension to John E. English."

THEODORE ROOSEVELT.

THE WHITE HOUSE, *June 29, 1906.*

The SPEAKER. Without objection, the message will be referred to the Committee on Pensions. [After a pause.] The Chair hears no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18537) making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

The message also announced that the Senate had passed without amendment bills of the following titles:

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General; and

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River in Arkansas.

The message also announced that the Senate had passed the following resolution:

Resolved by the House of Representatives (the Senate concurring), that the President be requested to return the bill (H. R. 19047) entitled "An act granting an increase of pension to Susan C. Smith."

JAMES M. PICKRELL.

The SPEAKER. The gentleman from Virginia [Mr. SOUTHALL] calls from the Calendar Senate bill 1812 under the general order that was adopted touching the Private Calendar on yesterday or the day before. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 1812) for the relief of Lieut. James M. Pickrell, United States Navy, retired.

Be it enacted, etc., That the President be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint Lieut. James M. Pickrell, United States Navy, retired, a lieutenant-commander on the retired list of the Navy, with the pay commensurate with the length of service rendered by said officer in the Navy, and to date from the time of such appointment to the grade of lieutenant-commander on the retired list.

Mr. PAYNE. Mr. Speaker, I would like to hear some explanation of this bill. What is the reason for it?

Mr. SOUTHALL. Mr. Speaker, it is a bill promoting Lieutenant Pickrell to lieutenant-commander. At the time he was retired he was ordered to report so as to be promoted. His health was found to be in such condition that he was retired and the Committee on Naval Affairs report, on account of his efficient services, he should be promoted, he on one occasion, while commander of a ship, being the last man who left the ship. He stayed on it until everybody got off the ship, and the ship sank. The Department says there is no objection to his being promoted.

Mr. PAYNE. The reason was he was too ill at the time——

Mr. SOUTHALL. It is all right. The committee passed it to-day. It passed the Senate unanimously, and the committee passed it to-day.

Mr. LAMB. I have looked into the report, and it is all right.

Mr. PAYNE. Mr. Speaker, I would like to have the report read in this case.

The SPEAKER. The Chair is informed that the report of the House committee has not been printed. The bill has been reported, and presumably the report has been sent to the Printing Office.

Mr. LAMB. The Senate committee united in recommending this.

Mr. PAYNE. Mr. Speaker, under the circumstances, I will not insist upon the report being read.

The bill was ordered to be read a third time, it was read the third time, and passed. [Applause.]

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the reports of committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

S. 218. An act granting to the City of Durango, in the State of Colorado, certain lands therein described for water reservoirs; and

S. 4774. An act relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News and adjacent waters, in the State of Virginia.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commission or commissioner or quasi judicial body created under the laws of the United States.

The message also announced that the Senate had passed joint resolution of the following title; in which the concurrence of the House of Representatives was requested:

Joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June ——, 1906, shall go into effect.

ENROLLED BILLS SIGNED.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 1476. An act granting certain lands to the town of Tincup, Colo., for cemetery purposes;

S. 4208. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels; and

S. 6167. An act to improve the channels along the New Jersey coast.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission; and

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

SENATE BILL REFERRED.

Under clause 2, Rule XXIV, Senate bill of the following title was taken from the Speaker's table and referred to its appropriate committee, as indicated below:

S. 6176. An act providing for pay of expenses of district judges—to the Committee on the Judiciary.

GENERAL DEFICIENCY APPROPRIATION BILL.

Mr. TAWNEY. Mr. Speaker, I offer the concurrent resolution which I send to the Clerk's desk and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies, is hereby authorized and empowered to insert in said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; also the additional amount necessary, under the Interstate Commerce Commission, required by the act H. R. 12987, commonly known as the "railroad rate bill."

The SPEAKER. Is there objection?

Mr. PAYNE. I think there ought to be a proviso that the public buildings bill should pass.

Mr. TAWNEY. That is, of course, in the resolution, Mr. Speaker.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the concurrent resolution.

The question was taken; and the concurrent resolution was agreed to.

Mr. TAWNEY. Mr. Speaker, I offer a resolution, which I send to the Clerk's desk, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report.

The Clerk read as follows:

Resolved, That the Secretary of the Treasury is hereby requested to cause an inquiry to be made, and report to the House at the next regular session of Congress as follows:

First. How much floor space available for office purposes would be gained in buildings owned by the United States and occupied by the Executive Departments and other Government establishments at Washington, if there should be removed therefrom all records and files not necessary for daily or current reference by said Departments or establishments and have the same stored in a suitably constructed building for such purposes; and

Second. What buildings are rented in Washington for purposes of storage of files or records of the Government that could be relinquished if a suitable building for storage of records were constructed.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I want to add an amendment to the resolution. I observe there is an omission. The amendment is as follows:

And the amount of rent which the Government is now paying therefor.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question is on agreeing to the resolution as amended.

The question was taken; and the resolution as amended was agreed to.

THE SILETZ POWER AND MANUFACTURING COMPANY.

The SPEAKER laid before the House the bill (H. R. 12080) granting to the Siletz Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon, with Senate amendments.

Mr. LACEY. Mr. Speaker, I move to nonconcur in the Senate amendments and agree to the conference asked.

Mr. WILLIAMS. Will the gentleman explain what bill this is?

Mr. LACEY. It is the Siletz Indian bill, granting a right of way for a water ditch or canal through the Siletz Indian Reservation. I have not had time to examine the amendment.

The SPEAKER. The gentleman from Iowa moves to disagree to the Senate amendments and ask for a conference.

The question was taken; and the motion was agreed to.

The SPEAKER appointed the following conferees: Mr. SHERMAN, Mr. CURTIS, and Mr. STEPHENS of Texas.

Mr. BURLESON. Mr. Speaker, I desire to offer a resolution, which I send to the Clerk's desk, and ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

Resolved, That the Superintendent of the United States Capitol Building and Grounds be, and he is hereby, directed to submit to the House, at the next session, plans and estimates of cost and a report upon changes necessary to be made in remodeling the Hall of Representatives, with a view of facilitating the business of the House, by the removal of desks from the Hall and the substitution of benches or chairs therefor, and by providing for the membership of the House writing rooms and more spacious retiring rooms.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. GILBERT of Kentucky. I reserve the right to object. I will withdraw my objection provided that the mover of the resolution will insert a clause in substance as follows:

Or to adopt some other method thought by the committee to be best.

The idea I have in my head is this: That the best acoustical arrangement to be seen in the civilized world is now at the tabernacle at Salt Lake City, and I believe that a committee ought to be sent to Salt Lake City. [Laughter.] Notwithstanding the smiles of the gentlemen [laughter], I believe they ought to adopt the measurements of that building as nearly as possible, and reproduce it here in this House, so that gentlemen can stand up and be heard. Very much of the imperfection of the legislation which we enact here grows out of our inability to hear one another.

The SPEAKER. The gentleman will please suspend. The gentleman from New York has a conference report.

Mr. GILBERT of Kentucky. I shall finish in a moment. This resolution seems to confine the proposition to plans that have already been adopted by the British House of Commons, and I only wish that we may consider a method by which we will secure a more efficient hall for the transaction of the public business.

The SPEAKER. Is there objection?

Mr. PAYNE. I object.

Mr. BURLESON. I will say that I received an assurance from the gentleman from New York [Mr. PAYNE] that he would not object.

AGRICULTURAL APPROPRIATION BILL.

Mr. WADSWORTH. Mr. Speaker, I desire to present a conference report on the agricultural appropriation bill.

The SPEAKER. The gentleman from New York presents a conference report on the agricultural appropriation bill.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the statement may be read in lieu of the report.

The SPEAKER. The gentleman from New York asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 18337) making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House to the amendment of the Senate numbered 29, and agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$837,200;"

And on page 10 of the bill, in line 21, after the word "Industry," strike out all down to and including the word "also," in line 9, page 11, and insert in lieu thereof the word "and;"

And on page 11 of the bill strike out all after the word "named," in line 20, down to and including the word "inspection," in line 23 of page 11;

And on page 12, line 24 of the bill, after the word "Industry," insert the words "for purposes other than meat inspection;"

And on page 13, after the word "certified," in lines 22 and 23 of the bill, strike out all down to and including the word "further," in line 1, page 14, and insert in lieu thereof the word "*Provided;*" and the Senate agree to the same.

Amendment numbered 30: That the House recede from its disagreement to the amendment of the Senate numbered 30, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$3,946,980;" and the Senate agree to the same.

Amendment numbered 147: That the House recede from its disagreement to the amendment of the Senate numbered 147, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,560,440;" and the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: In lieu of the amount proposed in said amendment insert "$9,932,940;" and the Senate agree to the same.

J. W. WADSWORTH,
CHAS. F. SCOTT,
JOHN LAMB,
Managers on the part of the House.

REDFIELD PROCTOR,
H. C. HANSBROUGH,
F. M. SIMMONS,
Managers on the part of the Senate.

STATEMENT TO ACCOMPANY FINAL CONFERENCE REPORT ON THE AGRICULTURAL APPROPRIATION BILL.

The Senate recedes, and agrees to the House substitute for the Senate meat-inspection bill.

Amendments 24, 30, 147, and 153 relate simply to change in verbiage and change of totals, made necessary by the adoption by the Senate of the House substitute to Senate amendment No. 29.

J. W. WADSWORTH.
CHAS. SCOTT.
JOHN LAMB.

Mr. WADSWORTH. Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

PROF. J. A. HOLMES.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, I ask unanimous consent to insert in the RECORD—I should like to have the attention of the chairman of the Committee on Appropriations—a letter from Prof. J. A. Holmes, of the United States Geological Survey, directed to myself, and a copy of a letter from the same gentleman to the chairman of the Appropriations Committee, and a copy of a letter from Mr. Emil Swensson, a civil engineer, to Hon. JOHN DALZELL, and a copy of a letter from Mr. Richard L. Humphrey, a civil engineer, to the chairman of the Appropriations Committee, all of which are in reply to and in explanation of certain statements made to the House on June 13 by the chairman of the Committee on Appropriations.

The SPEAKER. The gentleman asks unanimous consent to print the matter referred to in the RECORD.

Mr. MADDEN. I reserve the right to object until the gentleman tells us what is contained in these letters.

Mr. WILLIAM W. KITCHIN. I shall be glad to have the letters read from the Clerk's desk.

Mr. MADDEN. I want to know what they are about; that is all.

Mr. TAWNEY. Mr. Speaker, the letters which the gentleman asks to have printed in the RECORD are letters from Mr. Holmes, of the Geological Survey, addressed to me, concerning a statement made by myself on the floor during the consideration of the sundry civil bill, in which statement I asserted that a certain letter presented at the hearings had been emasculated by the omission of a certain paragraph after the transcript of his testimony, with the letter, had been sent to him and before the letter had been returned for printing. I have no objection whatever to the printing of a copy of the letter from the gentleman or the copy of the letter from the gentleman from Philadelphia, to whom reference has been made. I have printed Mr. Holmes's letter as it was originally submitted. I have also arranged to have printed in the permanent RECORD a lithographic copy of the letter as it was changed from the time it left the committee until it was returned by the officer of the Geological Survey, Mr. Holmes, or whoever returned it.

Mr. WILLIAM W. KITCHIN. Mr. Speaker, in reply to that, I wish to state that Mr. Holmes has seen this printed sheet to which the gentleman from Minnesota refers, and states to me—and the statement may be repeated in his letter—that it is not in his handwriting; that he did not make a line or a dot upon it. I admit that from the matter as it appeared to the chairman of the Appropriations Committee, he drew exactly the inference from the facts that I would have drawn under the circumstances; but I think, with Professor Holmes's statement, his high reputation, and the fact, as he asserts, that it is not in his handwriting and that he did not touch it, the whole matter is concluded by saying that no suspicion can rest upon Professor Holmes in the matter.

Mr. MADDEN. I object.

Mr. WILLIAM W. KITCHIN subsequently said: Mr. Speaker, I rise to renew my request for unanimous consent that the letters which I have heretofore mentioned be printed in the RECORD.

Mr. TAWNEY. I hope there will be no objection to the request.

The SPEAKER. The gentleman renews his request for the printing of the letters in reference to Professor Holmes. Is there objection?

There was no objection.

The letters are as follows:

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., June 29, 1906.

The Hon. W. W. KITCHIN, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: In the CONGRESSIONAL RECORD of June 13, 1906, page 8683, the Hon. JAMES A. TAWNEY, chairman of the Appropriations Committee of the House, stated during the debate on the sundry civil bill that I emasculated a letter which had been signed by me and which was a part of the records of the Appropriations Committee by having caused to be omitted in the printing of this letter a portion of a paragraph.

Concerning this statement, I wish to say that I made no change whatever in the letter referred to; that I had no knowledge of the fact that any change in the letter had been made until the above statement was made by Mr. TAWNEY; that there was no reason why I should desire that such a change as he refers to be made, but, on the contrary, there was abundant reason besides that of common honesty why I should not wish any change made in that letter, for within a few days after my statement was submitted to the subcommittee on the sundry civil bill I gave copies of the letter referred to, in its original form, to Representative BURLESON, of Texas, Representative PAGE, of North Carolina, and showed copies of this letter, in its original form, to Representatives DIXON, of Montana, and SMALL, of North Carolina, and other Members of the House, giving these gentlemen to understand that the letter would appear in the records in this original form. Furthermore, on page 616 of the hearings before the subcommittee the supposedly objectionable feature of the letter, and which was contained in the omitted paragraph, is reproduced in a question by Mr. SMITH, of the subcommittee.

I have no knowledge whatever as to how the change referred to could have been made.

On the same page of the CONGRESSIONAL RECORD Mr. TAWNEY refers to another letter written by some one to Mr. Emil Swensson, an engineer of national reputation at Pittsburg, Pa., asking Mr. Swensson to write to the Representatives from Pittsburg in Congress urging their support of the appropriation for the investigation of structural materials. This letter was printed on page 615 of the hearings before the subcommittee of the Appropriations Committee on the sundry civil bill. It was shown to me at the time of my appearance before the committee, and I then stated that I had not written the letter, nor had I any knowledge that such a letter had been written or as to who had written it. Furthermore, on May 5 following I wrote to Mr. TAWNEY on this subject, inclosing a copy of a second letter from Mr. Swensson to Representative DALZELL, in which Mr. Swensson states that I was not the writer of the letter; and I asked that my statement of that date, together with this letter from Mr. Swensson of April 26 be incorporated in the record of the committee's hearings.

Not only was this request not granted, but, as indicated by the CONGRESSIONAL RECORD of June 13, 1906 (p. 8683), Mr. TAWNEY ignores this letter, and, notwithstanding my denial, repeats the statement that the letter was written by me.

I did not know who was the author of the letter to Mr. Swensson, referred to in his letter to Mr. DALZELL of April 16, until on June 25 I was informed by Mr. Richard L. Humphrey, who is the secretary of the joint committee of engineers on concrete and reenforced concrete, and who was appointed by this committee of engineers as their representative to look after this appropriation, that he was the author of that letter; and on the day following Mr. Humphrey forwarded to me from Philadelphia a copy of the attached letter of June 26, which he had written to Mr. TAWNEY, and in which he clears up that point.

In his statement in the CONGRESSIONAL RECORD as referred to above, the chairman of the Appropriations Committee has done me a gross injustice—one which I feel sure he himself will correct when his attention is called to the facts in the case.

If you deem it proper, I shall be glad to have the attached papers printed in the RECORD along with this letter.

Very respectfully,

J. A. HOLMES.

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., May 5, 1906.

Hon. JAMES A. TAWNEY,
Chairman Appropriations Committee,
House of Representatives.

DEAR SIR: Referring again to the letter from Mr. Swensson, presented at a recent hearing before the subcommittee on the sundry civil bill, and relating to the investigations of structural materials, I beg to report that I have inquired concerning this matter from every person now on the pay roll of the Geological Survey in connection with this work, and no one of them either wrote or suggested such a letter or knew that such a letter had been written until my attention was called to the matter at the hearing. Mr. Swensson himself has confirmed this statement through the same channel that brought his original letter to you.

Concerning the other letter referred to at the same hearing, that signed by me and sent to certain mining engineers, I trust that, while now admitting this letter to be capable of a double interpretation, I may be permitted to express my surprise and regret that my motive in writing it seems to have been misunderstood.

These mining engineers are my professional associates and had been inquiring as to how they coud obtain copies of these reports. They were interested especially in two phases of our work, the lessening of the waste in our fuel resources and the lessening of the loss of life by greater efficiency and safety in mining operations; and the few letters which they may have written to Members of Congress would naturally have been along these lines. For twenty years I have been accustomed to write Members of Congress for Government reports; and during my one year's official connection with the Government work at St. Louis I had not learned that there was a better way. This work is new, and I felt that some expression of opinion from outside competent judges as to the wisdom of continuing it would be appreciated. I knew from the character of the men that if they wrote at all the opinion expressed would be just the same, whether they wrote in response to a suggestion from me or one from any other source.

The agitation in behalf of the enlargement of the investigation of structural materials has come from the several thousand civil engineers who are engaged in construction work in all parts of the country, and who feel most keenly the need of additional knowledge concerning these materials. I have neither written nor caused to be written any letters to these engineers in connection with this appropriation, nor have I in other ways encouraged them to write Members of Congress.

The agitation in behalf of the continuance of the fuel investigations has come mainly from the mechanical engineers and the users of fuel, or the manufacturers, in different parts of the country, who have felt that the existing terrible waste in the mining and use of the fuel resources of the country had come to be a matter of national concern. They also have acted in this matter on their own initiative. More than a year ago the American Society of Mechanical Engineers, without the knowledge or suggestion of any person associated with this work, passed a resolution at its annual meeting asking its members to cooperate in securing the continuance of these investigations as a means of preventing the enormous waste of the country's fuel supplies.

It is not unlikely that I am being credited with a considerable amount of agitation in this connection for which I am neither directly nor indirectly responsible; and I beg to submit this statement for your consideration, and for insertion in the hearing.[a]

Very respectfully,

J. A. HOLMES.

[See hearing, sundry civil, p. 615.]

[Copy.]

APRIL 26, 1906.

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR SIR: Referring to my letter of the 16th instant to you, relative to the appropriation for the investigation of structural materials, I find that I made a mistake in stating that the letter to me on this subject was from the person in charge of the laboratory, who I have learned is Mr. J. A. Holmes. He was not the writer of the letter, but one of the members of one of the committees appointed by one of the engineers' societies, who is appointed to keep in touch with the investigations made at the St. Louis laboratory on structural materials, was the writer of the letter. Thus he is not in charge of the laboratory, but simply represents the engineers' societies in the matter, which I erroneously designated as being "in charge." However, this does not in any way affect the importance of this subject and its investigation and in no way lessens my interest in this important work, and I trust that the full appropriation asked for will be granted by the committee and by Congress, as these investigations are of such great importance and are urgently needed by the country at large.[b]

Yours, very respectfully,

EMIL SWENSSON.

[See hearing, sundry civil, p. 615.]

PHILADELPHIA, PA., *June 26, 1906.*

Hon. JAMES A. TAWNEY,
Chairman Committee on Appropriations,
House of Representatives, Washington, D. C.

MY DEAR SIR: Returning from San Francisco, where I have been during the past six weeks, representing the committee of engineers on the investigation of the effect of the earthquake and fire on materials and systems of construction, I write to express the hope that the appropriation for the investigation of structural materials by the Government, which the engineers have so earnestly advocated, has been duly incorporated in the sundry civil bill and will be passed by the House of Representatives at this session.

The result of the earthquake and fire in San Francisco have served to still further illustrate the great need for such investigations in order to furnish a better and more accurate knowledge of the strength and supposed fireproofing qualities of many structural materials.

In looking over the account of the debate on this appropriation in the House of Representatives, I regret to see that, on page 8683 of the CONGRESSIONAL RECORD of June 13, you attribute to Mr. Holmes the authorship of a letter to Mr. Emil Swensson, of Pittsburg, relative to this appropriation. As I stated to your committee, I have been delegated by the joint committee on concrete and reenforced concrete to look after the appropriation for the continuance of the work on this subject by the United States Geological Survey, and in that capacity wrote the letter in question to Mr. Swensson, a fellow-member of this committee. Mr. Holmes was not either directly or indirectly responsible for it, nor did he know anything about it.

Thanking you and the members of your subcommittee for the patience and fairness with which you heard the statements of the different engineers in behalf of this appropriation, I beg to remain,

Yours, very truly,

RICHARD L. HUMPHREY,
Secretary Engineers' Joint Committee on Concrete, etc.

[Copy of letter sent to certain mining engineers (see hearing before subcommittee on sundry civil bill (H. R. 19844), CONG. RECORD, June 13, page 8683), 1906.]

DEPARTMENT OF THE INTERIOR,
UNITED STATES GEOLOGICAL SURVEY,
Washington, D. C., March 12, 1906.

DEAR SIR: The United States Senate recently passed a resolution asking the Secretary of the Interior for an expression of opinion concerning the continuance of the investigations of fuels and structural materials by the United States Geological Survey.

I am sending you herewith a copy of his report in response to this resolution, in which he recommends the continuance of these in-

[a] This letter was not inserted, as requested, in the hearing. It was handed to the chief clerk of the Appropriations Committee about May 7, 1906.

[b] This letter was not inserted, as requested, in the hearing.

vestigations, giving reasons therefor, and asks Congress to make an appropriation of $350,000 for this work during the next fiscal year.

The final report on the fuel investigations during 1904 is now ready for distribution (Professional Paper No. 48), and you can obtain free of charge a copy of this report by applying for it at once to some Member of Congress, or the Director of the Geological Survey. If in writing for this report you feel sufficiently interested in this work to express an opinion as to its continuance, I am sure that any such expression of opinion on your part will be considered appropriate.

The report on the investigation of structural materials during the past year, and also the preliminary report on the fuel investigations during 1905, will also be published at some time in the near future, and copies of these reports should be applied for through the same channels.

I may add that these fuel and structural material investigations will hereafter be conducted under an advisory board made up of representatives from the national engineering and allied societies, and on this board the mining engineers will have five representatives, Mr. John Hays Hammond, of New York; Mr. Robert W. Hunt, of Chicago; Mr. B. F. Bush, of St. Louis; Mr. Julian Kennedy, of Pittsburg, and Mr. C. S. Robinson, of Denver.

Very respectfully, J. A. HOLMES.

Mr. WILLIAMS. I appeal to the gentleman from Illinois to let the man who is accused have an opportunity to put in his own defense.

Mr. TAWNEY. I hope the gentleman from Illinois will withdraw his objection.

Mr. MADDEN. I object.

HARRY A. YOUNG.

The SPEAKER laid before the House the bill (H. R. 15673) for the relief of Harry A. Young, with Senate amendments.

The Senate amendments were read.

Mr. HOWELL of Utah. Mr. Speaker, I move that the House concur in the Senate amendments.

The motion was agreed to.

Mr. LACEY. Mr. Speaker, I ask for the regular order.

Mr. UNDERWOOD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. UNDERWOOD. I understood a few minutes ago that we adopted a conference report on the agricultural bill. As I understood the message from the Senate read just now, it has just arrived.

The SPEAKER. That was a notification that the Senate had agreed to the conference report.

Mr. UNDERWOOD. It agreed to the same report that we did?

The SPEAKER. Yes. The House agreed when it had the papers, and then they went to the Senate. The gentleman from Iowa demands the regular order.

Mr. LACEY. The gentleman from Missouri has two minutes remaining, and I would like to have him consume it.

Mr. RUCKER. Mr. Speaker, I realize that I am making a futile effort. This is understood to be the last day of this session of Congress, and there is a great deal of work to do. At the hour of 6 o'clock this evening, on the motion, I believe of the Speaker himself, all business was suspended and a recess taken until 8 o'clock to-night in order that gentlemen interested in passing and rushing this legislation to a consummation might gather upon this floor in sufficient numbers to pass this bill.

Gentlemen have told us that the measure under consideration conveys no great or valuable privileges to the railroad company, and yet the fact is that it contains enough of value to draw men clear across the continent from the ice-bound shores of Alaska, and a coterie of lawyers from the great cities of the country. Not only that, but there is value enough in it to engage the attention of the Committee on Rules in this House, of which the Speaker is a member, and not only that, but to engage the cordial and hearty support of the chairman of one of the great committees of this House who, apparently, has no interest in this matter, and who, so far as we know, knows nothing about it, and also to engage the valiant services of my estimable friend the chairman of the Committee on Public Lands. Tell me that this bill is of no significance! Tell me that it is of no value to the railroad companies! Why not accept the suggestion made by myself and others and let this matter go over to the next session, when we can and will freely give them every consideration which their measure demands? [Applause.]

The SPEAKER. The gentleman from Iowa is entitled to four minutes.

Mr. LACEY. Mr. Speaker, if gentlemen will notice this map they will see that there are 25,000 miles of seacoast of Alaska. When the right-of-way act of 1898 was drawn, and I drew it myself, there was no railroad in Alaska, and we agreed to reserve every other quarter of a mile of the whole 25,000 miles of shore. It turns out that one-quarter of a mile of this reservation lies in the middle of the depot grounds and yards of this railroad along the shore, and the opposition is wholly, or mainly, because they object to their taking that little tract of land a quarter of a mile wide and half a mile deep in the center of their land. That is practically all this complaint is about. There are other points of much greater importance in the bill, but gentlemen seem to be most concerned about this item.

The Committee on Public Lands reported this bill, or, rather, one like it, in the last Congress. It was not reported until the latter end of the last session, and was not reached. In the present Congress the same bill was introduced and referred to the Territorial Committee, and they reported it favorably.

The Senate bill afterwards came over and was sent to the Committee on Public Lands, where it properly belongs. Of course there were some little things in it, like exemption from taxation, that might have carried it properly to the Committee on Territories. It could have gone to either committee. I was not disposed to insist in the committee on the provision that they have a quarter of a section for each hundred miles in view of the fact that a small majority was against this proposition. But when to-day we passed a bill for another company, to give them 2,560 acres of land for ocean terminal under like circumstances, I felt that it would be wrong for us to strike out the 80 acres of land from this bill, refusing it to this company that had spent nearly $3,000,000 in constructing a railroad.

The company has proved its good faith by heavy expenditures, and the people of Alaska greatly need railways. I ask this House to vote down the committee amendments and pass this bill. It is a Senate bill, and it will at once become a law. If amended, it must go to conference and not likely become a law at this session.

Mr. GILBERT of Kentucky. Unanimously reported?

Mr. LACEY. No; it is not. There are two members of the committee who sign a minority report against the bill. It had the unanimous report, however, from the Committee on Territories, so that two committees have examined it. It is a very modest request, and I hope every man in the House will vote against the amendments and to pass the bill.

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the Speaker announced that the amendments were rejected.

Mr. RUCKER. Mr. Speaker, there seems to be some confusion as to what we are voting on. It is all by rule and we can not keep up with these rules. Will the Chair please state the parliamentary situation?

The SPEAKER. The Chair did not speak in a whispering voice. [Laughter.]

Mr. RUCKER. I understood the language of the Chair, but will the Chair kindly define the proposition we are voting on?

The SPEAKER. The House has already voted on the proposition, and the amendments seem to have been rejected.

Mr. GAINES of Tennessee. Mr. Speaker, the House clearly has not understood the parliamentary situation.

The SPEAKER. That is not the fault of the Chair.

Mr. RUCKER. Mr. Speaker, I ask for a division.

Mr. GAINES of Tennessee. Mr. Speaker, a vote to approve the amendments and the bill is a vote against the position of the gentleman from Iowa [Mr. LACEY].

The SPEAKER. The Chair does not know what the position of the gentleman from Iowa is.

Mr. RUCKER. Will the Chair please state the parliamentary situation?

The SPEAKER. It is not the business of the Chair to know the position of the gentleman from Iowa [Mr. LACEY]. The vote was on agreeing to the amendments recommended by the committee.

Mr. RUCKER. By the House committee.

The SPEAKER. By the Committee on Public Lands; and the "noes" seemed to have it.

Mr. RUCKER. I call for a division.

The SPEAKER. The Chair will recognize the gentleman to call for a division.

The House divided; and there were—ayes 42, noes 153.

Mr. RUCKER. Mr. Speaker, I call for tellers.

The SPEAKER. The gentleman demands tellers. As many as are in favor of taking this vote by tellers will rise and stand until counted. [After counting.] Twenty-five gentlemen have arisen; not a sufficient number, and tellers are refused. The noes have it, and the amendments are rejected. The question is on the third reading of the Senate bill.

The question was taken; and on a division (demanded by Mr. RUCKER) there were—ayes 154, noes 47.

So the bill was ordered to a third reading; and was accordingly read the third time.

During the third reading of the bill,

Mr. RUCKER rose and said: Mr. Speaker——

After the bill had been read the third time,

The SPEAKER. The question is on the passage of the bill.

Mr. RUCKER. Mr. Speaker, I would like to know if I can attract the attention of the Chair at this time?

The SPEAKER. The Chair did not notice the gentleman and did not hear the gentleman.

Mr. RUCKER. I am now begging the Chair to give me notice after a while.

The SPEAKER. It does not require any begging. The gentleman is entitled to recognition.

Mr. RUCKER. The Chair did not give it to me, I desire to say.

The SPEAKER. The question is on the passage of the bill.

The question was taken.

Mr. RUCKER. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Missouri demands the yeas and nays. As many as are in favor of ordering the yeas and nays will rise and stand until counted. [After counting.] Thirty-six gentlemen have arisen; not a sufficient number, and the yeas and nays are refused. The ayes have it, and the bill is passed.

Mr. FOSS. Mr. Speaker, I move to reconsider and to lay that motion on the table.

The SPEAKER. Without objection, it will be so ordered.

Mr. RUCKER. I object.

The SPEAKER. The question is on the motion of the gentleman from Illinois to reconsider the last vote and to lay that motion on the table.

The question was taken; and the motion was agreed to.

BEET-SUGAR INDUSTRY.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following substitute concurrent resolution, which I send to the desk and ask to have read.

The Clerk read as follows:

Concurrent resolution 37.

Resolved That there be printed 12,000 copies of the Report on the Progress of the Beet-Sugar Industry in the United States in 1905, 1,000 copies for the use of the Senate, 3,000 copies for the use of the House of Representatives, 8,000 copies for the use of the Department of Agriculture; and that the Secretary of Agriculture be authorized to print and distribute annually hereafter 8,000 copies of such annual reports covering the progress of the beet-sugar industry; *Provided*, That the preparation and publication of such annual reports shall be within the discretion of the Secretary of Agriculture.

The SPEAKER. Is there objection to the present consideration of the resolution just reported?

Mr. CLARK of Missouri. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Indiana two or three questions. How many copies of this report is it that the gentleman wants to have printed?

Mr. CHARLES B. LANDIS. I want 12,000 copies printed.

Mr. CLARK of Missouri. What are you going to do with them?

Mr. CHARLES B. LANDIS. They are for distribution.

Mr. CLARK of Missouri. Well, I could not hear what the Clerk read. How are they to be distributed?

Mr. CHARLES B. LANDIS. A thousand will be placed to the credit of the Senate and 3,000 to the credit of the House and 8,000 to the credit of the Department of Agriculture, and hereafter 8,000 copies will be printed annually at the discretion of the Secretary of Agriculture. I would say to the gentleman from Missouri that heretofore each year the committee has authorized the printing of 20,000 to 60,000 copies of this report, and by reason of the faulty distribution very few of these reports have been sent out through the country.

Mr. CLARK of Missouri. Why have you given 8,000 to the Secretary of Agriculture and only 3,000 to the House and 1,000 to the Senate?

Mr. CHARLES B. LANDIS. Simply for this reason: That experience has shown that the quotas placed to the credit of Members of the House and Senate heretofore have gone undistributed, and have wasted and rotted in the basement of the Capitol.

Mr. CLARK of Missouri. I thought Members distributed all they could get and wanted more documents to distribute.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Missouri that the Secretary of Agriculture has not had a sufficient number to supply the demands made on the Department, and this will cover requests made of the Secretary and relieve Members of Congress of the accumulation that has been going on in years gone by.

Mr. CLARK of Missouri. What makes you say after this year the Members of the House and Senate will not get any?

Mr. CHARLES B. LANDIS. Because we provide by this substitute——

Mr. CLARK of Missouri. In this resolution here now?

Mr. CHARLES B. LANDIS. Yes.

Mr. CLARK of Missouri. Well, I am opposed to it, then. I will not object to the unanimous consent.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Missouri I sincerely hope he will not object to this publication.

Mr. CLARK of Missouri. I will not object to your unanimous consent.

Mr. GOLDFOGLE. Mr. Speaker, reserving the right to object, I desire to ask the gentleman from Indiana whether he considers it proper that the Secretary of Agriculture should have the distribution of the larger number of documents referred to in the resolution? I put that inquiry for this reason: The Department of Agriculture, or some subordinate of that Department, has not been fair to certain Members of this House in the distribution of documents. Frequently when documents very much needed by Members were called for by such Members the answer was returned that the documents were no longer available for distribution. When the Department officials are questioned as to why there is not a sufficient supply on hand, the answer comes that the press has been told, and that the press has published that the particular document was about to be issued, and that in consequence of the press announcement, made in advance of giving notice of the issuance of the bulletin to Members of this House, the demand for the document was so great that Members could no longer obtain copies. [Applause.]

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York I never heard of any complaints of that nature.

Mr. GOLDFOGLE. I had a communication the other day, or rather I talked over the phone in regard to such a complaint, and I know that Members of this House have suffered just in the manner to which I have referred. I am opposed to a system that gives to a subordinate of a Department the right to distribute documents that ought to be under the control of Members of this House and the Senate. [Applause.]

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York, I never heard anyone yet complain because he had not been able to secure this particular publication. I think that before almost any publication this is one that should be placed——

Mr. GOLDFOGLE. I will answer the gentleman from Indiana thus: There was a certain popular bulletin issued. Notice of the issuance of that bulletin was sent to the Members of the House. When I sent to the Department for a number of the bulletins the answer came that the supply was exhausted. I inquired of the Department, or rather of the publication bureau, why it was that the supply was exhausted before or at about the time notices were sent out by the Department, and an answer came back that the Department or bureau had let it go out to the press that such bulletin was to be issued, and that because of such notice to the public the bulletins had been distributed in such numbers that Members applying for this much-wanted bulletin could not obtain it for their constituents. [Applause.]

The SPEAKER. Is there objection?

Mr. GOLDFOGLE. I object, Mr. Speaker.

The SPEAKER. The gentleman from New York objects.

DIGEST OF CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed $2,000, payable out of any funds not otherwise appropriated, the manuscript of a digest of the United States customs laws and decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies for the official use of the Treasury Department. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the superintendent of documents is hereby authorized to reprint this document for sale at $2 per copy.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I object.

RIVER AND HARBOR REPORTS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 103, which I send to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That at any time prior to the assembling of Congress in December, 1906, all reports of preliminary examinations and surveys ordered in the river and harbor act of March 3, 1905, that may be

ready for printing shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the Fifty-ninth Congress.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was ordered to be engrossed and read a third time, was read a third time, and passed.

EMPLOYEES OF GOVERNMENT PRINTING OFFICE.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 4673) to provide for the allowance and payment of the employees of the Government Printing Office of the same leave of absence which is allowed to the clerks and employees of the Executive Departments of the Government.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That from and after the date of the passage of this act the thirty days' annual leave of absence with pay in any one year to employees of the Government Printing Office, authorized by the existing law, shall be exclusive of Sundays and legal holidays: *Provided*, That the existing laws relating to the granting of annual leave with pay to clerks and employees in the Executive Departments shall apply to clerks and employees of the Government Printing Office who are paid annual or monthly salaries or compensation.

The SPEAKER. Is there objection?

Mr. KEIFER. Mr. Speaker, we can not hear what the resolution is.

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to hear the resolution again read.

Mr. KEIFER. We will have to have order, so that we can hear it.

The SPEAKER. Without objection, the bill will be again read.

The Clerk again read the resolution.

Mr. PAYNE. Mr. Speaker, I reserve the right to object.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would say in support of this measure and pending the objection of the gentleman from New York, that when the bill was passed providing for leave of absence in the Government Printing Office——

Mr. WILLIAMS. If this bill is passed, is not all that it does this, that it puts the employees of the Government Printing Office upon exactly the same basis as the employees of the larger Executive Departments?

Mr. CHARLES B. LANDIS. That is exactly what the bill does, and I will say to the House that when this law was enacted it was undoubtedly contemplated that the employees of the Government Printing Office could be given thirty days' leave of absence, exclusive of Sundays and legal holidays. That is the construction that has been placed upon the law applying to the various Executive Departments, and the law as it was passed applying to the Government Printing Office was by one Comptroller of the Treasury so interpreted as to exclude Sundays and legal holidays. And the effect of this law will be simply to place the employees of the Government Printing Office on the same basis. I would say to the gentleman from New York [Mr. PAYNE] and to the House that there are no more faithful employees in the service of the Government than the employees of the Government Printing Office. [Applause.] They work one hour longer than the clerks in the Executive Departments. They get no sick leave. Their annual leave is twenty-six days, as now construed, as against thirty days to the clerks in the Departments. It is no more than fair, it is an act of simple justice, to place these employees upon the same basis as the employees in the Departments.

Mr. PAYNE. I will ask the gentleman, how much leave of absence do the employees of the navy-yard get?

Mr. CHARLES B. LANDIS. I do not know.

Mr. TAWNEY. Fifteen days.

Mr. PAYNE. They get fifteen days.

Mr. CHARLES B. LANDIS. The clerks in the Navy Department get thirty days, exclusive of Sundays and holidays.

Mr. PAYNE. The navy-yard employees get fifteen days.

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York that if the employees in the navy-yard get only fifteen days' leave of absence, then I am in favor of giving them thirty days' leave of absence, as is given the clerks in the Executive Departments of the Government. [Applause.]

Mr. PAYNE. Notwithstanding the applause of gentlemen who are interested in people in the Departments, I have the courage to say that we should level the other way, and we should reduce the thirty days in the Departments and put it on the same level as the employees of the Government Printing Office—twenty-six days—instead of raising the navy-yard and all the other Departments to thirty days.

Mr. CHARLES B. LANDIS. I will say to the gentleman from New York that I think until that action is taken the employees in the Government Printing Office, who work longer and, I believe, work harder and get less money than any other employees in any Department of the Government, should get thirty days annual leave.

Mr. SULZER. Will the gentleman yield to me a couple of minutes?

The SPEAKER. The gentleman has asked unanimous consent for present consideration of a bill. The gentleman, by unanimous consent, can open a debate on this bill, if he chooses, before unanimous consent is given for its consideration.

Mr. SULZER. Mr. Speaker, I desire to say a word.

Mr. PAYNE. I suppose the whole thing is to get me to withdraw my objection. I insist on the objection.

The SPEAKER. The gentleman from New York objects.

Mr. GRIGGS. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Georgia rise?

Mr. GRIGGS. For the purpose of inquiring if it is now in order to move to suspend the rules and pass the resolution offered by the gentleman from Indiana [Mr. CHARLES B. LANDIS]?

The SPEAKER. Oh, no; it is not in order.

Mr. TOWNSEND. Mr. Speaker, I ask unanimous consent for the present consideration of a joint resolution fixing the time when the rate bill shall go into effect.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table the following Senate joint resolution, and to consider it at this time. The Clerk will read.

The joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June ——, 1906, shall go into effect, was read.

The SPEAKER. The Chair would suggest to the gentleman from Michigan that for the present he withhold that request until the resolution has been examined with some care.

RETURN OF A BILL TO THE SENATE.

The SPEAKER laid before the House the following request from the Senate:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (S. 2969) to authorize the Attorney-General and certain other officers of the Department of Justice and special assistants and counsel to begin and conduct legal proceedings in any courts of the United States and before any commissioner or commissioners or quasi judicial body created under the laws of the United States.

The SPEAKER pro tempore (Mr. WATSON). Without objection, the Committee on the Judiciary will be discharged from further consideration of the bill referred to and the bill returned to the Senate. [After a pause.] The Chair hears no objection, and it is so ordered.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

The message also announced that the Senate had receded from its amendments to the bill (H. R. 12080) granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon.

The message also announced that the Senate had passed without amendment the following resolution:

House concurrent resolution.

Resolved by the House of Representatives (the Senate concurring), That the conference committee on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies is hereby authorized and empowered to insist on said bill and embrace in their agreement all necessary appropriations to carry into effect the authorizations which shall finally be authorized in the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, and for other purposes; also the additional amount necessary, under the Interstate Commerce Commission, required by the act H. R. 12987, commonly known as the "railroad-rate bill."

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 17842) granting a pension to Josephine V. Sparks.

The message also announced that the Senate had passed without amendment House joint resolution 186, relative to the printing of 12,000 copies of the report on the progress of the beet-sugar industry.

BEET-SUGAR INDUSTRY.

Mr. GOLDFOGLE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. So that the beet-sugar men may obtain the documents that they are interested in, I now withdraw the objection I made to the resolution offered by the gentleman from Indiana [Mr. CHARLES B. LANDIS].

The SPEAKER. That request is not pending.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent to present a joint resolution in lieu of House concurrent resolution 37.

The SPEAKER. The gentleman from Indiana asks unanimous consent for the present consideration of the following joint resolution, of which the Clerk will read the title.

The title of the joint resolution, in lieu of House concurrent resolution 37, relative to the printing of 12,000 copies of the Report of the Progress of the Beet-Sugar Industry, was read by the Clerk.

The SPEAKER. This joint resolution has already been read once. Is there objection to its present consideration?

There was no objection.

The joint resolution was ordered to be engrossed and read a third time; and was accordingly read the third time, and passed.

WATER RESERVOIRS, DURANGO, COLO.

Mr. LACEY. Mr. Speaker, I desire to call up the conference report on the bill S. 2188.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the statement be read in lieu of the report. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 2188) granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House with an amendment as follows: Insert after the word "acre," in line 3 of the House amendment, after line 5, page 4, the following: "in five equal annual installments, the first of which shall be payable April 1, 1907, and title shall remain in the United States until final payment is made;" and agree to the same.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.
THOS. H. CARTER,
A. J. McLAURIN,
FRANK P. FLINT,
Managers on the part of the Senate.

The statement was read, as follows:

The effect of the amendment is to dispose of the land to the city of Durango, Colo., for a water supply, as provided in the original House bill, excepting to give the city the right to pay for the same in five annual installments instead of for cash in advance.

JOHN F. LACEY,
F. W. MONDELL,
JOHN L. BURNETT,
Managers on the part of the House.

Mr. LACEY. Mr. Speaker, I move to concur in the conference report.

The question was taken; and the motion was agreed to.

On motion of Mr. LACEY, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

CUSTOMS COLLECTION DISTRICTS.

Mr. PAYNE. Mr. Speaker, I call up the bill H. R. 14606—a bill to provide for the consolidation and reorganization of customs collection districts, and for other purposes; and I ask, Mr. Speaker, that the bill be considered in the House as in Committee of the Whole. I would state my only object is to allow time for general debate, and that the gentleman from West Virginia will first take the floor upon that bill. I wish to say that I do not propose to ask the House to vote upon it at all during the balance of this session. I expect to call it up at the next session and pass it.

The SPEAKER. The gentleman from New York asks unanimous consent to consider now in the House, as in Committee of the Whole House, for the purpose of general debate only, the bill of which the Clerk will report the title.

The Clerk read as follows:

A bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

Mr. CLARK of Missouri. I would like to ask the gentleman——

Mr. WILLIAMS. I understand, Mr. Speaker, that it is just to take up this bill for the purpose of giving an opportunity for general debate. I believe that is a very good idea.

The SPEAKER. The Chair will again state. The gentleman from New York asks unanimous consent to consider the bill, the title of which was just read to the House, as in Committee of the Whole House, for the purpose of general debate only at this session.

Mr. SULZER. Reserving the right to object, I would like to ask the gentleman from New York if the time is to be equally divided between the two sides?

Mr. PAYNE. Certainly; but I shall ask that Mr. GAINES of West Virginia be recognized first, because we are an hour in arrears.

Mr. WILLIAMS. This side is ahead of that side an hour. We have already had an hour more than they have.

The SPEAKER. Is there objection?

Mr. FINLEY. Is it proposed to have a vote to-night?

Mr. PAYNE. It is not; nor during this session.

The SPEAKER. The Chair hears no objection. The Clerk will again report the title of the bill.

The title of the bill was again reported.

Mr. GAINES of West Virginia. Mr. Speaker, we have been told with great frequency recently by our Democratic friends that unless we revise the tariff they would do it. If, Mr. Speaker, they really believed this they could not be induced to say it for fear that we should hear it and govern ourselves accordingly.

What, Mr. Speaker, is a proper time for a revision of the tariff? I take it that tariff law should not be revised until its revenue-producing features are unsatisfactory or unless the economic and business condition is unsatisfactory under it. It is not now claimed, although it was a year ago, that the Dingley tariff law is not satisfactory as a revenue producer. It is not claimed that there is any deficit in the Treasury. It is not now claimed, as some years ago, that the money of the country has been withdrawn from circulation. But everybody must admit that the Dingley tariff law has worked remarkably well in adjusting the revenues of the country to the needs of the Government. The question, therefore, that remains is whether the economic condition of the country is one that demands a change.

In considering this question, Mr. Speaker, I shall consider the matter in a comparative way. I shall consider whether the country was more or less prosperous under that system of economic law our Democratic friends would now enact if they had the power.

Mr. Speaker, shortly after the Democratic party had been four years in power, one of the leading Democratic newspapers stated that the loss to the people by reason of that Democratic Administration had been, in the shrinkage of farm values alone, greater than the bonded debt of the Union at the close of the civil war. I remember very well, Mr. Speaker, that that statement seemed so remarkable to me that if it had come from a Republican newspaper I should have, perhaps, passed it by, believing that partisanship had induced a wild and reckless statement not justified by the facts. But finding that it came from a Democratic newspaper, I determined to investigate it and see whether the actual facts bore out the statement. When our Democratic friends, Mr. Speaker, ask us to substitute their system for ours, when they ask to bring this country back again to the same policy that existed when the Democratic party was in power for the only time in half a century, it behooves us to look and see whether what they now offer us is any different from what they offered us at that time. The policy of the Democratic party differs in no material respect from that which they put in operation when Mr. Cleveland was President of the United States. It is the same old cry expressed in different ways by different Democrats, depending upon the particular section of the country they represent. And whether they present their opinions under the name of "tariff reform" or a "revenue tariff," which is free trade—whether they call it "tariff for revenue, with incidental protection," or under whatever name, it is the same old policy of reduction of the tariff, the same old abandonment of Republican policy of protection that they gave us from 1893 to 1897.

Let me call your attention again to that remarkable statement contained in a Democratic newspaper that the country had lost more by the shrinkage of farm values alone under the Administration of Grover Cleveland than the entire bonded debt of the United States at the close of the civil war. Let us see now whether the facts bear out that statement. I have taken from the Statistical Abstract of the United States a comparative statement for the years 1895 and 1905 of certain farm values. I find that in 1895 there were in the country nearly 16,000,000 horses, that they had a value of $576,000,000, or an average value of $29.99 a head. I find that in 1905 the number had increased more than 1,000,000, that the value had increased $700,000,000, and that the average value per head was $70.36. In other words, notwithstanding the increase in the number, the increase in the average value of these animals to the farmers of the country had been more than 100 per cent.

I find that in 1895 there were 2,300,000 mules in the country—and this ought to interest that distinguished Democrat from the State of Missouri [Mr. CLARK], who, if he had his way, would raze every custom house to the ground. Their total value was $111,000,000, and their average value was $47.54 a head. In 1905 the number had increased by more than half a million, and the value had increased $140,000,000, and the average value of each animal had increased to $87.11. In other words, the average value under Republican Administration has been more than double that under a Democratic Administration.

And so we may go on, Mr. Speaker, clear through the list. There is but one single exception that I have been able to find where the value of individual animals to the farmers of this country had not grown from 50 to 100 per cent. I shall give that one example out of fairness and because a pretty forcible argument for Republican policy may be drawn even from that example. That one exception is in the case of cattle. I find in 1896 there were 32,000,000 in the country; that their total value was $508,000,000; that their average value was $15.81. I find that in 1905 the total was 47,000,000, and the total number had increased to 746,000,000, and the price of the individual animal, the single animal, was almost exactly the same. I say that is the only place that I have ever found where the price of any farm product was the same under the two Administrations. But there is this remarkable fact to be observed in this connection: That whereas in 1896 there were only 32,000,000, the total number of animals had increased in 1906 to over 47,000,000, an increase of 50 per cent in number, and yet the value had been maintained.

I shall insert in my printed speech the figures in detail. I hold in my hand these figures, and I will recapitulate them. In 1896 the total value of farm animals in this country was $1,727,000,000. In 1906 the value was $3,675,000,000, an increase of nearly $2,000,000,000. Well might that Democratic newspaper say, after four years' Democratic rule, that the loss to the country by shrinkage of farm values had been a greater amount than the bonded debt of the United States at the close of the civil war.

The detailed comparative statement referred to is as follows:

Number and value of specified farm animals.

[From Statistical Abstract of the United States for 1905, p. 534.]

HORSES.

Year.	Number.	Value.	Average value per head.
1895	15,893,318	$576,730,580	$29.99
1896	15,124,057	500,140,186	33.06
1905	17,057,702	1,200,310,020	70.36
1906	18,718,578	1,510,889,906	80.18

MULES.

1895	2,333,108	$110,927,834	$47.54
1896	2,278,946	103,204,457	49.67
1905	2,888,710	251,840,378	87.11
1906	3,404,061	334,680,520	98.31

MILCH COWS.

1895	16,504,629	$362,601,729	$20.76
1896	16,137,586	363,955,545	22.55
1905	17,572,464	482,272,203	27.44
1906	19,793,806	582,788,592	29.39

OXEN AND OTHER CATTLE.

1895	34,364,216	$482,999,129	$14.03
1896	32,065,409	508,928,416	15.86
1905	43,699,443	661,571,308	15.14
1906	47,067,656	746,171,709	15.85

Number and value of specified farm animals—Continued.

SHEEP.

Year.	Number.	Value.	Average value per head.
1895	42,294,064	$66,685,767	$1.57
1896	38,208,783	65,167,795	1.70
1905	45,170,423	127,331,850	2.81
1906	50,631,619	179,066,144	3.53

SWINE.

1895	44,165,716	$219,501,267	$4.97
1896	42,842,759	186,529,745	4.35
1905	47,320,511	283,254,978	5.98
1906	52,102,847	321,802,571	6.17

TOTAL VALUE FARM ANIMALS.

1895	$1,819,446,366
1896	1,727,926,084
1905	3,006,580,737
1906	3,675,389,442

But if there should be any doubt about whether the inference might be accurately drawn from the figures I have given, let me give the total value for several Administrations. I find that for the four years of Harrison's Administration the total value of farm animals was more than $9,000,000,000, that for the four years of Cleveland's Administration following the total value was something over $7,000,000,000, and that the decrease in value was more than $2,320,000,000. Then I have compared in this instance the Democratic Administration with the Republican Administration which had preceded it. Let me now compare that same Administration with the Republican Administration which followed it. For the four years of McKinley's Administration the total value of farm animals was $9,125,000,000, almost a recovery of the Harrison value after four years of Clevelandism.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. GAINES of West Virginia. Yes.

Mr. GAINES of Tennessee. I am very glad to get those statistics, but I want to call this to the gentleman's attention, as to the increased value of cattle and stock and so forth, that that is what you might call an enforced valuation to a large extent, because of the great demands brought about by the Spanish war for horses and mules and beef and everything that goes to carry on a successful war, in addition to the great demand for our stock to carry on the war in Africa by England and I think possibly that would have something to do with the inceased valuation.

Mr. GAINES of West Virginia. Mr. Speaker, unless I am interrupted so often that I can not reach that part of my speech, I shall show the gentleman that that was not the reason; that the reason for the increase of value was because of the greater industrial prosperity in the country that enabled the people of this country to increase their demand for the products of the farm.

Mr. GAINES of Tennessee. Will the gentleman yield a little further? Now, I know personally, and I take it the gentleman will remember, that all the old street-car mules around the country and the worn-out horses were sold to the Government for two or three prices, and most everything else the farmer had to sell went up two or three prices, because of this great military demand for the farmers' products.

Mr. GAINES of West Virginia. But, Mr. Speaker, there was no great demand created by those wars. The demand was created by the greater prosperity of the American people, by the fact that American manufactures had been set in motion, that the American farmer was able to purchase, that the American merchant had custom, and that the American workingman, above all, had been transformed by better wages into an active consumer of products. It was an incident of the general prosperity, and that general prosperity an incident of the success of the Republican party in the country. [Applause on the Republican side.] A comparison, as I said a moment ago, of the McKinley Administration with that of Cleveland shows that the value of farm animals alone in the country was $1,751,000,000 more for the Republican Administration; but it takes some time, Mr. Speaker, to recover values in the matter of farm animals. During the Administration of Grover Cleveland the American farmer had become discouraged. There was no market for his product. He had slaughtered his herds and flocks, and it takes some time to replace that sort of property; that is to say, that even though prosperous conditions intervened, it took time for the farmer to stock up his farm. A fairer comparison is that made between the Roose-

velt and McKinley Administration and that of Grover Cleveland. During the Cleveland Administration the total value of farm animals was $7,373,000,000, and during the four years of the Roosevelt and McKinley Administration the total value was $12,096,000,000—a difference of $4,722,000,000—a sum, as that great Democratic newspaper said in 1897, greater than the bonded indebtedness of the Union at the close of the civil war. In fact, it is almost, if not quite, double that bonded debt. The exact figures are as follows:

TOTAL VALUE FARM ANIMALS.

For the four years of Harrison's Administration	$9,693,846,177
For the four years of Cleveland's Administration	7,373,603,756
Decrease during Democratic years	2,320,242,421
For the four years of McKinley's Administration	9,125,042,542
For the four years of Cleveland's Administration	7,373,603,756
Increase during Republican years	1,751,438,786
For the four years of McKinley and Roosevelt	12,096,513,906
For the four years of Cleveland	7,373,603,756
Decrease during the four years of Democracy	4,722,910,150

Mr. Speaker, let us see upon what this prosperity of the farmer depended. Let us make some other comparisons of a different character. We heard last night a most eloquent discussion of the question as to whether the prosperity of this country was due to the discovery of gold. We heard the distinguished and eloquent gentleman from Washington [Mr. CUSHMAN] mention the fact that the American farmer, the American workingman, the American capitalist—all classes of people in this country—discovered gold in their pockets because of the increased business activity brought about under a Republican Administration. I have taken from the Statistical Abstract of the Government some comparisons of the export trade of this country in manufactured articles for the years 1895 and 1905. They show that the great prosperity of this country, that the great abundance of money of the country, that the fact that there is no lack of a circulating medium, as there was under a Democratic Administration, can be accounted for and are to be accounted for only by the greater business activity and the greater balance of trade in favor of this country under a Republican Administration. [Applause on the Republican side.]

In 1895 I find that we shipped abroad of agricultural implements $5,000,000 worth. In 1905, four times as much, or $20,000,000 worth. [Applause on the Republican side.] That of carriages we shipped abroad in 1895, $2,000,000 worth; in 1905, $10,000,000 worth. That of chemicals and drugs we shipped abroad in 1895, $7,000,000 worth; in 1905, $14,000,000 worth. I shall insert this entire table in my printed speech, but I shall not now weary the House by reading any more of it. I give the totals, however, Mr. Speaker, to prove my assertion that the greater prosperity and the greater volume of money in the country is to be accounted for by the fact that the conditions produced by the economical policies of the Republican party made it possible to bring in a greater amount of capital to the country. In 1895 we shipped abroad of domestic manufactures, $183,000,000 worth. In 1905, $543,000,000 worth. [Applause on the Republican side.] In other words, an excess in 1905 over 1895, of $360,000,000. The excess of exportations of manufactures in 1905 over 1895 was almost exactly double the total amount of manufactured products shipped abroad in 1895. I have shown already the figures that describe the farmers' greater share of this prosperity.

In the table referred to, which is here inserted, even figures are used, a + sign indicating that the actual figures are above, a − sign that they are below:

Exports of domestic manufactures, by principal articles, for the years 1895 and 1905.

[From pages 28 and 29, Foreign Commerce and Navigation of the United States, year ending June 30, 1905, Department of Commerce and Labor.]

Articles.	1895.	1905.
Agricultural implements	$5,000,000+	$20,000,000+
Books, maps, engravings, etc.	2,000,000+	4,000,000+
Brass and manufactures	784,000	3,000,000+
Carriages and parts of	2,000,000+	10,000,000+
Chemicals, drugs, etc	7,000,000+	14,000,000+
Clocks, watches, and parts	1,000,000+	2,000,000+
Copper and manufactures of	14,000,000+	86,000,000+
Fibers, vegetable, manufactures of	1,000,000+	6,000,000+
Cotton manufactures	13,000,000+	49,000,000+
Glass and glassware	1,000,000−	2,000,000+
Gunpowder and other explosives	1,000,000+	2,000,000+
Rubber manufactures	1,000,000+	5,000,000+
Scientific instruments	(−2) 1,000,000+	8,000,000+
Iron and steel manufactures	$32,000,000+	$134,000,000+
Jewelry and manufactures of gold and silver	716,000	1,400,000
Leather and manufactures of	15,000,000+	37,000,000+
Malt liquors	558,000	1,012,808
Marble and stone manufactures	885,000	1,055,000
Musical instruments	1,000,000+	3,000,000+
Oil, mineral, refined	41,000,000+	73,000,000+
Paints, pigments, and colors	1,000,000−	3,000,000+
Paper and manufactures of	2,000,000	8,000,000+
Paraffin, and wax of	3,000,000+	7,000,000+
Soap	1,082,126	2,670,251
Spirits, distilled	2,991,686	2,572,152
Tobacco manufactures	4,000,000−	5,500,000
Wood manufactures	6,000,000+	12,500,000+
Wool manufactures	670,226	2,095,054
All other manufactured articles	14,800,000	29,000,000+
Total exported domestic manufactures	183,595,743	543,607,975
		183,595,743
		360,012,232

Mr. WM. ALDEN SMITH. Do your figures show where we sent these products?

Mr. GAINES of West Virginia. I have not, Mr. Speaker, put in this table the countries where we have sent these articles, because it would make the tables too long and tedious.

Mr. RICHARDSON of Alabama. Will my friend from West Virginia allow me to ask a question?

Mr. GAINES of West Virginia. I yield with great pleasure to the gentleman from Alabama.

Mr. RICHARDSON of Alabama. How much of that exportation you were talking about was sold for a lower price in foreign countries than it was sold for in our own home markets?

Mr. GAINES of West Virginia. Mr. Speaker, the gentleman from Alabama asks how much of these foreign exports were sold in other countries more cheaply than in our own markets. I do not know, Mr. Speaker, how much. I do know, however, that it is a rare thing that articles are sold abroad cheaper than they are sold in our own country. I remember the evidence given before the Committee on Merchant Marine and Fisheries on the subject, and that evidence disclosed, Mr. Speaker, this fact, that while some articles are sold abroad cheaper than they are sold at home, while in some articles there is in this country a home price and a foreign price, and that while in some instances that foreign price is less than the home price, that there is no other country in the world, whether it be a protective country or a free-trade country, that does not have a greater difference between the foreign price and the domestic price than exists in this country under the policy of protection. [Applause on the Republican side.]

Mr. RAINEY. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. GAINES of West Virginia. Certainly, with pleasure.

Mr. RAINEY. Will the gentleman give some other country where there is a difference between the foreign price and the domestic price?

Mr. GAINES of West Virginia. Mr. Speaker, the question of the gentleman from Illinois fits very well into the reply I was making to the gentleman from Alabama, because I was just about to do what the gentleman asked me to do. I find that Great Britain is such a country, and I am glad first to furnish the gentleman from Illinois with an example drawn from Great Britain, for no matter how great the prosperity of this country may be, no matter how wise American policies may be, our Democratic friends seem always glad when they can eulogize the policies of England, and I am glad to furnish him an English example. In Great Britain the home price on steel rails is $31.50 and the British export price is $25.

Mr. RAINEY rose.

The SPEAKER pro tempore. Does the gentleman from West Virginia yield to the gentleman from Illinois?

Mr. RAINEY. Will not the gentleman answer my question and give me some of the other countries?

Mr. GAINES of West Virginia. I have given the gentleman one, and I was proceeding to give him others. In Germany the home price is $30 and the export price $24; in France the home price is $31 and the export price is $25.50; in Austria the home price is $31 and the export price $25.50; in Belgium the home price is $30 and the export price $24; in the United States the home price $28 and the export price is about $26.60—$1.40 difference in the United States against an average of about

$5 or $6 difference in every other country in the world, whether it be a free-trade country or a protective country. [Applause.]

Mr. RAINEY. The gentleman calls attention to goods that are shipped in cargoes in whole shiploads. Can the gentleman call attention to any other class of goods in which a price difference is made between the foreign consumer and the home consumer? And in this connection, will the gentleman also explain why it is——

Mr. GAINES of West Virginia. Will the gentleman kindly wait until I answer his first question? What was that question, now?

Mr. RAINEY. Are there any other goods that are shipped in shipload lots where there is a price difference made in any other country?

Mr. MANN. These things are not shipped in shiploads.

Mr. GROSVENOR. They are not shipped by shipload lots, but they are shipments by single tons.

Mr. RAINEY. The gentleman is talking about steel rails.

Mr. MANN. All the steel rails the gentleman has bought, I suppose, he bought by shiploads.

Mr. GAINES of West Virginia. I will answer the question of the gentleman from Illinois. He has asked me whether these are shipload lots or not. Mr. Speaker, I do not know, and I do not care. I fancy there is no international retail business going on in any commodity, and when he asks me about the foreign price and the domestic price, or about the domestic in comparison with the foreign price, he must be asking me about wholesale business and business in considerable quantities, unless he happens to know of some retail business going on among nations. And let me go further and suggest to the gentleman that his question to me, whether I am not dealing with wholesale prices and wholesale lots, suggests the answer to nine-tenths of this complaint, that American articles are sold abroad cheaper than at home; for the fact is this, that in almost every instance they take the price that the manufacturer gives to the retailer or jobber and compare that price with the retail price in this country. And there are two reasons why that wholesale price is less—first, the wholesale price is much less than the retail price at home, and, in the next place, shippers make the very smallest possible invoice they can in order to avoid the tariff of the countries to which they are sending their product.

Mr. RICHARDSON of Alabama. Will my friend from West Virginia allow me to interrupt him?

Mr. GAINES of West Virginia. With pleasure.

Mr. RICHARDSON of Alabama. Now, will you state to the House what the aggregate amount of exportations in this country was for 1905 that sold for a less price in a foreign country than they did at home? Does it not reach the amount of $500,000,000?

Mr. MANN. About one-tenth of 1 per cent.

Mr. RICHARDSON of Alabama. Did it not reach that large amount in 1905?

Mr. GAINES of West Virginia. I remember the gentleman from Pennsylvania gave the correct figures.

Mr. RICHARDSON of Alabama. It was $500,000,000 sold to foreign countries and exported cheaper than they sell to our own home folks.

Mr. GROSVENOR. A very little more than $500,000,000 was sold altogether.

Mr. GAINES of West Virginia. If the gentleman asks me whether there were $500,000,000 sold cheaper abroad, there were five hundred and forty-odd million dollars' worth sold altogether, and in 1895, under his Administration, one-third of that amount. [Applause on the Republican side.] I have shown by the figures here the difference between the home price and the foreign price in the principal countries in the world. There is no difference in the wage of the workingman whether the thing he makes is sold at home or abroad.

Mr. WM. ALDEN SMITH. I suggest to my friend from West Virginia that the same wage is paid whether the goods are sold abroad or at home, and we are concerned in the wage scale, the American wage scale.

Mr. GAINES of West Virginia. That consideration is of course true; but I was confining my answer to the question the gentleman asked. It certainly is important to the American worker. It is important, and our home people derive a great benefit from this foreign trade. We go into other countries and compete, and still the American wageworker gets the same price for his work. He loses nothing, but secures a larger market.

Mr. RAINEY. Will the gentleman yield to me for a question?

Mr. GAINES of West Virginia. Certainly.

Mr. RAINEY. Will the gentleman explain how it happens that the Westinghouse Company, originally an American company, and still an American company, maintains now its largest plant in England; and does it not maintain its plant there in order to escape from the clutches of the United States Steel Company.

Mr. GAINES of West Virginia. If that is true, I should say, Mr. Chairman, that that company, which has its patents, which protects itself from competition by patent rights, goes abroad for the purpose of avoiding what the Republican party is responsible for in this country—the high rate of American wages. [Applause on the Republican side.] And if it wants to avoid the American Steel Company it is because the American Steel Company pays the American wage for its product, and they want to get the product of cheaper labor in England and other countries, and therefore they go over there.

Mr. RAINEY. Will the gentleman allow me to ask him another question?

The SPEAKER pro tempore. Does the gentleman yield to the gentleman from Illinois?

Mr. GAINES of West Virginia. I do, Mr. Speaker, for a question, and one more only. I do not know how much of my time is left.

Mr. RAINEY. I say to the gentleman his explanation differs from the explanation given me about two weeks ago by the manager of the Westinghouse Company, who had just returned from England, where he has been reorganizing the English branch.

Mr. GAINES of West Virginia. I am glad to see that there is some American company that the gentleman from Illinois has confidence in. I thought from what he said on this floor recently about the Waltham and Elgin watch companies, that he never would justify the statement of any of them.

Mr. SOUTHWICK. He has just returned from England, has he?

Mr. RAINEY. This gentleman advised me——

Mr. GAINES of West Virginia. Does he live in England?

Mr. RAINEY. He lives in Pittsburg.

Mr. GAINES of West Virginia. I thought you said he had gone there.

Mr. RAINEY. I can give you his name—I do not now recall it—and you can put it in the RECORD. He advised me that the Westinghouse Company went there to get away from the American Steel Company; and he further said that, although they paid less wages there in England to English workingmen, the American workingman was worth two of them.

Mr. GROSVENOR. Will the gentleman from West Virginia allow me to say that the Westinghouse Company is one of the largest exporters of American steel at this time and a large owner of American steel manufactures?

Mr. GAINES of West Virginia. I did not know that, and I am obliged to the gentleman from Ohio for his suggestion.

Mr. Speaker, when my attention was diverted from the line of my argument, I was about to show that the American laboring man had got his share of this prosperity.

Mr. RAINEY. Will the gentleman yield again?

Mr. GAINES of West Virginia. I yield to the gentleman.

Mr. RAINEY. I did not quite catch the remark of the gentleman from Ohio. I have just been advised as to what it was. This gentleman told me that the Westinghouse Company now exports their steel products from their English factories, and they are now competing with German companies for the mastery of the European market.

Mr. GROSVENOR. Will the gentleman allow me?

Mr. GAINES of West Virginia. Certainly.

Mr. GROSVENOR. I came across the water some years ago with Mr. Westinghouse himself, the head of the concern, just after he had taken the enormous contract for lighting the underground railroads of London. He was, of course, using much of the English manufacture, but at the same time he was exporting vast quantities of American steel for use by his works not only in London, but in other great cities of Europe; and the fact remains that while he has taken with him large numbers of American skilled workmen, he is employing large quantites of English cheap labor, and has substantially mastered the business and driven his products into the consumption of the British people to an extent that has almost destroyed competition. [Applause.]

Mr. RAINEY. I will say to the gentleman in reply that at the time he had this conversation with the president of the company, as I understand him——

Mr. GROSVENOR. With George Westinghouse himself. He lives in this city.

Mr. RAINEY. Two years ago the English plant had not been in operation six months.

Mr. GROSVENOR. No; you are quite right about that.

Mr. RAINEY. And it is within the last two years that the English plant of the Westinghouse company has built up this immense business. The gentleman will have to consult Mr. Westinghouse again to get the present status of the business.

SUNDRY CIVIL APPROPRIATION BILL.

The SPEAKER. The gentleman will suspend.

Mr. TAWNEY. Mr. Speaker, I call up the conference report on the sundry civil bill, and ask unanimous consent that the reading of the report and the statement be dispensed with. My reason for this is that both have been printed, and the statement has been read. The statement was read in full to the House on day before yesterday, and the present statement is identically the same as the one then read, except three items, which the conferees have since agreed to. This report is now a complete report.

The three items referred to are the $3,000,000 building site in the city of Washington, the coal-test amendment, concerning which there was some misunderstanding when the matter was before the House before, and which the House conferees have agreed to as the amendment was originally adopted in the Senate and presented to the conferees, and the third item is the light-ship to be anchored at the mouth of Puget Sound. These are the only three items that were in difference when the report was recalled, namely, the light-ship, the $3,000,000 appropriation for the purchase of a site for a departmental building in the city of Washington, and the coal.

The SPEAKER. Will the gentleman state what disposition was made of that?

Mr. TAWNEY. Mr. Speaker, the conferees on the part of the Senate have receded from their amendment for the appropriation of $3,000,000 for the site for the Government building, and they have also receded from the appropriation for the light-ship at the mouth of Puget Sound. [Applause.]

The SPEAKER. Is there objection to the request of the gentleman from Minnesota to dispense with the reading of the conference report and statement?

There was no objection.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 4, 5, 14, 22, 47, 49, 51, 53, 54, 55, 59, 62, 64, 70, 71, 79, 83, 85, 87, 88, 89, 90, 110, 120, 121, 123, 124, 132, 133, 134, 137, 147, and 148.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 7, 8, 9, 10, 11, 12, 13, 15, 16, 19, 20, 23, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 40, 41, 43, 44, 52, 58, 61, 65, 67, 68, 72, 73, 74, 76, 77, 78, 84, 86, 91, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 106, 108, 109, 111, 112, 113, 114, 115, 122, 125, 126, 127, 129, 130, 135, 136, 138, 139, 140, 141, 144, and 145; and agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following: "two civilian instructors;" and the Senate agree to the same.

Amendment numbered 17: That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment as follows:

In line 4 of said amendment, after the word "necessary," insert "not exceeding five thousand dollars."

Omit all after the word "Molokai," in line 6 of said amendment, and insert in lieu thereof the following: "and a landing stage on the landing site at Waikolu, including the necessary appliances for landing supplies."

And the Senate agree to the same.

Amendment numbered 18: That the House recede from its disagreement to the amendment of the Senate numbered 18, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Stonington breakwater, Connecticut: For erection of a suitable double dwelling for the keepers of the light station at Stonington breakwater, Connecticut, six thousand dollars."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Point Arena light station, California: For rebuilding of light station and keepers' dwellings, seventy-two thousand five hundred dollars."

And the Senate agree to the same.

Amendment numbered 24: That the House recede from its disagreement to the amendment of the Senate numbered 24, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "eighteen thousand seven hundred dollars;" and the Senate agree to the same.

Amendment numbered 25: That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment as follows: In line 3 of said amendment, after the word "June," insert the word "twentieth;" and the Senate agree to the same.

Amendment numbered 26: That the House recede from its disagreement to the amendment of the Senate numbered 26, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Nantucket Shoals, Massachusetts: Toward the construction of a light vessel to be placed off Nantucket Shoals, Massachusetts, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 27: That the House recede from its disagreement to the amendment of the Senate numbered 27, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Ambrose channel, New York Bay: Toward the construction of a light vessel for the sea entrance to the channel, fifty thousand dollars; and the total cost of said light vessel, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifteen thousand dollars."

And the Senate agree to the same.

Amendment numbered 28: That the House recede from its disagreement to the amendment of the Senate numbered 28, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For a light-house on Staten Island, New York, and raising West Bank light: Toward establishing a light-house on Staten Island, New York, and raising West Bank light, fifty thousand dollars; and the total cost of said light-house, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 39: That the House recede from its disagreement to the amendment of the Senate numbered 39, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Harbor of refuge, Milwaukee, Wisconsin: Toward the construction of a light and fog-signal station on the south end of the breakwater, harbor of refuge, Milwaukee, Wisconsin, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 42: That the House recede from its disagreement to the amendment of the Senate numbered 42, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Rock of Ages, Lake Superior: Toward the construction of a light and fog-signal station on Rock of Ages, Lake Superior, fifty thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars."

And the Senate agreed to the same.

Amendment numbered 45: That the House recede from its disagreement to the amendment of the Senate numbered 45, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Twelfth light-house district: Toward the construction of a steam tender for the use of the light-house engineer of the twelfth light-house district, fifty thousand dollars; and the total cost of said steam tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 46: That the House recede from its disagreement to the amendment of the Senate numbered 46, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Columbia River, Oregon: Toward the construction of a light-vessel for use off the mouth of the Columbia River, Oregon, fifty thousand dollars; and the total cost of said light-vessel,

under a contract which is hereby authorized therefor, shall not exceed one hundred and thirty thousand dollars."

And the Senate agree to the same.

Amendment numbered 48: That the House recede from its disagreement to the amendment of the Senate numbered 48, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Hinchinbrook entrance, Prince William Sound, Alaska: Toward the construction of a light and fog-signal station at Hinchinbrook entrance, Prince William Sound, Alaska, twenty-five thousand dollars; and the total cost of said light and fog-signal station, under a contract which is hereby authorized therefor shall not exceed one hundred and twenty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "seven hundred and seventy thousand dollars;" and the Senate agree to the same.

Amendment numbered 56: That the House recede from its disagreement to the amendment of the Senate numbered 56, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"For any special surveys that may be required by the Light-House Board or other proper authority, including the expenditures authorized under public act numbered one hundred and eighty-one, approved May twenty-sixth, nineteen hundred and six, and contingent expenses incident thereto, five thousand dollars, together with the unexpended balance under this appropriation for nineteen hundred and six, and prior years, which is hereby reappropriated and made available on this account for the fiscal year nineteen hundred and seven."

And the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lieu of the sum proposed insert: "two hundred and fifty-seven thousand nine hundred dollars;" and the Senate agree to the same.

Amendment numbered 60: That the House recede from its disagreement to the amendment of the Senate numbered 60, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "thirty-three thousand nine hundred and forty dollars;" and the Senate agree to the same.

Amendment numbered 63: That the House recede from its disagreement to the amendment of the Senate numbered 63, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five thousand seven hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 66: That the House recede from its disagreement to the amendment of the Senate numbered 66, and agree to the same with an amendment as follows: At the end of the matter inserted by said amendment insert the following:

"*Provided*, That no expense shall be incurred hereunder additional to appropriations for the Census Office for printing therefor made for the fiscal year nineteen hundred and seven; and the Director of the Census is hereby directed to report to Congress at its next session the cost incurred hereunder and the price fixed for said publication and the total received therefor."

And the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendment of the Senate numbered 69, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "five hundred and sixty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 75: That the House recede from its disagreement to the amendment of the Senate numbered 75, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "one hundred and fifty thousand dollars;" and the Senate agree to the same.

Amendment numbered 80: That the House recede from its disagreement to the amendment of the Senate numbered 80, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one million four hundred and sixty-three thousand three hundred and twenty dollars;" and the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Omit the matter proposed to be inserted by said amendment and, on page 78 of the bill, in line 13, after the word "acting," insert the words "after June thirtieth, nineteen hundred and six;" and the Senate agree to the same.

Amendment numbered 82: That the House recede from its disagreement to the amendment of the Senate numbered 82, and agree to the same with an amendment as follows: In line 4 of said amendment strike out the word "Interior" and in lieu thereof insert the words "Smithsonian Institution;" and the Senate agree to the same.

Amendment numbered 92: That the House recede from its disagreement to the amendment of the Senate numbered 92, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "nineteen thousand five hundred dollars;" and the Senate agree to the same.

Amendment numbered 93: That the House recede from its disagreement to the amendment of the Senate numbered 93, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eighteen dollars;" and the Senate agree to the same.

Amendment numbered 94: That the House recede from its disagreement to the amendment of the Senate numbered 94, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four thousand dollars;" and the Senate agree to the same.

Amendment numbered 105: That the House recede from its disagreement to the amendment of the Senate numbered 105, and agree to the same with an amendment as follows: In line 5 of said amendment strike out the word "northwest;" and the Senate agree to the same.

Amendment numbered 107: That the House recede from its disagreement to the amendment of the Senate numbered 107, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "eight hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 116: That the House recede from its disagreement to the amendment of the Senate numbered 116, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert "ten thousand dollars;" and the Senate agree to the same.

Amendment numbered 117: That the House recede from its disagreement to the amendment of the Senate numbered 117, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "three hundred and sixty-three thousand two hundred dollars;" and the Senate agree to the same.

Amendment numbered 118: That the House recede from its disagreement to the amendment of the Senate numbered 118, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "four million two hundred and twelve thousand nine hundred and forty-four dollars;" and the Senate agree to the same.

Amendment numbered 119: That the House recede from its disagreement to the amendment of the Senate numbered 119, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment, insert the following: "*Provided*, That no part of this appropriation shall be available after March fourth, nineteen hundred and seven, except on condition that no bar or canteen shall be maintained at said Homes for the sale of beer, wine, or other intoxicating liquors after said date;" and the Senate agree to the same.

Amendment numbered 128: That the House recede from its disagreement to the amendment of the Senate numbered 128, and agree to the same with an amendment as follows: In line 13 of said amendment, after the word "capacity," insert the word "whether;" and in line 14, after the word "States," insert "or otherwise;" and the Senate agree to the same.

Amendment numbered 131: That the House recede from its disagreement to the amendment of the Senate numbered 131, and agree to the same with an amendment as follows: Add at the end of said amendment " ; all money expended hereunder shall be taxed by the court as a part of the cost in said judicial proceedings;" and the Senate agree to the same.

Amendment numbered 142: That the House recede from its disagreement to the amendment of the Senate numbered 142, and agree to the same with an amendment as follows: In lieu of the sum proposed insert "one hundred and twenty-five thousand dollars;" and the Senate agree to the same.

Amendment numbered 143: That the House recede from its disagreement to the amendment of the Senate numbered 143, and agree to the same with an amendment as follows: Strike out the amended paragraph and insert in lieu thereof the following:

"To continue the reequipment of the Panama Railroad, to be disbursed directly under the Isthmian Canal Commission, one million dollars; no part of said sum shall be so expended until the obligation of the Panama Railroad Company for the full amount thereof and drawing four per cent interest payable to

the United States shall have been delivered to the Secretary of the Treasury of the United States and by him accepted."

And on page 164 of the bill, in line 13, strike out the words "five hundred and seventy-five" and insert in lieu thereof the words "four hundred and fifteen."

And the Senate agree to the same.

Amendment numbered 146: That the House recede from its disagreement to the amendment of the Senate numbered 146, and agree to the same with an amendment as follows: In lieu of the matter stricken out by said amendment insert the following:

"SEC. 7. From and after July first, nineteen hundred and six, all of the expenses of the supreme court of the District of Columbia mentioned below, to wit, fees of witnesses, fees of jurors, pay of bailiffs and criers, including salaries of deputy marshals who act as bailiffs or criers, and all miscellaneous expenses of said court, shall be paid one half from the revenues of the District of Columbia and the other half from the revenues of the United States: *Provided*, That estimates for like expenditures for the fiscal year nineteen hundred and eight and annually thereafter shall be submitted to the Commissioners of the District of Columbia for transmission to Congress with the annual estimates for the District of Columbia;"

And the Senate agree to the same.

Amendment numbered 149: That the House recede from its disagreement to the amendment of the Senate numbered 149, and agree to the same with an amendment as follows:

In lieu of the matter inserted by said amendment insert the following:

"JAMESTOWN EXPOSITION.

"SEC. 10. That there shall be exhibited at the Jamestown Exposition by the Government of the United States from the Smithsonian Institution, the National Museum, and the Library of Congress such articles and materials of an historical nature as will serve to impart a knowledge of our colonial and national history; and such Government exhibit shall also include an exhibit from the War and Navy Departments, the Life-Saving Service, the Revenue-Cutter Service, the Army, the Navy, the Light-House Service, the Bureau of Fisheries, and an exhibit from the island of Porto Rico. And the Bureau of American Republics is hereby invited to make an exhibit illustrative of the resources and international relations of the American republics, and space in any of the United States Government exhibit buildings shall be provided for that purpose. The Jamestown Tercentennial Commission, created by an act of Congress, approved March 3d, 1905, shall, in addition to the authority and duties conferred and imposed by said act, be authorized and empowered and it shall be their duty to select, prepare, transport, and arrange for the exhibition and return of the Government exhibits herein authorized. In addition to the articles and materials which the said Jamestown Tercentennial Commission may select for exhibition as aforesaid, the President of the United States may in his discretion designate other and additional articles and materials.

"The officers and employees of the Government who may be appointed by the Jamestown Tercentennial Commission to carry out the provisions of this section and any officers and employees of the Government who may be detailed to assist them, including the officers of the Army and Navy, shall receive no compensation in addition to their regular salaries, but they shall be allowed their actual and necessary traveling expenses, together with a per diem in lieu of subsistence not to exceed four dollars. The officers of the Army and Navy shall receive said allowance in lieu of subsistence and mileage now allowed by law, and the Secretary of War and the Secretary of the Navy may in their discretion detail retired Army and Navy officers for such duty. Any provision of law which may prohibit the detail of persons in the employ of the United States to other service than that which they customarily perform shall not apply to persons detailed to duty in connection with said Jamestown Tercentennial Exposition. And to carry out in full all of the provisions of this section not herein otherwise specifically appropriated for, the sum of two hundred thousand dollars or so much thereof as may be necessary is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, the same to be expended in accordance with law and under such rules and regulations as the said Jamestown Tercentennial Commission may prescribe.

"That the Secretary of the Treasury shall cause suitable buildings to be erected on the site of the said Jamestown Tercentennial Exposition for said Government exhibit, including a suitable building for the exhibit of the United States Life-Saving Service; a fisheries building, including an aquarium; also a building for use as a place of rendezvous for the soldiers and sailors of the United States Navy and Army and of the foreign navies and armies participating in said celebration; also a building for use as a place of rendezvous for the commissioned naval and army officers participating in said celebration; also the preparation of the grounds for, the approaches thereto, and the lighting of all of said buildings. Said buildings shall be erected, as far as practicable, on the colonial style of architecture from plans prepared by the Supervising Architect of the Treasury, to be approved by the Secretary of the Treasury; and the Secretary of the Treasury is hereby directed to contract for said buildings in the same manner and under the same regulations as for other public buildings of the United States: *Provided*, That the aggregate cost of all of said buildings, including the preparation of grounds, approaches, and lighting, shall in no event exceed the sum of three hundred and fifty thousand dollars, which sum is hereby appropriated out of any moneys in the Treasury not otherwise appropriated. At the close of the exposition the Secretary of the Treasury is authorized and directed to dispose of said buildings or the materials composing the same and of the piers which are provided for in this act, or the materials thereof, giving preference to the Jamestown Exposition Company to the extent that it shall have the option to purchase the same at an appraised value, to be ascertained in such manner as the Secretary of the Treasury may determine.

"That to the end that free and ready communication between the ships and the shore may be had, and in order to furnish ample and safe harbor for the small craft necessary to convey the soldiers and exposition visitors from the grounds to the fleet, there shall be constructed, from plans to be furnished by the Jamestown Exposition Company and approved by the Secretary of War, two piers extending from the exposition grounds into the waters of Hampton Roads, the ends of said piers to be surmounted with towers for the exhibit, if practicable, of the Light-House Service and wireless telegraph service. Said piers shall be connected by an arch sufficiently high to permit small craft to enter under it into a basin or harbor, which shall be dredged to a sufficient depth to accommodate boats drawing not more than 10 feet of water at mean low tide. And the Secretary of War is directed to contract for the construction of said piers and basin in the same manner and under the same regulations as for public structures of the United States, but the contract price shall not exceed the sum of four hundred thousand dollars, or as much thereof as may be necessary, which sum is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That before the appropriation made by this section shall become available the Jamestown Exposition Company shall file with the Secretary of the Treasury an agreement that it will, at its own expense, operate and manage said piers and basin during the period of the exposition, and that it will, at its own expense, illuminate the same: *Provided further*, That all small craft attached to any naval vessel of this or any foreign country, whose fleet is in the waters of Hampton Roads to participate in the celebration, shall have access to and use of said basin and piers for the purpose of communication with the exposition grounds without any charge therefor and under such rules and regulations as the Secretary of the Navy shall prescribe: *Provided further*, That the same right of access and use of said basin and piers during the exposition shall be, and is hereby, reserved to the United States, but nothing herein contained shall be construed to impose upon the United States any obligation to maintain or keep in repair such piers or basin or approaches thereto or to reimburse any individual or corporation for any damage sustained in consequence of the use of said piers and basin.

"That in aid of the said Jamestown Tercentennial Exposition the sum of two hundred and fifty thousand dollars is hereby appropriated, out of any money in the Treasury not otherwise appropriated, which sum shall be paid to the Jamestown Exposition Company upon satisfactory evidence being furnished the Secretary of the Treasury that the said company has expended the sum of five hundred thousand dollars on account of said exposition. Said two hundred and fifty thousand dollars shall be paid by the Secretary of the Treasury upon vouchers and satisfactory evidence that it has been expended for the purposes of the exposition other than salaries: *Provided*, That as a condition precedent to the payment of this appropriation in aid of said exposition the Jamestown Exposition Company shall agree to close the grounds of said exposition to visitors on Sunday during the period of said exposition.

"That for the erection of a permanent landing pier at James

town Island on the frontage owned by the Association for the Preservation of Virginia Antiquities, the precise location to be agreed upon by the Secretary of War and said association and to be donated by said association to the United States, the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated. The Secretary of War is directed to contract for the construction of said pier in the same manner and under the same requirements as for other public structures of the United States: *Provided, however*, That if any pier now constructed and suitable for landing persons and material for the erection of the monument on said Jamestown Island heretofore authorized can be leased or purchased within the appropriation of fifteen thousand dollars hereby made, the Secretary of War is hereby authorized to expend the sum hereby appropriated for the leasing or purchase of said pier and of a sufficient and proper amount of land adjacent thereto to give free access to the grounds owned by such Association for the Preservation of Virginia Antiquities and the monument to be erected thereon under the provisions of an act approved March third, nineteen hundred and five.

"For the policing during the exposition period of the grounds owned by the Association for the Preservation of Virginia Antiquities, upon Jamestown Island, and for erecting thereon suitable retiring rooms and rest stations for the visiting public, and for providing drinking water at suitable places thereon, and for such benches and other accommodations as visitors to such island will need, the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated. The moneys appropriated by this paragraph shall be expended by and under the direction of the Tercentennial Commission, and shall not be expended until such provisions are made with such association as will insure the free access, to every part of the grounds of said association, of all visitors who may come during the period of the said exposition, and will insure free access always to that part of the grounds upon which said monument is located.

"That all articles which shall be imported from foreign countries for the sole purpose of exhibition at said exposition upon which there shall be a tariff or customs duty shall be admitted free of the payment of such duty, customs, fees, or charges, under such regulations as the Secretary of the Treasury shall prescribe; but it shall be lawful at any time during the exposition to sell, for delivery at the close thereof, any goods or property imported for and actually on exhibition in the exposition buildings or on the grounds, subject to such regulations for the security of the revenue and for the collection of import duties as the Secretary of the Treasury may prescribe: *Provided*, That all such articles, when sold or withdrawn for consumption or use in the United States, shall be subject to the duty, if any, imposed upon such articles by the revenue laws in force at the date of withdrawal, and on articles which shall have suffered diminution or deterioration from incidental handling and necessary exposure the duty, if paid, shall be assessed according to the appraised value at the time of withdrawal for consumption or use, and the penalties prescribed by law shall be enforced against any person guilty of any illegal sale or withdrawal: *Provided further*, That nothing in this section contained shall be construed as an invitation, express or implied, from the Government of the United States to any foreign government, state, municipality, corporation, partnership, or individual to import any such articles for the purpose of exhibition at the said exposition.

"That medals with appropriate devices, emblems, and inscriptions commemorative of said Jamestown Tercentennial Exposition and of the awards to be made to the exhibitors thereat and to successful contestants in aquatic and other contests shall be prepared for the Jamestown Exposition Company by the Secretary of the Treasury at some mint of the United States, subject to the provisions of the fifty-second section of the coinage act of eighteen hundred and ninety-three, upon the payment by the Jamestown Exposition Company of a sum equal to the cost thereof; and authority may be given by the Secretary of the Treasury to the holder for a medal properly awarded to him to have duplicates thereof made at any of the mints of the United States from gold, silver, or bronze upon the payment by him for the same of a sum equal to the cost thereof.

"That in aid of the Negro Development and Exposition Company of the United States of America to enable it to make an exhibit of the progress of the negro race in this country at the said exposition, the sum of one hundred thousand dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated. This sum shall be expended by the Jamestown Tercentennial Commission under rules and regulations prescribed by it and for such objects as shall be approved by both the said Negro Development and Exposition Company of the United States of America and the said Commission: *Provided, however*, That a reasonable proportion of said appropriation shall be expended for a building within which to make such exhibit.

"That except to the extent and in the manner by this act provided and authorized the United States Government shall not be liable on any account whatever in connection with the said exposition, and nothing in this act shall be construed so as to create any liability upon the part of the United States Government, direct or indirect, for any debt or obligation incurred, or for any claim for aid or pecuniary assistance from Congress or the Treasury of the United States in support of or in liquidation of any debts or obligations created by said Tercentennial Commission, or any other board, commission, or any person or persons whomsoever, acting or claiming to act by authority of this act in excess of the appropriations provided for in this act.

"The United States shall in no event be liable, directly or indirectly, upon any ground or for any cause whatsoever in connection with or on account of its participation in said Jamestown Tercentennial Exposition beyond the sums expressly appropriated by the act of March third, nineteen hundred and five, and by this act.

"That all moneys appropriated by this act which the Jamestown Tercentennial Commission is authorized to expend shall be drawn out of the Treasury in such manner and under such regulations as such Commission may determine, subject to the approval of the Secretary of the Treasury; and at the close of the exposition period, and after the work of such Commission is completed, such Commission shall make a complete report of their actions hereunder and a complete statement of all expenditures for each of the purposes herein specified to the President of the United States for transmission to Congress."

And the Senate agree to the same.

JAMES A. TAWNEY,
WALTER I. SMITH,
JAMES B. PERKINS,
Managers on the part of the House.

EUGENE HALE,
GEO C. PERKINS,
JAMES H. BERRY,
Managers on the part of the Senate.

Mr. TAWNEY. Mr. Speaker, I move the adoption of the report, and before that motion is presented I wish to state for the information of the House that the Senate added to the sundry civil appropriation bill amendments aggregating $8,004,114. The Senate amendments that remain in the bill as the result of the conference between the two Houses aggregate $3,688,114, a reduction of $4,316,000. [Applause.]

I move the adoption of the conference report.

The motion was agreed to.

CUSTOMS COLLECTION DISTRICTS.

The House resumed the consideration, as in Committee of the Whole, of the bill (H. R. 14606) to provide for the consolidation and reorganization of customs collection districts, and for other purposes.

The SPEAKER. The gentleman from West Virginia [Mr. GAINES] has the floor and has nineteen minutes remaining.

Mr. GAINES of West Virginia. Mr. Speaker, when interrupted by the colloquy between the gentleman from Illinois [Mr. RAINEY] and the gentleman from Ohio [Mr. GROSVENOR], I was about to attempt to maintain, from the official figures, the proposition that the American workingman had been a participant in the prosperity of the country, and was about to adopt, in connection with those figures, the same comparative method, showing the difference between 1895 and 1904 or 1905. I find that in 1895 the wages of blacksmiths in the country were 26 cents an hour, and in 1904, 30 cents an hour; bricklayers in 1895 got 43 cents an hour, and in 1904, 56 cents an hour; carpenters in 1895 got 27 cents an hour, and in 1904 over 36 cents an hour; printers (compositors) in 1895 received 27 cents an hour, and in 1904, 33 cents an hour. These are occupations not protected. I shall print with my speech a list of other occupations which are protected, showing the same increase in prosperity for the laboring man in this country.

The figures referred to are as follows:

Average wages per hour paid in certain occupations in the United States in the years 1895 and 1904.

Occupation.	Establishments.		Wages.	
	1895.	1904.	1895.	1904.
Blacksmiths, male, foundry and machine shop	166	192	$0.2602	$0.2979
Bricklayers, male	212	229	.4367	.5586
Carpenters, male	227	242	.2602	.3053
Compositors, male, book and job	85	96	.2731	.3365
Compositors, male, newspaper	95	135	.3827	.4916
Iron and steel, bar:				
Catchers, male	13	17	.2480	.3513
Heaters, male	13	19	.4137	.5463
Heaters' helpers, male	12	18	.1917	.2651
Hot straighteners, male	12	16	.1024	.1749
Rollers, male	13	16	.5460	.6707
Roughers, male	13	20	.2715	.4029

Mr. STANLEY. Will the gentleman yield?

Mr. GAINES of West Virginia. Yes; for a question.

Mr. STANLEY. Has the gentleman calculated the percentage of increase? He has given the wages of 1896 and the wages now; has he made any attempt to give the percentage of increase?

Mr. GAINES of West Virginia. I have not; but take the bricklayers. In 1893 they received 43 cents an hour and in 1904, 55 cents an hour; that is practically an increase of 13 cents an hour.

Mr. STANLEY. Well, take the blacksmith. What is his increase?

Mr. GAINES of West Virginia. About 4 cents an hour.

Mr. STANLEY. About 10 per cent?

Mr. GAINES of West Virginia. Forty cents a day; almost as much as an ordinary man could make in the good old Democratic days to which the gentleman from Kentucky is so strongly attached.

Mr. STANLEY. Is it not a fact that the cost of beef has increased 100 per cent, rent 60 or 70 per cent, living has increased 40 per cent, all things considered, since 1895?

Mr. GAINES of West Virginia. No; that is not true. According to the Government reports wages have increased per hour much more rapidly than the cost of living.

The gentleman has in mind figures which show that where the hours of labor have been considerably reduced per week that sometimes the rate of living has increased more rapidly than the rate of weekly wages, but the very table referred to shows that if people would work as many hours as they worked before—and the gentleman must remember that they work now many more days than they worked then—if they will work as many hours they will make more in proportion to the cost of living. I took the trouble to make a comparison of the wages and the rate of living, taking as a basis the wages of the bricklayers at Wheeling, W. Va., that being one of the places given in the statistical tables. I found that in 1895 a bricklayer made $0.4517 an hour. In 1903 he made $0.5625 an hour, and in 1895 he worked sixty hours per week whenever he could get any work at all, and in 1903 he had reduced his hours of labor six hours a week.

Now, let us see how that works out. The week's wages in 1895, sixty hours, at $0.4517 an hour, were $27.10, and the week's wages in 1903, fifty-four hours, at $0.5625 an hour, were $30.37; and that is $3.27 increase in the week's wages under the policy of protection, although there has been a decrease of six hours' work per week.

Let us see how that would work out for forty weeks. I take it that a bricklayer may work that much each year in that climate. I take it that he could work that long, I mean, under conditions like the present, when there is work for him to do, and not under the conditions that existed when the gentleman's party was in power and bricklayers tramped the country for work. [Applause on the Republican side.] In 1895, if he worked forty weeks at $27.10 that would give him $1,084. In 1903, if he worked forty weeks at $30.37 that would give him $1,215—a decrease of two hundred and forty hours and an increase in wages of $131. Now, you may take the amount spent for food, according to the tables the gentleman refers to, and make your comparison, and you will find that the average family of such a workman would have spent in 1895 for food $411, leaving $673.

In 1903 they would have expended $449, leaving $765, or $93 more. In other words, a man would have worked in 1895 two hundred and forty hours more, and in 1903, after paying the farmers the increased price of farm products, having worked two hundred and forty hours less, he would have to his credit $93 more. If the gentleman will take these tables and work them out, he will see what the actual result is. I will insert here the calculation in detail:

Wages of bricklayers at Wheeling, W. Va.

Year.	Cents per hour.	Hours per week.
1895	45.17	60
1903	56.25	54
	[a] 11.08	[b] 6

[a] Increase. [b] Decrease.

Week's wages in 1895 (60 hours, at 45.17 cents per hour) was $27.102
Week's wages in 1905 [a] (54 hours, at 56.25 cents per hour) was 30.375

Increase in wages 3.273

Wages for forty weeks.

1895, $27.102 × 40 (2,400 hours, at 45.17 cents per hour) $1,084.08
1903, $30.375 × 40 (2,160 [b] hours, at 56.25 cents per hour) 1,215.00

Increased wages 130.92

It is estimated by the Commissioner of Labor that wage-earners making annually over $1,000 and less than $1,200 spend 38 per cent of their wages for food, and those making from $1,200 to $1,400 spend about 37 per cent for food.

Spent for food.

1895, 38 per cent of $1,084.08, or $411.95, leaving $672.13
1903, 37 per cent of $1,215, or $449.55, leaving 765.45

Spends for food $37.60 more, and has left $93.32 more.

If he had worked as many hours in the forty weeks of 1903 as he did in the forty weeks of 1895, he would have made (240 hours, at 56.25 cents per hour) $135 more, or $1,350 in all. This is $265.92 more than received for same number of hours in 1895, a saving after the grocery bills were paid of $228.32 in 1903 more than in 1895.

Mr. GILLESPIE. Mr. Speaker, I would like to ask the gentleman from West Virginia if the raise in wages of the bricklayer is not due to the act of the bricklayers' union in raising their own wages during the time the gentleman has spoken of.

Mr. GAINES of West Virginia. Mr. Speaker, I am very confident that the effort of organized workingmen to raise their own wages has had much to do with it, but organized working people could not raise wages under conditions like yours when there were no wages to be had under any circumstances. [Applause on the Republican side.] And let me say that the opportunity for labor, organized and unorganized, is when the policies of the Republican party are in vogue in this country, and that they have no opportunity when the gentleman's party is in power.

Mr. STANLEY. As I understand the gentleman, his argument is that if the workingmen had worked as much in 1895 or 1896 as now he would have made as much or more, and the difference in his tables is hypothecated upon the theory——

Mr. GAINES of West Virginia. Oh, the gentleman misunderstood me. I say the workingman worked more hours a week, whenever he got a chance to work, in 1896 than he does in 1906, but that working fewer hours per week in 1906 he makes about 25 per cent more money per week.

Mr. STANLEY. I wish to say to the gentleman that his theory is hypothecated upon the single instance of the bricklayers' union or the bricklayer's wages, which is the result of action on the part of an organized band of workingmen, and if he will examine Dun and Bradstreet's report, which is a strictly nonpolitical report, he will see that the rate of wages has increased 15 or 20 per cent in the last ten years and that the rate of living has increased more than double that amount. I call his attention also to the statistics of 1903–4, and if he will examine that he will see that the increase in wages between 1895 and 1901 is merely nominal. I call the gentleman's attention also to the fact, and he may differ with me or not, as he likes, relying now upon his and my knowledge of conditions as they exist, that food stuffs, meats, timber, fabrics, articles made from steel, rents, all the material things that are necessary to a workingman's existence, have increased from 40 to 100 per cent.

Mr. OLMSTED. The difference is that now the workingman is able to buy them and in 1896 he could not buy any of those things.

Mr. GAINES of West Virginia. The fact is, I repeat, that the tables show that the rate of wages per hour in comparison with the cost of living have gone up. There are some places where the workingman has been so constantly employed that

[a] Decrease in hours, 6. [b] Decreased hours, 240.

he has thought he could afford to reduce his hours of work. If the gentleman is complaining because labor has reduced its hours of labor, that is a controversy between him and labor. I am simply calling attention to the facts which are undisputed, or should be—the official statistics—showing that the rate of wages has advanced more rapidly hourly than the rate of living in this country has advanced.

Mr. HINSHAW. Is not the gentleman's contention further proven by the fact that the savings banks of the country have piled up enormous sums of money which the workingmen themselves have put therein? They have increased right along through these years.

Mr. GAINES of West Virginia. Why, unquestionably. I happen to have here the savings-bank statistics of 1905 and 1895. The number of such banks has increased 220, an increase of 21 per cent. In 1895 the number of depositors was 4,800,000, and in 1905, 7,600,000, an increase in the number of depositors of 2,820,000, being an increase of 57 per cent nearly over your Democratic times. The amount of deposits in 1895 were $1,810,000,000. In 1905 they were $3,261,000,000, an increase of $1,450,000,000, being an increase of 80 per cent over the Democratic year. Let us see now about the average depositor. In 1895 he had to his credit $371.36; in 1905 he had $423.74, an increase of $52.38 for each depositor, being an increase of 14 per cent. Let us see what these people who patronize savings banks have done, averaging their deposits over the whole of the country, per capita. The average per capita in the United States in 1895 was $25.88; in 1905 it was $39.17, an increase of $13.29; in other words, an increase of 53 per cent per capita in the savings banks in this country on a comparison of 1905 with 1895.

I now give the exact figures, taken from the report of the Comptroller of the Currency for 1905, which is the last report:

SAVINGS-BANK STATISTICS.

Number of banks:		
1905	1,237	
1895	1,017	
		220
Increase, nearly 21 per cent.		
Number of depositors:		
1905	7,696,299	
1895	4,875,519	
		2,820,780
Increase, nearly 57 per cent.		
Deposits:		
1905	$3,261,236,119	
1895	1,810,597,023	
		1,450,639,096
Increase, 80 per cent.		

SAVINGS-BANK STATISTICS—continued.

Average due each depositor:		
1905	$423.74	
1895	371.36	
		52.38
Increase, 14 per cent.		
Average per capita in the United States:		
1905	$39.17	
1895	25.88	
		13.29
Increase, 53 per cent.		

Why, Mr. Speaker, if I had time, I have the figures here to show, by comparison in every line of industry, the story of American prosperity.

Mr. JAMES. Will the gentleman yield?

Mr. GAINES of West Virginia. Certainly, I yield.

Mr. JAMES. Have you any statistics here showing the relative increase in the price of coal miners' wages as compared with the increased cost of living?

Mr. GAINES of West Virginia. Mr. Speaker, I have not. I regret to say I have not, because, from a limited personal knowledge, I can assure the gentleman that the figures would be exceedingly desirable. I happen to live in a coal-mining district, and even, as the other day the gentleman's colleague from Kentucky asserted, that a Kentuckian could talk on whisky, so can a West Virginian on conditions that concern the coal-mining business of this country. [Applause on the Republican side.] In 1892 in the section in which I live the coal digger was getting for his services for digging coal 50 cents a ton. When it was known over this country that Grover Cleveland had been elected President and that the Democratic party was in power, pledged to change the economical policies of this country, everything went to pieces, and nothing with greater rapidity than the coal-mining business. The first thing that happened to the coal-mining business was the reduction of the miners' wages 25 per cent under that Cleveland Administration. [Applause on the Republican side.] Not only that, but with that reduction the miner could not sell his labor, because the coal operator could not get orders for his coal. The miner tramped from one end of the field to the other looking for work. Now the coal operators in West Virginia are advertising for labor, and are not able to get what they need. [Applause on the Republican side.] There is no man in the coal-mining region who can work and who will work who is not employed at good wages, whether he digs coal or does any other kind of work. [Applause on the Republican side.] But the Republican party in the course of time came back into power. What happened? No sooner was an opportunity given to adjust conditions to the new order of things and to realize the promise of Republicanism than in less than a year the wages of the coal diggers in West Virginia went up 25 per cent again. [Applause on the Republican side.] Subsequent to that time, let me tell the gentleman from Kentucky, there was another advance, and within the last two months, yes, within the last six weeks, there has been still another advance. [Applause on the Republican side.]

Mr. JAMES. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman yield?

Mr. GAINES of West Virginia. I yield with great pleasure.

Mr. JAMES. Is this prosperity so glowingly described by the gentleman among the miners of West Virginia the cause of the strikes that we have read about there, and the arrests of laboring men under injunctions issued by the courts, and the trial of them without jury, and the sending of them to jail—is that caused by the prosperity and increase of wages?

Mr. GAINES of West Virginia. Mr. Speaker, the question involves a statement of fact which is not correct. The gentleman from Kentucky does not happen to know exactly what he is talking about. But the truth is that such strikes as they have had in West Virginia recently have been due, I take it, to Republican prosperity, because the miners struck for recognition of their union, and they struck for an increase of wages and got the increase of wages, at least, in every instance when they have demanded it.

Mr. FREDERICK LANDIS. They never struck during a Democratic administration.

Mr. GAINES of West Virginia. Strikes in the coal region of West Virginia during a Democratic administration generally consisted in striking a new place for a job. Why, heavens on earth, what would they strike for when your party was in power? There was nothing to strike at. [Applause on the Republican side.] These same laboring men have become so independent we are begging them to work and unable to get them, while they were begging for work when your party was in power.

I do not know how many strikes there were during your administration, and——

Mr. GAINES of Tennessee. Mr. Speaker——

The SPEAKER pro tempore. Does the gentleman from West Virginia yield to the gentleman from Tennessee?

Mr. GAINES of West Virginia. I always yield with pleasure to the gentleman from Tennessee. [Applause.]

Mr. GAINES of Tennessee. The gentleman says when the Democratic party is in power that people are generally going begging. Now, I want to ask the gentleman why it was Secretary Foster went begging in New York to get gold to run the Government under the Harrison Administration?

Mr. GAINES of West Virginia. Oh, Mr. Speaker, Secretary Foster did not go begging.

Mr. GAINES of Tennessee. He went around swapping legal-tender money to get gold.

Mr. GAINES of West Virginia. Mr. Speaker, there was no trouble to get money with which to run the country when the Republican party was in power. I admit that all calamities do not work precisely alike. Sometimes they come suddenly and without notice, and again there is notice. At Martinique, when that great disaster occurred, people had no notice of it, but recently at the eruption of Vesuvius people knew of the descending lava in sufficient time to get out of the way. So the last Democratic Administration, fortunately for the people of this country, did not come into power until some months after it had been elected. When it was known over this country, Mr. Speaker, that the Democratic party had been elected to power, instantly the business of the country ceased; and how does it help the case of these gentlemen to know that it did not

wait for the actual coming of their party into power, but that immediately when it was known that the Democratic party was to be in power in this country, pledged as it was to its false views, the prosperity of the country died instantly, chilled to death, as energy, enterprise, confidence, and resultant prosperity always are in this country by the mere oncoming shadow of the threatening Democracy? [Applause on the Republican side.]

I have shown by comparison of Republican years with Democratic years, confining myself, whenever statistics were available for that purpose, to comparisons of 1895 and 1905, that the farmers of the country under the policy of protection are able to market a vastly increased product at a much better price than they could obtain for a smaller product when different policies obtained. I have shown also that under protection the workingmen of the country have been steadily employed at much better wages than they could secure when only partially employed while the Democracy was in power. I wish to insert for the information of the House and the country a comparative table of wages in the United States and several European countries, which was first put into the RECORD by that able Democrat the gentleman from Alabama [Mr. UNDERWOOD]. I mention him in connection with this statement because he is entitled to the credit of having first put it into the RECORD, and I wish the figures to have his able indorsement.

I here insert the table:

Comparison of American and European wages and hours of labor, 1903.

Class.	Wages per hour.					Hours per week.				
	United States.	Great Britain.	Germany.	France.	Belgium.	United States.	Great Britain.	Germany.	France.	Belgium.
Blacksmiths	$.2951	$.1740	$.1237	$.1629	.....	56.00	53.67	59.90	60.19	.....
Boiler makers	.2848	.1719	.1123	.1455	$.0753	56.24	53.67	60.06	61.50	60.00
Bricklayers	.5472	.2062	.1328	.1325	.0845	47.83	51.83	56.50	63.00	62.00
Carpenters	.3594	.2028	.1301	.1544	.0712	49.46	50.17	55.30	60.40	64.73
Compositors	.4467	.1795	.1411	.1303	.0955	49.81	50.00	51.08	60.00	54.00
Hod carriers	.2803	.1250	.0849	.0965	.....	47.98	51.83	59.50	63.91	.....
Iron molders	.3036	.1774	.....	.1310	.0692	56.80	53.67	.....	60.00	60.00
Laborers, general	.1675	.1019	.0797	.0965	.0549	56.39	52.50	56.36	60.00	63.00
Machinists	.2707	.1677	.1310	.1326	.....	56.12	53.67	60.00	61.50	.....
House painters	.3450	.1774	.1194	.1255	.0667	48.89	51.00	56.25	60.00	66.00
Plumbers	.4429	.2027	.1148	.1501	.0784	48.91	49.17	56.68	54.00	60.00
Stone cutters	.4225	.1994	.1177	.1448	.0685	48.67	50.17	54.00	60.00	65.00
Stone masons	.4579	.2078	.1328	.1448	.0845	49.54	50.17	56.50	66.00	62.00

The cost of living in those countries can not be less than in this country unless the foreign workingman eats less food or of a poorer quality than the American man, because our meat and other agricultural products go to those countries for sale. The fact is, of course, that the foreign workingman does live for less than the American workingman, for the reason that he can not afford to live so well, and for the further reason that the European farmer and farm laborer is less prosperous there than here.

In considering the question whether we are to continue the policy of protection, the growing importance of the Orient in the world's commerce is no longer to be ignored. Both China and Japan are introducing modern machinery and methods, and their laboring people work industriously long hours and are exceedingly skillful and adaptable. The time is near at hand when if the policy of protection should be abandoned the workingmen of this country will be brought into competition with the conditions which exist in those countries—in Japan, for instance, where farm laborers receive 16 cents per day; factory employees, if men, 15 cents per day, if women, 10 cents, and where coal miners average 12 cents per day.

I insert here the following extract from the very able speech of the gentleman from California [Mr. HAYES], delivered in this House on March 13 last:

The Japanese Empire embraces 147,655 square miles of territory. Of this small territory, less than the State of California, only 15.7 per cent is arable land, including plains and pasture lands. Excluding plains and pasture lands, only 12.9 per cent, or 19,150 square miles, is actually arable, the balance being mountains. And yet in this small compass, according to the census of 1899, 44,260,000 Japanese live. In the light of these facts one can understand why the Japanese would fight a great nation in order to get room in which to expand.

These are some of the wages, expressed in our money, paid for the different kinds of labor in Japan in 1904, according to the report of the Japanese commissioners to the St. Louis Exposition:

Farm laborers (average), 16 cents per day.
Laborers in silk culture (average), 16½ cents per day.
Operatives for reeling silk (average), 10 cents per day.
Farm laborers, by the year, male, $16.
Farm laborers, by the year, female, $8.50.
Metal miners (average), 13½ cents per day.
Coal miners (average), 12 cents per day.
Timbermen (average), 11 cents per day.
Mill hands (average), 8½ cents per day.
Smelterers (average), 10 cents per day.
Factory employees, male, 15 cents per day.
Factory employees, female, 10 cents per day.
Tobacco factory employees, male, 22½ cents per day.
Tobacco factory employees, female, 10 cents per day.
Machine shops, 27½ cents per day.
Carpenters and plasterers, 29½ cents per day.
Stone masons, 33½ cents per day.
Shoemakers, 25 cents per day.
Tailors, Japanese clothes, 22½ cents per day.
Tailors, foreign clothes, 25 cents per day.
Skilled artisans, 50 cents per day.

Mr. FASSETT. Is that in gold?

Mr. HAYES. That is in our money.

Mr. UNDERWOOD. Do those figures include the feeding of these Japanese?

Mr. HAYES. They do not include feeding them.

Mr. GROSVENOR. The wages for the farm laborers do?

Mr. HAYES. They probably do, but not the others.

In China wages are still lower, as will appear from an extract from a consular report which I shall embody in my printed speech. It is as follows:

The actual rate of wages in China seems small to one unacquainted with the cheapness of the necessaries of life here and unfamiliar with the narrow scope of a Chinese laborer's needs. Agricultural laborers are paid in copper the equivalent of about $1.50 to $2 United States currency per month. Unskilled laborers in the city are paid about 2½ cents per diem and supplied with two meals. Skilled carpenters receive 20 to 30 cents per day; masons and painters the same; domestic servants, $3 to $10 per month; hostlers, $3.50 per month. In all branches of labor it is difficult to give exact figures. The minimum at which a laborer can be hired is the actual cost of the most frugal subsistence. (Special Consular Reports, Vol. XIII, Part II, page 323.)

Mr. Speaker, in 1892 the Democratic party, upon a platform embodying the policies upon which the speeches of their party leaders in this House recently made show that they propose again to go to the country, definitely promised greater prosperity in this country than the people had been able to enjoy under Republican rule. The people tried their party and the result is history—deplorable history. Fortunately for the Republican party, that experiment is well remembered. The recollection of it will be in the mind of every voter in this country when he deposits his ballot next fall.

In 1892 the defeat of the Republican party was not, in my opinion, due so much to restlessness among the people as to a selfish desire of certain manufacturing interests in the country who desired to take away the benefits of protection from the so-called "raw materials" which enter into their finished product, while retaining it upon the latter. There are signs of the same selfish desire to be seen now. I wish I could say, not only to those Members of this House who represent eastern manufacturing districts, but to their constituents, that this purpose, unworthy as it seems to me, will never be accomplished. In the first place it is not right. In the next, the voting power in the House of Representatives is not now, and will not be, with those who entertain that notion. The large interests of the country ought to know that they can not secure this object even by restoring the Democratic party to power. They tried it in 1892, when the selfishness of their plan was disguised under the high-sounding Cleveland phrase of "capturing the markets of the world." What they got was not what Mr. Cleveland promised them—that is, the Wilson bill with coal, iron ore, and other products of like character on the free list—but the Wilson-Gorman bill measure, which no one has yet been able to characterize politely except Mr. Cleveland, who called it "party perfidy and party dishonor."

It is not to be denied that there are evils attendant upon prosperous times as well as upon times of general depression. Incidentally, however, it is worth mentioning that starvation is not one of them. But when all the people are able to purchase, those who have much to sell—whether it be transportation or some commodity—will make great wealth. How to regulate and mitigate the evils attendant upon prosperity are the problems of statesmanship to-day. Certainly no one will contend that the destruction of prosperity is the remedy. If there ever were any doubt as to the advisability of employing that remedy, we learned better during the last Democratic Administration. The energy of the present Republican Administration in prosecuting the owners of great wealth when they have sought to deprive others of their lawful opportunities, must certainly have satisfied the most exacting popular demand. On this closing night of the session the Republican Members of this House, as they prepare to go back to their constituents, may do so with full confidence that the people of the country will not, in the coming election, or two years from now, repeat their former great folly of destroying prosperity by the restoration of the Democratic party to power.

APPENDIX No. 1.

Price of wheat, corn, and oats per bushel, New York market, calendar years.

[From Statistical Abstract for 1905, p. 540.]

Year.	Wheat.	Corn.	Oats.
1891	$1.094		
1895	.669	$0.47	$0.289
1905	1.028	.593	.35

Price of coffee, No. 7 exchange standard, per pound.

	Cents.
1895	15.8
1905	8.25

United States wheat, corn, and oats production.

[From Statistical Abstract for 1905, pp. 515, 516, and 517.]

Year.	Wheat.	Corn.	Oats.
	Bushels.	*Bushels.*	*Bushels.*
1895	467,102,947	2,151,138,580	824,443,537
1905	692,979,489	2,707,993,540	953,216,197

United States wheat, corn, and oats production—Continued.

VALUES.

Year.	Wheat.		Corn.		Oats.	
	Entire production.	Per acre.	Entire production.	Per acre.	Entire production.	Per acre.
1895	$237,938,998	$6.99	$544,985,534	$6.64	$163,655,068	$5.87
1905	518,372,727	10.83	1,116,696,738	11.88	277,047,537	9.88

Prices per bushel December 1.

Year.	Wheat.	Corn.	Oats.
1895	$0.509	$0.253	$0.199
1905	.748	.412	.291

APPENDIX No. 2.

Wages in the principal occupations in certain establishments in the window-glass industry in the United States and Europe, 1889–90.

[From the Seventh Annual Report of the Commissioner of Labor, Vol. I, pp. 714 to 739.]

Country.	Establishment number.	Blowers.		Cutters.		Flatteners.		Gatherers.		Laborers.		Leersmen.		Master teasers.		Mixers.		Packers.		Teasers.	
		Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.
United States	2	22	$6.78	6	$4.88½	5	$6.60½	26	$4.20½	26	$1.54½	8	$1.73	2	$4.26½	1	$2.74	1	$3.46	6	$2.37½
Do	3	35	7.10½	9	4.80	7	5.42½	46	4.28½	7	1.35	5	2.05	3	5.06½	1	2.61	1	5.65½	7	1.80
Do	6	15	6.69½	4	4.06½	2	7.60	14	4.71	13	1.29	2	1.50	1	5.81½	2	1.55	1	2.17½	3	1.95½
Do	9	9	7.82	2	4.95½	2	7.19½	8	4.60½	7	1.25	2	1.96½	1	3.03	2	1.83½	3	1.23	4	2.04
Do	10	13	5.16	6	3.92½	2	4.06½	14	3.00	8	1.27	----	----	2	4.00	1	1.30	2	1.44½	6	1.45½
Do	16	30	5.19	9	4.22½	5	5.04½	36	3.26	22	1.50	----	----	4	4.79	2	1.66½	2	1.86	6	1.79½
Do	20	13	6.52	3	3.74½	2	7.14	17	4.00½	11	1.13½	2	1.15	1	3.62	1	1.53½	1	1.72½	4	1.20
Do	23	40	5.26½	7	4.77½	8	5.33½	49	3.28½	15	1.36½	4	1.16½	2	3.94½	3	1.55½	3	1.41½	15	1.32½
Do	25	9	6.62½	3	5.46½	3	6.95	13	3.77½	27	1.56½	6	1.91	1	2.64	1	2.21	----	----	3	1.86
Do	30	27	5.60½	4	5.28½	3	5.88½	28	4.02½	11	1.27	4	1.50	1	3.47	1	1.61½	2	1.57½	4	2.30
Do	32	12	6.36	11	5.02½	3	5.24	19	3.74½	25	1.49	4	1.98½	1	5.00	1	2.04	1	2.53½	4	2.08½
Do	34	17	6.59	3	5.14½	3	6.09	19	4.11½	4	1.50	----	----	1	3.78½	1	2.28½	1	2.74½	2	1.89
Do	35	33	6.92	5	4.45½	3	6.99	35	4.25	2	1.50	2	2.41½	1	3.91	1	2.58½	1	3.70	2	2.10
Do	36	19	6.11½	8	5.19	5	7.39½	32	3.93	6	1.45½	4	2.02	1	3.29	3	2.27½	1	1.66½	8	2.18½
Do	37	44	7.62	12	5.40	9	7.60	40	4.63½	14	1.50	6	1.96½	3	4.45½	3	2.32	1	2.72½	8	1.89
Belgium	38	9	3.09½	2	.84	3	1.27½	9	1.29	6	.40½	1	.26½	1	1.16	1	.64½	1	.63	1	.89½

Wages in the principal occupations in certain establishments in the woolen and worsted textile industry in the United States and Europe, 1889–90.

[From the Seventh Annual Report of the Commissioner of Labor, Vol. I, pp. 613 to 713.]

Country.	Establishment number.	Burlers.		Carders.		Card strippers.		Combers.		Loom fixers.		Spinners.	
		Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.	Number of employees.	Daily earnings.
United States	3	5	$0.85	4	$0.75	2	$1.31	----	----	3	$2.00	----	----
Do	7	30	.75	25	.79½	6	1.25	----	----	5	1.89	----	----
Do	8	16	.75	----	----	2	1.00	----	----	3	1.91	----	----
Do	12	2	.73½	11	.84½	----	----	----	----	2	1.92½	----	----
Do	15	----	----	17	.73½	----	----	----	----	1	1.87½	----	----
Do	16	4	.93½	5	1.26	3	1.50	----	----	4	2.18½	4	$1.88
Do	21	49	.54	20	58½	----	----	----	----	14	1.90½	50	.85½
Do	24	77	.79½	27	.77	----	----	----	----	7	2.25	----	----
Do	26	6	.75	10	.60	----	----	----	----	3	1.78	----	----
Do	34	15	.66½	----	----	6	1.36½	----	----	4	2.00	----	----
Do	36	12	.58½	----	----	1	1.16½	----	----	2	2.00	----	----
Do	37	----	----	----	----	----	----	----	----	5	2.41	----	----
Do	40	36	1.50	----	----	5	1.00	----	----	5	1.94½	----	----
Do	A	4	.63	8	.65	----	----	----	----	1	1.43	----	----
Do	B	5	.90	4	1.18	2	1.10	----	----	1	1.25	----	----
Do	C	97	.65½	52	.92	1	1.25	15	$0.83	25	2.43½	98	.67½
Do	D	13	.95	24	.89½	----	----	----	----	1	3.00	12	.84½
Do	E	----	----	2	.50	----	----	----	----	----	----	----	----
Do	F	21	.82	5	1.29½	----	----	----	----	3	1.87	27	.70½
Do	G	13	1.00	13	.98½	1	1.25	----	----	1	2.50	----	----
France	42	60	.32½	6	.34	3	.84	3	.37	13	.89½	10	.36½

APPENDIX No. 3.

Pig iron produced, long tons (S. A. 460).

1905	16,497,033
1895	6,657,388
	9,839,645

Iron and steel bars (long tons).

Year.	Iron.	Steel.	Total.
1905	871	2,283,840	2,284,711
1895	4,674	1,017,098	1,021,772
	3,803	1,266,742	1,262,939

Tin plate (S. A. 461).

Year.	Imported.	Value.
	Pounds.	
1895	508,038,938	$12,144,080
1905	161,066,820	4,558,875
	346,972,118	7,585,205

Tin plate produced in the United States, pounds.

1905	1,027,920,000
1895 (campaign text-book)	254,611,840
	771,308,160

APPENDIX No. 4.

Individual deposits in State, savings, private banks, etc.

[Extract from the Report of the Comptroller of the Currency for 1905.]

Location and class of banks.	Individual deposits.			
	1896.	1900.	1904.	1905.
Southern States:				
State banks	$82,795,625	$150,440,319	$289,572,013	$369,652,112
Savings banks	9,347,597	17,369,650	5,259,245	6,052,503
Private banks	4,626,017	5,306,131	8,920,038	13,643,521
Loan and trust companies	172,151	322,081	3,758,797	5,590,629
Total	96,941,390	173,438,181	307,510,093	394,938,765
National banks	124,743,629	201,605,167	331,159,183	372,383,409
Grand total	221,685,019	375,043,348	638,669,276	767,322,174
Middle Western States:				
State banks	269,754,489	561,170,834	993,024,524	1,100,701,485
Savings banks	130,494,356	122,549,772	166,792,066	178,265,897
Private banks	38,479,740	66,059,342	60,445,910	76,919,373
Loan and trust companies	33,642,178	4,666,532	79,658,216	102,612,271
Total	472,370,763	754,446,480	1,299,920,716	1,458,499,026
National banks	405,388,066	651,849,201	925,531,104	1,002,722,621
Grand total	877,758,849	1,406,295,681	2,225,451,820	2,461,221,647
Western States:				
State banks	37,682,879	84,873,480	149,002,115	169,437,645
Savings banks	1,523,192			
Private banks	3,119,094	8,676,816	8,063,646	14,457,768
Total	42,325,165	93,550,296	157,065,761	183,895,413
National banks	86,508,844	142,760,868	214,966,103	217,006,648
Grand total	128,834,009	236,311,164	372,031,864	430,902,061
Pacific States:				
State banks	56,720,291	118,235,049	195,279,070	208,817,622
Savings banks	135,539,974	160,854,550	221,308,918	247,913,608
Private banks	2,685,575	4,884,885	5,263,589	6,203,811
Total	194,945,840	283,974,484	421,851,577	462,935,041
National banks	36,882,499	75,878,719	140,206,165	166,609,538
Grand total	231,828,339	359,853,203	562,057,742	629,544,579
United States:				
State banks	695,659,914	1,264,916,610	2,054,936,715	2,348,470,033
Savings banks	1,935,466,468	2,389,719,954	2,918,775,329	3,093,077,357
Private banks	59,116,378	94,928,547	95,791,454	127,937,098
Loan and trust companies	586,468,156	1,028,232,407	1,600,322,325	1,980,856,737
Total	3,276,710,916	4,777,797,518	6,669,825,823	7,550,341,225
National banks	1,668,413,507	2,458,092,758	3,311,433,507	3,782,720,272
Grand total	4,945,124,423	7,235,890,276	9,981,259,330	11,333,071,497
Island possessions:				
State banks		1,818,672	18,281,334	16,739,597
Private banks		1,277,502		
National banks			1,006,335	928,222
Grand total, United States, etc	4,945,124,423	7,238,986,450	10,000,546,999	11,350,739,316

Geographically summarized, there is shown to have been an increase in the deposits of banks located in the New England States from $1,193,300,000 in 1896 to $1,791,400,000 in 1905, a gain of $598,100,000. The increase in the Eastern States during this period was $2,961,000,000, or from $2,291,700,000 in 1896 to $5,252,700,000 in 1905. In the Southern States the increase was from $221,700,000 to $767,300,000, an increase of $545,600,000. The deposits of banks in the Middle Western States which reported in 1896, amounting approximately to $877,800,000, have now increased to $2,461,200,000, showing a gain in that section of $1,583,400,000. The banks of the Western States increased their deposit accounts from $128,800,000 to $430,900,000, a gain of $302,100,000. In the Pacific States the banks gained $397,700,000 in deposits, or an increase from $231,800,000 to $629,500,000.

The deposits in the banks in the island possessions (Hawaii only) were first stated for 1900, when they amounted to $3,096,174.

It will be noted from the accompanying table that the Southern States show the largest percentage of increase in deposits during the period from June 30, 1896, to June 30, 1905, the percentage of increase in this section being 246.1, followed by the Western States, where the ratio of increase is 234.6; and, in the order named, the Middle Western States with 180.3, the Pacific States 171.6, the Eastern States 129.2, and the New England States 50.1. The average of increase for the United States is 129.2 per cent.

Geographical division.	Individual deposits.			
	1896.	1905.	Increase.	Per cent.
	Millions.	*Millions.*	*Millions.*	
New England States	$1,193.3	$1,791.4	$598.1	50.1
Eastern States	2,291.7	5,252.7	2,961.0	129.2
Southern States	221.7	767.3	545.6	246.1
Middle Western States	877.8	2,461.2	1,583.4	180.3
Western States	128.8	430.9	302.1	234.6
Pacific States	231.8	629.5	397.7	171.6
Total	4,945.1	11,333.0	6,387.9	129.2

The average individual deposit in the United States per capita of population has steadily risen from $69 in 1896 to $95 in 1900, $122 in 1904, and $136 in 1905.

APPENDIX No. 5.

Mileage and annual increase of railroads.

[From Statistical Abstract for 1905, p. 552, and Interstate Commerce Commission's Report, p. 81.]

Year.	Mileage (S. A.).	Annual increase (I. C. C. R.).	Passengers carried.	Passengers carried 1 mile.[a]
1904	213,904	5,927	719,654,951	22,167,124,184
1895	181,115	1,700	529,756,259	12,609,082,551
	52,789	4,227	189,868,692	9,558,040,633

[a] Statistical Abstract, p. 555.

Freight carried.

[S. A. p. 555.]

Year.	Tons.[a]	Tons carried 1 mile.[b]
1904	1,275,321,607	173,613,762,130
1905	755,799,883	88,567,770,801
	519,521,724	85,045,991,329

[a] Increase nearly 70 per cent. [b] Increase nearly 100 per cent.

Average receipts per mile.

[S. A., 557, I. C. C. R.]

Year.	Per ton.	Per passenger.
1895	$0.84	$0.0207
1904	.78.79	.0205

Railroads placed under receiver.

[S. A. 561.]

Year.	Number.	Miles.	Stocks and bonds.
1895	31	4,089	$369,075,000
1905	10	3,593	176,321,000
	21	496	192,754,000

Railroads sold under foreclosure.

Year.	Number.	Miles.	Stocks and bonds.
1895	52	12,831	$761,791,000
1905	6	679	20,307,000
	46	12,152	741,484,000

Street railway mileage.

[S. A. 562.]

Year.	Electric.	All other street railways.
1904	29,548	639
1895	10,363	3,225
	19,185	2,586

Street railway cars.

1904	75,804
1895	44,745
	31,059

[Mr. CLARK of Missouri addressed the House. See Appendix.]

Mr. SULZER. Mr. Speaker, I addressed the House at some length on a previous occasion on the subject of an eight-hour law. In my remarks then I made the following statement, which has not been challenged:

No measure in recent years has been so stubbornly resisted by organized greed as the heroic efforts of organized labor to place upon the statute books of the country this humane bill making eight hours a legal day's work. Over a month ago the minority of the Committee on Labor stole a march on the majority of the committee and ordered a favorable report of this bill, but the chairman of the committee neglected to make the report in accordance with the instructions of a majority of a quorum of the Committee on Labor until the day before yesterday. Then the gentleman from New Jersey [Mr. GARDNER], the chairman of the Committee on Labor, reluctantly filed a report, knowing that it would be too late for the bill to pass the House this session and become a law. He held back the report in violation of every rule and every precedent until a couple of days before the time he knew the Congress was going to adjourn.

I repeat it now, and I charge the Republicans with the responsibility for the defeat of the eight-hour law. So much for that.

Equally futile have been all the attempts of the Democratic members of the Judiciary Committee to obtain action of any kind on the Pearre anti-injunction bill. After months of time-killing, tedious discussions, and near the close of the session, certain points that had been fully discussed and fully considered, and upon which every member had made up his mind, were referred to a subcommittee of three, the two Republican members of which had already committed themselves on the record against the bill. That subcommittee is directed to report at the next session. It is noted that the election for the Sixtieth Congress will then have been held. Men may be excused for opposing a labor bill openly and from the standpoint of an honest belief, but who does not despise a cowardly evasion? No one should receive a workingman's vote for a seat in this body who is not willing to place himself of record for or against labor's demands on the floor of the House, or by other act equally solemn and unequivocal.

Of more far-reaching importance would be a change in the practice in the Federal courts to limit the use of injunctions. On this subject I insert an extract from the argument of Thomas Carl Spelling, esq., of New York, attorney for the American Federation of Labor, made before the Judiciary Committee, which appears to be peculiarly appropriate:

The framers of the Constitution, according to all interpretations, took care that bounds should be set to equitable jurisdiction. It has universally been held that the equitable powers are those, and those only, that were possessed by the English judges at the time the colonies separated. But these judges single out a class in the community and stretch forth the hand of arbitrary power to that class exclusively.

Rome changed from a republic to an empire by abuse on the part of the tribunes of power to enjoin. First, they used it to forbid, next to command; then came the emperor. The next use of the power may be to forbid competition. The doctrine that a right to do business is property is dangerous. The Roman tribunes of course abused this power, as all unusual and inordinate power will be abused; and the people, unable to return to former conditions because the Roman employers' associations opposed and exerted an undue influence in the Roman Senate, cried out, "Ave imperator!" Then arose Carl the Great, first Emperor of the Holy Roman Empire of the middle ages. Thus extension and usurpation of the power to enjoin ripened into the undisputed power of one man to legislate, adjudicate, and execute.

By the ancient and startling example above cited every American citizen should be forewarned. The abuses of power, the usurpations by the courts, are increasing both in flagrancy and number; and unless checked by legislation workingmen will soon find themselves reduced to a condition of abject servitude, retaining barely the privileges to breathe and toil for such pittances as are reluctantly doled out to them by their taskmasters.

These, sir, and other matters of growing interest to labor have been ruthlessly thrust aside by the Republican majority at this and prior sessions. Some of them are set forth in labor's bill of grievances, which has been presented to the persons named therein, but without avail. I now insert the bill of grievances, containing a clear and succinct statement of labor's just demands and of Republican indifference with respect thereto.

LABOR'S GRIEVANCES.

WASHINGTON, D. C., *March 21, 1906.*

Hon. THEODORE ROOSEVELT,
President of the United States;

Hon. WM. P. FRYE,
President pro tempore United States Senate;

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, United States.

GENTLEMEN: The undersigned executive council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of this Government and the legislation of the Congress relating to these interests. For convenience, the matters of which we complain are briefly stated, and are as follows:

The law commonly known as the "eight-hour law" has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects, and for its extension to all work done for or on behalf of the Government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight-hour law and principle, Congress passed, and the President signed, an appropriation bill containing a rider nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government, the construction of the Panama Canal.

The eight-hour law in terms provides that those intrusted with the supervision of Government work shall neither require nor permit any violations thereof. The law has been grievously and frequently violated. The violations have been reported to the heads of several Departments, who have refused to take the necessary steps for its enforcement.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese-exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now by act of Congress it is seriously proposed to invalidate that law and reverse the policy.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a term of conscription, which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the *Slocum* in the harbor of New York, the wreck of the *Rio de Janeiro* at the entrance to the bay of San Francisco, and other disasters on the waters too numerous to mention, in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels, we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constantly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels called "barges" on the high seas, where, in case of storm or stress, they are cut loose to drift or sink and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to manage them when cut loose and sent adrift, but in vain.

The antitrust and interstate-commerce laws enacted to protect the people against monopoly in the products of labor and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty as guaranteed by the Constitution. Our repeated efforts to obtain redress from Congress have been in vain.

The beneficent writ of injunction, intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom and in a manner to hold that the employer has some property rights in the labor of the workman. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact in the last Congress, labor requested the Speaker to appoint on the Committee on Labor members who, from their experience, knowledge, and sympathy, would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Recently the President issued an order forbidding any and all Government employees, upon the pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the Government employee in order that he may obtain or retain his employment.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have in an honorable and lawful manner submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law, and with the progress and development made necessary by changed industrial conditions.

Labor brings these, its grievances, to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow-citizens who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden-bearers, the wage-earners of America. As labor's representatives we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.

Very respectfully,

Samuel Gompers, James Duncan, James O'Connell, Max Morris, D. A. Hayes, Daniel J. Keefe, Wm. D. Huber, Joseph F. Valentine, John B. Lennon, Frank Morrison, executive council, American Federation of Labor.

List of representatives of labor associated with the executive council of the American Federation of Labor in the presentation of labor's grievances, March 21, 1906.

John G. Schmidt, Bakery and Confectionery Workers' International Union of America.

Rudolph Schirra, Bakery and Confectionery Workers' International Union of America.

Thomas H. Lockwood, Pocket Knife Blade Grinders and Finishers' National Union.

Thos. R. Keenan, Brotherhood of Boiler Makers and Iron Ship Builders of America.

Peter L. Mitchell, Brotherhood of Boiler Makers and Iron Ship Builders of America.

James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders of America.

John R. P. Krey, Iron Molders' Union of North America.

Ed. F. Weber, International Association Glass House Employees.

Hugh Falvey, American Brotherhood of Cement Workers.

F. C. Gengenback, American Brotherhood of Cement Workers.

P. H. Malloy, American Brotherhood of Cement Workers.

J. J. Crowley, The Granite Cutters' International Association of America.
John Lyons, The Granite Cutters' International Association of America.
Frank McArdle, International Brotherhood of Foundry Employees.
Cornelius P. Shea, International Brotherhood of Teamsters.
Thos. C. Fox, International Brotherhood of Teamsters.
J. E. Toone, International Brotherhood of Teamsters.
James F. Fitzgerald, Pulp, Sulphite, and Paper Mill Workers.
Timothy Healey, International Brotherhood of Stationary Firemen.
N. A. James, International Brotherhood of Stationary Firemen.
H. E. Burns, International Brotherhood of Stationary Firemen.
F. M. Nuse, International Brotherhood of Stationary Firemen.
Christian Schlag, International Brotherhood of Stationary Firemen.
Wm. McPherson, International Carriage and Wagon Workers.
Wm. M. Merrick, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
Joseph H. Gallagher, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
John R. Alpine, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
P. H. Cummins, International Brotherhood of Blacksmiths.
J. W. Kline, International Brotherhood of Blacksmiths.
Chas. T. Smith, International Steel and Copper Plate Printers' Union of North America.
E. L. Jordan, International Steel and Copper Plate Printers' Union of North America.
T. L. Mahan, International Steel and Copper Plate Printers' Union of North America.
Wm. Dodge, Paving Cutters' Union of the United States and Canada.
Jas. J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
Wm. Launer, Glass Bottle Blowers' Association of the United States and Canada.
Frank Feeney, International Union of Elevator Constructors.
Chas. Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
Henry Nolda, Upholsterers' International Union of North America.
Chas. E. Lawyer, International Tin Plate Workers' Protective Association of America.
George Powell, International Tin Plate Workers' Protective Association of America.
W. J. McSorley, International Union of Wood, Wire, and Metal Lathers.
R. V. Brandt, International Union of Wood, Wire, and Metal Lathers.
W. S. Crown, American Federation of Musicians.
C. P. Huestis, American Federation of Musicians.
Charles Derlin, American Federation of Musicians.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
Daniel L. Desmond, Amalgamated Sheet Metal Workers' International Alliance.
Joseph A. Daly, Amalgamated Sheet Metal Workers' International Alliance.
W. E. Gilmore, Amalgamated Society of Carpenters and Joiners.
George G. Griffin, United Brotherhood of Carpenters and Joiners.
William M. Lewis, Brotherhood of Painters, Decorators, and Paperhangers of America.
Frank X. Noschang, Journeymen Barbers' International Union.
Thomas O. Hughes, International Union of Slate Workers.
G. M. Huddleston, International Slate and Tile Workers' Union of America.
Ben Russell, International Slate and Tile Workers' Union of America.
Thomas F. Tracy, Cigar Makers' International Union of America.
J. A. Roberts, Cigar Makers' International Union of America.
Martin Hellmuth, Amalgamated Meat Cutters and Butcher Workmen of North America.
W. E. Thompson, International Ceramic, Mosaic, and Encaustic Tile Layers and Helpers' Union.
C. O. Pratt, Amalgamated Association of Street and Electric Railway Employees of America.
T. C. Parsons, International Typographical Union.
John P. Murphy, Boot and Shoe Workers' Union.
John J. Binder, International Union of United Brewery Workmen.
John Mangan, Steam Fitters' International Union.
James M. Cumming, Steam Fitters' International Union.
Charles N. Isler, Steam Fitters' International Union.
Henry Fischer, Tobacco Workers' International Union.
William Feenie, United Powder and High Explosive Workers of America.
James G. McGrindle, United Powder and High Explosive Workers of America.
Andrew Furuseth, International Seamen's Union of America.
J. L. Feeney, International Brotherhood of Bookbinders.
Rodney L. Thixton, International Stereotypers and Electrotypers' Union of North America.
Michael J. Shea, International Stereotypers and Electrotypers Union of North America.
James F. Splann, International Stereotypers and Electrotypers Union of North America.
F. M. Ryan, International Association of Bridge and Structural Iron Workers.
P. J. McArdle, Amalgamated Association of Iron, Steel, and Tin Workers.
Martin Higgins, International Printing Pressmen's Union.
John Golden, United Textile Workers of America.
J. T. Carey, International Brotherhood of Paper Makers, etc.
Thomas Mellor, International Brotherhood of Paper Makers, etc.
H. B. Perham, the Order of Railroad Telegraphers.
Jere F. McCarthy, Central Labor Union, Washington, D. C.
Charles W. Winslow, Central Labor Union, Washington, D. C.
John B. Colpoys, Central Labor Union, Washington, D. C.
Shelby Smith, Allied Printing Trades Council, Philadelphia, Pa.
John Fitzpatrick, Chicago Federation of Labor.
P. J. Flannery, Interior Freight Handlers and Warehousemen's International Union.

Now, sir, while needed and important labor bills have been long postponed, the Republican party, in power, has not been slow in fortifying the beneficiaries of the present iniquitous fiscal system by amendments and in the other directions—for instance, through the form of a revision of the military laws by the Dick military bill in 1903. The law was by that act so far changed as to establish militarism more firmly and in a more aggravated form than in Germany, Russia, or any of the military despotisms of Europe.

Two sections of that drastic measure provide as follows:

SEC. 2150. All able-bodied male citizens of the United States, and persons of foreign birth who shall have declared their intention to become citizens of the United States under and in pursuance of the laws thereof, between the ages of 18 and 45 years, are hereby declared to constitute the national forces, and, with such exceptions and under such conditions as may be prescribed by law, shall be liable to perform military duty in the service of the United States.

SEC. 2277. The militia shall consist of every able-bodied male citizen of the respective States, Territories, and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than 18 and less than 45 years of age, and shall be divided into two classes—the organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories, and the remainder to be known as the Reserve Militia.

There was no delay in obtaining action on that bill. It went in and out of committee rooms with flying colors, as the trusts, railroad companies, and other monopolistic employers of labor pressed the button. And after it had passed both Houses it was signed by the President with equal promptness.

Now, under the provisions of that law, every able-bodied citizen—the members of a labor union, for instance—is made part and parcel of the reserve military force, both of the Federal Government and of the respective States. So, now, if a strike occurs, an unfair, slave-driving employer may invoke military aid, and every laborer may be made to bear arms for the purpose of putting down a strike declared by his own organization; or a regiment of strike breakers may be mustered into service to accomplish the same end. Surely no workingman in this Republic, whether belonging to any organization or not, should rest contented for a day until a repeal or a material modification of that act has been secured.

Sir, in the confusion arising from several matters affecting labor interests, facilities are offered for deception being practiced upon voters by Republican candidates. The vital and decisive thing, not to be lost sight of for a moment, is the effect upon the election of the Speaker of the next Congress of voting for candidates of the respective parties.

Of what avail, as affecting labor interests, to rely upon or value to any extent the promises of Republican candidates to support labor measures when they know in making them that if the Republicans have a majority of the membership in the next Congress, the opportunity to vote either for or against such a bill will never be afforded. The only way to bind such candidates effectively for labor bills is to exact pledges from them not to enter the party caucus for Speaker, and to vote for the adoption of a set of rules entirely different from those now in vogue. Of course not one of them will, in good faith, give any such pledge. There is nothing surer, barring death, than that, if a Republican be reelected Speaker, he will shape and control all the proceedings, from action on bills in the House down to the most trivial and obscure transactions behind the closed doors of committee rooms.

The House is not now representative, except in the sense that in the person of the Speaker it represents a despotism. Before any relief can be had by labor, or by any other honest interests, there must be a change in personnel of the Speaker and in the rules of procedure. These are impossible without a change in the party complexion of the House. This is obvious, and nothing is gained by attempting to conceal the facts. No attempt is now made to cloak the autocratic character of the Speaker's power under the rules which he and his little coterie have formulated and forced on the people by unsparing use of the party lash. The Speaker has publicly declared his personal responsibility for all legislation, and on June 28, 1906, Hon. W. W. RUCKER, a Member from Missouri, on the floor of the House made the following statement, which was not denied:

The committees of this House are carefully formed, so as to advance or prevent legislation, as the party in power wishes. For months friends of the workingman sought to induce the Committee on Labor to report the eight-hour bill, but their efforts were futile until, on May 29, when it happened that only seven members of the committee—four Democrats and three Republicans—were present, and the Democrats, being in the majority, ordered the bill favorably reported. The gentleman from New Jersey [Mr. GARDNER] was authorized to make a report. His report on the bill was filed in the House on June 26. I appealed to the Speaker to-day to recognize me for the purpose of asking unanimous consent for the consideration of this bill, and he promptly refused my request in a manner quite emphatic. I soon realized that even though I could speak with the tongue of angels, and had all faith so that I might remove mountains, yet I could not possibly move a Republican Speaker of this House to consent to legislation in the interest of 3,000,000 American workingmen. Thus this just measure, ordered reported by Democratic votes, will die on the Calendar because we have not a Democratic Speaker in the chair.

In view of these facts and these considerations, any yielding in the coming campaign to promises and pledges made by Repub-

lican candidates for Congress, to the extent of voting for them, would be so flagrantly foolish as not to admit of any standard of comparison.

JOSEPHINE V. SPARKS.

Mr. LOUDENSLAGER. Mr. Speaker, I offer a conference report, and I ask unanimous consent for the omission of the reading of the report, and that the statement may be read instead.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 17842) "granting a pension to Josephine V. Sparks," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
Managers on the part of the House.

P. J. MCCUMBER,
N. B. SCOTT,
Managers on the part of the Senate.

STATEMENT.

Conference report on disagreeing votes between Senate and House on bill 17842, granting a pension to Josephine V. Sparks.

The House passed this bill at $8 per month, and the Senate amended it to $12 per month. The result of the conference is that the Senate recedes from its amendment, and agrees to the House rate of $8 per month.

H. C. LOUDENSLAGER,
WILLIAM RICHARDSON,
House Conferees.

Mr. LOUDENSLAGER. Mr. Speaker, I move the adoption of the report.

The question was taken; and the report was adopted.

On motion of Mr. LOUDENSLAGER, the motion by which the report was adopted was laid on the table.

Mr. GARDNER of Massachusetts. Mr. Speaker, I want to say a few words to the House about the Jamestown raid, headed by my friend from Virginia [Mr. MAYNARD] on the left. The parliamentary situation was such when the conference on the sundry civil bill came in with that item in it that there was no use trying to beat it. I find that the parliamentary situation has a nasty way of getting in my way lately anyway. [Applause.] When that bill came from the committee——

Mr. MANN. Mr. Speaker, I would like to have the parliamentary status explained now. Has the gentleman asked unanimous consent to proceed?

Mr. GARDNER of Massachusetts. The time was yielded by the Chair.

The SPEAKER pro tempore. The gentleman has two minutes.

Mr. GARDNER of Massachusetts. There is the same parliamentary situation again, Mr. Speaker. It appears against me once more. When I was chairman of the Committee on Industrial Arts and Expositions I opposed that Jamestown raid and the bold buccaneers who came up to scuttle the United States Treasury—and the most delightful lot of buccaneers I ever had anything to do with—and the minority report was written by myself and the gentleman from New York [Mr. SHERMAN] and the gentleman from Kansas [Mr. BOWERSOCK] and the gentleman from New York [Mr. LE FEVRE] and the gentleman from Nebraska [Mr. POLLARD].

You all read it, every one of you, and you knew that the Jamestown appropriation ought not to go through. But I want to put this credit where this credit is due. There is the man who did it. It was not done by the Senators from Virginia. The rules of this House prevented that going onto the sundry civil bill in the House, because it was not the law. In the Senate, with that delightful looseness which they have in their rules, they put this amendment on, and I understand the Senators from Virginia are going to get the credit of it. But it does not belong to them.

Mr. RYAN. Just a question. I would like to ask the gentleman from Massachusetts to whom he refers by saying "this man?"

Mr. GARDNER of Massachusetts. The gentleman from Virginia [Mr. MAYNARD]. [Applause.]

Mr. RUCKER. I want to suggest to the gentleman that having known the gentleman from Virginia [Mr. MAYNARD] a good long while, if there is anything loose about the Capitol, you had better take charge of it or you will lose it.

Mr. GARDNER of Massachusetts. He had the chairman of that committee against him; and not one single time did he attempt to do anything except to put that bill through in the fairest possible way. He had a great many of the authorities of the House against him; and he went ahead with his infernal scheme [laughter], and he carried it through over our heads, and it was not the Senators on the other side who succeeded in getting the measure enacted.

If you will indulge me for a few moments, I want to read something that has recently been brought to my attention in connection with these bold buccaneers who came up under the lead of Mr. Henry St. George Tucker from Norfolk to loot the United States Treasury in this most extraordinary way. [Laughter.]

Last year they came to us with a beautiful camel, and they introduced the nose of the camel inside the tent. [Laughter.] They said it is a harmless camel. It is the king of beasts; and you should all be acquainted with it. We shook hands with the camel, and inserted his nose into the tent, and he got $250,000 on that insertion [laughter]; and then they came this year, and they pretended it was the same old camel, and they wanted to get just a little more, and they only got $1,340,000 more. [Laughter and ironical cries of "shame."]

This was the case of Bully Hayes, the last buccaneer of the South Sea Islands. He bought an abandoned ship of the London Missionary Society. In the locker he found a flag, and on it was inscribed "L. M. S." With that old ship and that old flag, he went down to the South Sea Islands, where the islanders all knew that it was the emblem of the venerable London Missionary Society.

The islanders were familiar with the vessel and the old flag, under which they had gathered many times for song and worship. They flocked on board with shouts of welcome.

Our committee extended a hearty welcome to the eight buccaneers from Norfolk.

This time Bully Hayes led them into the hold for prayers, and as a benediction clapped on the hatches and headed away for the sugar and cotton plantations, where he sold the congregation. [Great laughter and applause.]

The SPEAKER pro tempore. The gentleman from Missouri [Mr. CLARK] is recognized.

[Mr. CLARK of Missouri addressed the House. See Appendix.]

Mr. GAINES of Tennessee. Mr. Speaker, I know that what I shall read the Republicans will enjoy, because it is entitled "When Democracy will die." In reply to the repeated Republican assertion that the Democratic party is dead, I will say that I heard in the House last night a funeral oration over the Democratic party by the Reverend Doctor CUSHMAN that brings a poem to mind. An Old Hickory Democrat has put into verse the following conditions under which and the time when Democracy will die:

WHEN DEMOCRACY WILL DIE.

When the lion eats grass like an ox,
And the fishworm swallows the whale;
When the terrapin knits woolen socks;
And the hare is outrun by the snail;
When serpents walk upright like men,
And doodle bugs travel like frogs;
When the grasshopper feeds on the hen,
And feathers are found on hogs;
When Thomas cats swim in the air,
And elephants roost upon trees;
When insects in summer are rare,
And snuff never makes people sneeze;
When the fish creep over dry land,
And mules on velocipedes ride;
When foxes lay eggs in the sand,
And women in dress take no pride;
When Dutchmen no longer drink beer,
And girls get to preaching on time;
When the billy goat butts from the rear,
And treason no longer is crime;
When the humming bird brays like an ass,
And limburger smells like cologne;
When plowshares are made out of glass,
And hearts of Tennesseans are stone;
When sense grows in Republican heads,
And wool on the hydraulic ram;
Then the Democratic party will be dead,
And this country not worth a d——n.

[Loud applause.]

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee may be permitted to extend his remarks in the RECORD. [Laughter.]

Mr. MANN. On the same subject.

The SPEAKER pro tempore (Mr. CURTIS). The gentleman from Pennsylvania asks unanimous consent that the gentleman from Tennessee [Mr. GAINES] may have leave to extend his remarks in the RECORD, and the gentleman from Illinois [Mr. MANN] supplements that by modifying the request that it be upon the same subject. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

Mr. GROSVENOR. Mr. Speaker, I have not the lung power of the gentleman from Missouri [Mr. CLARK], and therefore I shall ask the House to listen to me for a few minutes. I will not try to make any fun, and I will try to impress upon the gentleman from Missouri a lesson in political discussion. I know his very great fairness in debate, for I have had a great many opportunities to learn it, but he has taken a little advantage to-night, or else he has misunderstood the logic of the argument which I made, I believe, in January last.

What was it that I was trying to establish—and the gentleman participated in it, as he always does in any speech that I make on the tariff question? I started out with the proposition and put it at the head of that speech, a defense of the author of the Republican platform of 1904, said to have been drafted by the distinguished Senator from Massachusetts [Mr. LODGE], and which declared in substance that whenever we had low tariff we had adversity and whenever we had high tariff we had prosperity. I said then that the statement was a fact underlying every proposition of American history on this vital question, and I say it now, and no man has successfully denied it. [Applause on the Republican side.] I took up the occasions one by one and brought forward the evidence of such writers as were available, and among the rest the statement of Mr. Blaine himself. The gentleman from Missouri [Mr. CLARK] then, as he had done on several other occasions, undertook to quote Mr. Blaine as having spoken in favor of or in vindication of the tariff of 1846. I made the answer at that time, which I have made a score of times in his presence, explaining how it was, in the very language of Mr. Blaine himself, that there was a seeming break in the chain of disaster following a low tariff in the United States.

With that we are all familiar, namely, that there had come the discovery of gold in California, which brought $800,000,000 in gold into circulation in the United States, and as I pointed out the night before last, I might have supplemented that by saying that under a Democratic Administration inside of ten years it all fled except two hundred millions. But I did not go into that branch of the subject. Coming along down to that period of time and to negative his argument which he attempted to support by the quotation from Mr. Blaine, I quoted from James Buchanan, President of the United States, not necessarily as having admitted, as he did not certainly do, that the tariff of 1846 had caused the terrific disaster of 1857, but showing that on each recurring low tariff period we had disaster and hard times, and I argued, first, to show that it was the war with Mexico and the discovery of gold in California that held back the disaster, but at last I showed that in the fall and winter of 1858 by the declaration of a Democratic President, the disaster did come, and I brought forward not as an admission of Mr. Buchanan that it was the tariff alone, or even in part, that brought the disaster, but as an admission of Mr. Buchanan that under a Democratic Administration and at a time when, I stated, we had a low tariff, we had the terrific disaster of 1857.

That is the whole argument, and I am not here to-night at this late period of this session of Congress to again open up and to again debate the whole subject of the tariff. I close where I began. What I stated in January I reiterate now, that there never has been a period of low tariff in the United States of America from the days of Washington to the days of Grover Cleveland that we did not have hard times. [Applause on the Republican side.]

Mr. GOLDFOGLE. Mr. Speaker, at this late hour and on this very warm night I will not attempt to discuss at length or in detail the failure of this Congress to pass much-needed legislation in the interests of the laboring classes of the country. I shall content myself with calling attention to some very important measures which have been urged in the interest of labor, and which, in my judgment, ought to have been long since enacted into law.

But recently there was delivered from the other side of this Chamber an address in which was set forth much of the legislation that has been enacted by this Congress. It was claimed that this legislation had added to the well-being of the country, and had conduced to the continued prosperity of the nation.

It would have been gratifying, indeed, if it could have been pointed out that the National Legislature had done something toward enacting laws which would have conduced to the interests of the laboring masses of the country, or which would have remedied some of the evils and abuses to which the workingmen of the Republic have been subjected.

The eight-hour bill, the enactment of which is demanded by the laboring element of the country, and which is a most just and meritorious measure, was allowed to slumber in the committee room until only a few days ago, when a favorable report upon it was made to the House. That report was made pursuant to the directions of the committee at its meeting in the latter part of May, at which meeting seven members of the committee attended, four being Democrats and three Republicans; and it was only through the action of this Democratic majority present that favorable consideration was secured.

Congress has been in session for six long months, during which time there has been any amount of discussion and ample opportunity to enact the eight-hour law. Within that period those favorable to labor have been unflagging in their endeavors to secure the passage of the bill. Members of this House on this side of the Chamber have urged its enactment. The American Federation of Labor, representing an enormous army of the toilers of the Republic, has been knocking at our doors, insisting upon and imploring for the passage of the bill.

Its able president, Mr. Gompers, and some of his coworkers were painstaking in their efforts and made clear and lucid and masterly arguments before the committee which should have gained favorable action.

Time and time again the numerous friends of labor urged the enactment of the bill, yet a deaf ear was turned to these demands. The majority in control of the committee allowed the bill to slumber. Under the tyrannical and despotic rules of the House the friends of the measure had no redress and could invoke no remedy known to the rules or the procedure of this body which could have secured favorable action on the bill or which could have secured its enactment.

At the closing hours of this session we find ourselves without opportunity to secure a vote upon the bill in the House; and so again the matter is permitted, through the action of the majority in control of this body, to be laid aside, and the purpose of the promoters of the measure is unjustly and grievously defeated.

I am a firm believer in the principles that underlie the eight-hour law. I have always been strongly in favor of an efficient and an effective eight-hour law and an advocate of the principles that underlie the demand for its enactment.

The present eight-hour law has been found ineffective and insufficient to accomplish the purpose of its designers and its framers. It has been in many instances evaded by the officers of the Government, and frequent and persistent violations of it have been allowed to pass without punishment or rebuke.

The Government of the United States should be the very first to set an example to private employers throughout the land through means of legislation that may plainly indicate that eight hours' labor shall constitute a fair day's work. The Government should insist upon all its work—whether done under the direct supervision of its own officers or done through contractors operating under contracts—being done in accordance with the principle that there shall be no more required of any employee than eight hours' labor in a day.

Considerations of public policy require the adoption of the eight-hour law. Only inordinate greed and selfish desire to enrich themselves at the expense of labor animate those who are opposed to the law in their opposition to the measure.

Aside from every other consideration that may be urged in favor of an eight-hour law, it may be truthfully said that the enactment of such a statute and its observance would be conducive to the welfare of the toiling citizen himself.

Considerations of personal comfort, to which every man is entitled by nature's law; consideration of the wellbringing up of family and the improvement of mind, as well as of body, combine to demand the application of the principles underlying the demand for an eight-hour law.

Economic conditions require the enactment of such a statute. A due regard for the advancement of the mental, moral, social and physical improvement of the laboring classes of the country makes the demand for the reduction of the hours of labor to eight hours per day both just and reasonable.

Commissioner Wright, writing on this subject as far back as in 1898, said:

> All such laws (meaning the eight-hour bill) are enacted for the purpose of taking the laboring man from the injurious effects of prolonged physical effort, giving him more time for his personal affairs and more time to devote to the cultivation of his moral and mental powers.

I also quote from the remarks of Mr. McKinley, made in the House in 1890, in the course of which, speaking upon the eight-hour law, he said:

> It must be remembered that when we constitute eight hours a day's work instead of ten hours, every four days give an additional day's

work. To some workingman who may not have any employment at all it is one more day's work, one more day's wages, one more opportunity for work and wages, and increased demand for labor. * * * And the Government of the United States ought finally and in good faith to set this example of eight hours as constituting a day's work required of laboring men in the service of the United States. The tendency of the times the world over is for shorter hours for labor, shorter hours in the interest of health, shorter hours in the interest of humanity, shorter hours in the interest of the home and the family; and the United States can do no better service to labor and to its own citizens than to set the example to States, corporations, and to individuals employing men by declaring that, so far as the Government is concerned, eight hours shall constitute a day's work and be all that is required of its laboring force.

The eight-hour law should be so framed that it will not lie in the power of an administration, or of any officers of the Government, or of any contractor to evade its provisions or to nullify its beneficent effects.

I trust that at the next session of this Congress, which is to begin in the following December, the bill that has been reported through the action of the four Democrats of the Committee on Labor will be enacted into a law, and I repeat my regret that this Congress so far has been heedless and unmindful of the demand that has been made upon it for the enactment of the measure up to the present time.

The writ of injunction as it has been used and enforced in our Federal courts has been the subject of much abuse. In this respect, too, Congress has been deaf to the demands made, not only by the laboring element, but by the thousands and thousands of fair-minded citizens who have observed the usurpation of judicial power.

There ought to be no hesitation to enact legislation throwing around the citizen proper safeguards against the abuse to which this writ may be subjected. It has too frequently been made a mere machine to attack or destroy personal freedom. It has been made the instrument of gross usurpation of power by the courts, and against these dangers we ought carefully to guard by legislation.

In the last May number of the American Federationist, Mr. Andrew Furuseth, speaking on the subject of injunctions, well remarks:

> Injunctions used contrary to and destructive of constitutional guaranties of individual freedom are usurpations, whether they take place in a monarchy by the king or in a republic by the judges. The power is the same, its results are the same, and the people that will endure will become serfs, will deteriorate, and die.

Time does not permit the pointing out of the outrageous manner in which some of the judges have abused their power in the issuance of injunctions and in the punishment for their alleged violation. The fact remains that workingmen have been tyrannized over in some jurisdictions through this abuse of the injunction writ and rendered helpless to assert their God-given right to work for whomsoever they pleased and wheresoever they would.

In an able and elaborate argument made by Thomas Carl Spelling, esq., of New York, before the Judiciary Committee of the House in support of the anti-injunction bill, Mr. Spelling makes a statement showing a startling example of the improper use of the injunction writ. He says in that argument:

> But I feel that I would be remiss in the performance of duty if I did not give special attention to the conflict now waged in New York between the typothetæ and the typographical union, which the typothetæ's attorney, Mr. Bearry, told us about. I have with me the wage scale as presented to me by Mr. Frank Morrison, secretary of the American Federation of Labor, now in force in that city, and it reads as follows:
>
> *New York scale for book and job offices, March, 1905.*
>
> Compositors: Book and job scale, hand composition, 44 to 50 cents per thousand; per week, $21.
> Proof readers: Per week, $21.
> Floor men and "ad" men: Per week, $21.
> Machine printers: Per week, $21.30.
>
> You can scarcely realize the inadequacy of such wages if you have not lived in New York. Of the educational qualifications required of the employees I can not speak in detail, but they are very high. In short, each must be a man above the average in literary attainments. The most talented writers always expect the proof sheets to come back with a lot of query marks on the margin calling attention to rhetorical lapses to say nothing of the absolute correctness required in the matter of orthography and punctuation.
>
> Well, of 7,000 of these, 700 are on strike for an eight-hour day. It seems that the Typothetæ have yielded to nine-tenths of the strikers. But they have a legal and a detective force on the heels of the 700. Nevertheless, the other 6,300 are lending aid to the 700. But with the lawyers and detectives and bullies always hired to insult and pick quarrels with strikers and afterwards to appear as witnesses against them, there have been eight convictions for assault. The attorney for the Typothetæ got an injunction and flaunted it here proudly and exultantly. The unfair judge who issued it was no doubt made to believe that the mere business of the complainant was property. But that was not enough to warrant the issuance of an injunction. To complete the fabricated basis for the infamous outrage which he perpetrated upon these poorly paid and overworked men, who are among the best citizens of New York, notwithstanding their poverty, he had to hold that the capitalists had a property interest in the unemployed in what he would term the "labor market." But owing to the brazen zeal and blind partisanship of the Typothetæ and their legal representative, the rapacity, unfairness, and overreaching greed of the Typothetæ was made to appear in a very strong light. He thought he had advanced a very telling argument when he said it was necessary to enforce a nine-hour day, which really means lower wages than an eight-hour day, in order to capture and hold in New York the book and job printing of the United States.

Again, Mr. Spelling very forcefully remarks:

> I might recount to you at great length the abuses of Federal courts in the matter of sending forth what may be properly called special legislation—that is, they usurp the legislative power and make an ex post facto law and crush and destroy one side in a labor dispute. They turn over the judicial power that the Constitution and Congress has given for other purposes. They turn that over to one side in a trade dispute where vital and far-reaching interests are involved, and that side employs it as an unfair, a crushing and overwhelming advantage against what, despite its numbers, is the weaker adversary. And this legislation is sought in order to mark anew the dividing line between the jurisdiction in law and equitable jurisdiction.

I am mindful that heretofore some of my colleagues on the Democratic side have called attention to the communication made by the American Federation of Labor in respect to its appeal, and the indifference manifested by the Republican majority in the House toward labor's cause. I wish to emphasize labor's demands by calling attention again to that well-drawn and expressive document which ought to have received respectful heed, but which has so far had no effect upon our present Congress. That document, styled the "Bill of Grievances," is as follows:

LABOR'S GRIEVANCES.

WASHINGTON, D. C., *March 21, 1906.*

Hon. THEODORE ROOSEVELT,
President of the United States;

Hon. WM. P. FRYE,
President pro tempore United States Senate;

Hon. JOSEPH G. CANNON,
Speaker House of Representatives, United States.

GENTLEMEN: The undersigned executive council of the American Federation of Labor, and those accompanying us in the presentation of this document, submit to you the subject-matter of the grievances which the workmen of our country feel by reason of the indifferent position which the Congress of the United States has manifested toward the just, reasonable, and necessary measures which have been before it these past several years, and which particularly affect the interests of the working people, as well as by reason of the administrative acts of the executive branches of this Government and the legislation of the Congress relating to these interests. For convenience, the matters of which we complain are briefly stated, and are as follows:

The law commonly known as the "eight-hour law" has been found ineffective and insufficient to accomplish the purpose of its designers and framers. Labor has, since 1894, urged the passage of a law so as to remedy the defects, and for its extension to all work done for or on behalf of the Government. Our efforts have been in vain.

Without hearing of any kind granted to those who are the advocates of the eight-hour law and principle, Congress passed, and the President signed, an appropriation bill containing a rider nullifying the eight-hour law and principle in its application to the greatest public work ever undertaken by our Government, the construction of the Panama Canal.

The eight-hour law in terms provides that those intrusted with the supervision of Government work shall neither require nor permit any violations thereof. The law has been grievously and frequently violated. The violations have been reported to the heads of several Departments, who have refused to take the necessary steps for its enforcement.

While recognizing the necessity for the employment of inmates of our penal institutions, so that they may be self-supporting, labor has urged in vain the enactment of a law that shall safeguard it from the competition of the labor of convicts.

In the interest of all of our people, and in consonance with their almost general demand, we have urged Congress for some tangible relief from the constantly growing evil of induced and undesirable immigration, but without result.

Recognizing the danger of Chinese immigration, and responsive to the demands of the people, Congress years ago enacted an effective Chinese-exclusion law; yet, despite the experience of the people of our own country, as well as those of other countries, the present law is flagrantly violated, and now by act of Congress it is seriously proposed to invalidate that law and reverse the policy.

The partial relief secured by the laws of 1895 and 1898, providing that seamen shall not be compelled to endure involuntary servitude, has been seriously threatened at each succeeding Congress. The petitions to secure for the seamen equal right with all others have been denied, and a disposition shown to extend to other workmen the system of compulsory labor.

Under the guise of a bill to subsidize the shipping industry, a provision is incorporated, and has already passed the Senate, providing for a term of conscription, which would make compulsory naval service a condition precedent to employment on privately owned vessels.

Having in mind the terrible and unnecessary loss of life attending the burning of the *Slocum* in the harbor of New York, the wreck of the *Rio de Janeiro* at the entrance to the bay of San Francisco, and other disasters on the waters too numerous to mention, in nearly every case the great loss of life was due to the undermanning and the unskilled manning of such vessels, we presented to Congress measures that would, if enacted, so far as human law could do, make impossible the awful loss of life. We have sought this remedy more in the interests of the traveling public than in that of the seamen, but in vain.

Having in mind the constanly increasing evil growing out of the parsimony of corporations, of towing several undermanned and unequipped vessels called "barges" on the high seas, where, in case of storm or stress, they are cut loose to drift or sink and their crews to perish, we have urged the passage of a law that shall forbid the towing of more than one such vessel unless they shall have an equipment and a crew sufficient to mange them when cut loose and sent adrift, but in vain.

The antitrust and interstate-commerce laws enacted to protect the people against monopoly in the products of labor and against discrimination in the transportation thereof, have been perverted, so far as the laborers are concerned, so as to invade and violate their personal liberty

as guaranteed by the Constitution. Our repeated efforts to obtain redress from Congress have been in vain.

The beneficent writ of injunction, intended to protect property rights has, as used in labor disputes, been perverted so as to attack and destroy personal freedom and in a manner to hold that the employer has some property rights in the labor of the workman. Instead of obtaining the relief which labor has sought, it is seriously threatened with statutory authority for existing judicial usurpation.

The Committee on Labor of the House of Representatives was instituted at the demand of labor to voice its sentiments, to advocate its rights, and to protect its interests. In the past two Congresses this committee has been so organized as to make ineffectual any attempt labor has made for redress. This being the fact in the last Congress, labor requested the Speaker to appoint on the Committee on Labor members who, from their experience, knowledge, and sympathy, would render in this Congress such service as the committee was originally designed to perform. Not only was labor's request ignored, but the hostile make-up of the committee was accentuated.

Recently the President issued an order forbidding any and all Government employees, upon the pain of instant dismissal from the Government service, to petition Congress for any redress of grievances or for any improvement in their condition. Thus the constitutional right of citizens to petition must be surrendered by the Government employee in order that he may obtain or retain his employment.

We present these grievances to your attention because we have long, patiently, and in vain waited for redress. There is not any matter of which we have complained but for which we have in an honorable and lawful manner submitted remedies. The remedies for these grievances proposed by labor are in line with fundamental law, and with the progress and development made necessary by changed industrial conditions.

Labor brings these, its grievances, to your attention because you are the representatives responsible for legislation and for failure of legislation. The toilers come to you as your fellow-citizens who, by reason of their position in life, have not only with all other citizens an equal interest in our country, but the further interest of being the burden-bearers, the wage-earners of America. As labor's representatives we ask you to redress these grievances, for it is in your power so to do.

Labor now appeals to you, and we trust that it may not be in vain. But if perchance you may not heed us, we shall appeal to the conscience and the support of our fellow-citizens.

Very respectfully,

Samuel Gompers, James Duncan, James O'Connell, Max Morris, D. A. Hayes, Daniel J. Keefe, Wm. D. Huber, Joseph F. Valentine, John B. Lennon, Frank Morrison, executive council, American Federation of Labor.

List of representatives of labor associated with the executive council of the American Federation of Labor in the presentation of labor's grievances, March 21, 1906.

John G. Schmidt, Bakery and Confectionery Workers' International Union of America.
Rudolph Schirra, Bakery and Confectionery Workers' International Union of America.
Thomas H. Lockwood, Pocket Knife Blade Grinders and Finishers' National Union.
Thos. R. Keenan, Brotherhood of Boiler Makers and Iron Ship Builders of America.
Peter L. Mitchell, Brotherhood of Boiler Makers and Iron Ship Builders of America.
James F. Speirs, Brotherhood of Boiler Makers and Iron Ship Builders of America.
John R. P. Krey, Iron Molders' Union of North America.
Ed. F. Weber, International Association Glass House Employees.
Hugh Falvey, American Brotherhood of Cement Workers.
F. C. Gengenback, American Brotherhood of Cement Workers.
P. H. Malloy, American Brotherhood of Cement Workers.
J. J. Crowley, The Granite Cutters' International Association of America.
John Lyons, The Granite Cutters' International Association of America.
Frank McArdle, International Brotherhood of Foundry Employees.
Cornelius P. Shea, International Brotherhood of Teamsters.
Thos. C. Fox, International Brotherhood of Teamsters.
J. E. Toone, International Brotherhood of Teamsters.
James F. Fitzgerald, Pulp, Sulphite, and Paper Mill Workers.
Timothy Healey, International Brotherhood of Stationary Firemen.
N. A. James, International Brotherhood of Stationary Firemen.
H. E. Burns, International Brotherhood of Stationary Firemen.
F. M. Nuse, International Brotherhood of Stationary Firemen.
Christian Schlag, International Brotherhood of Stationary Firemen.
Wm. McPherson, International Carriage and Wagon Workers.
Wm. M. Merrick, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
Joseph H. Gallagher, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
John R. Alpine, Plumbers, Gas Fitters, Steam Fitters, and Steam Fitters' Helpers of the United States and Canada.
P. H. Cummins, International Brotherhood of Blacksmiths.
J. W. Kline, International Brotherhood of Blacksmiths.
Chas. T. Smith, International Steel and Copper Plate Printers' Union of North America.
E. L. Jordan, International Steel and Copper Plate Printers' Union of North America.
T. L. Mahan, International Steel and Copper Plate Printers' Union of North America.
Wm. Dodge, Paving Cutters' Union of the United States and Canada.
Jas. J. Dunn, Glass Bottle Blowers' Association of the United States and Canada.
Wm. Launer, Glass Bottle Blowers' Association of the United States and Canada.
Frank Feeney, International Union of Elevator Constructors.
Chas. Hank, International Brick, Tile, and Terra Cotta Workers' Alliance.
Henry Nolda, Upholsterers' International Union of North America.
Chas. E. Lawyer, International Tin Plate Workers' Protective Association of America.
George Powell, International Tin Plate Workers' Protective Association of America.
W. J. McSorley, International Union of Wood, Wire, and Metal Lathers.
R. V. Brandt, International Union of Wood, Wire, and Metal Lathers.
W. S. Crown, American Federation of Musicians.
C. P. Huestis, American Federation of Musicians.
Charles Derlin, American Federation of Musicians.
Thomas F. Ryan, Amalgamated Sheet Metal Workers' International Alliance.
Daniel L. Desmond, Amalgamated Sheet Metal Workers' International Alliance.
Joseph A. Daly, Amalgamated Sheet Metal Workers' International Alliance.
W. F. Gilmore, Amalgamated Society of Carpenters and Joiners.
George G. Griffin, United Brotherhood of Carpenters and Joiners.
William M. Lewis, Brotherhood of Painters, Decorators, and Paperhangers of America.
Frank X. Noschang, Journeymen Barbers' International Union.
Thomas O. Hughes, International Union of Slate Workers.
G. M. Huddleston, International Slate and Tile Workers' Union of America.
Ben Russell, International Slate and Tile Workers' Union of America.
Thomas F. Tracy, Cigar Makers' International Union of America.
J. A. Roberts, Cigar Makers' International Union of America.
Martin Hellmuth, Amalgamated Meat Cutters and Butcher Workmen of North America.
W. E. Thompson, International Ceramic, Mosaic, and Encaustic Tile Layers and Helpers' Union.
C. O. Pratt, Amalgamated Association of Street and Electric Railway Employees of America.
T. C. Parsons, International Typographical Union.
John P. Murphy, Boot and Shoe Workers' Union.
John J. Binder, International Union of United Brewery Workmen.
John Mangan, Steam Fitters' International Union.
James M. Cumming, Steam Fitters' International Union.
Charles N. Isler, Steam Fitters' International Union.
Henry Fischer, Tobacco Workers' International Union.
William Feenie, United Powder and High Explosive Workers of America.
James G. McGrindle, United Powder and High Explosive Workers of America.
Andrew Furuseth, International Seamen's Union of America.
J. L. Feeney, International Brotherhood of Bookbinders.
Rodney L. Thixton, International Stereotypers and Electrotypers' Union of North America.
Michael J. Shea, International Stereotypers and Electrotypers' Union of North America.
James F. Splann, International Stereotypers and Electrotypers' Union of North America.
F. M. Ryan, International Association of Bridge and Structural Iron Workers.
P. J. McArdle, Amalgamated Association of Iron, Steel, and Tin Workers.
Martin Higgins, International Printing Pressmen's Union.
John Golden, United Textile Workers of America.
J. T. Carey, International Brotherhood of Paper Makers, etc.
Thomas Mellor, International Brotherhood of Paper Makers, etc.
H. B. Perham, the Order of Railroad Telegraphers.
Jere F. McCarthy, Central Labor Union, Washington, D. C.
Charles W. Winslow, Central Labor Union, Washington, D. C.
John B. Colpoys, Central Labor Union, Washington, D. C.
Shelby Smith, Allied Printing Trades Council, Philadelphia, Pa.
John Fitzpatrick, Chicago Federation of Labor.
P. J. Flannery, Interior Freight Handlers and Warehousemen's International Union.

Organized labor has accomplished much for the toiling masses of the Republic. Individual effort, however well directed, however valuable it may be, can never serve as great a purpose as organized effort made in the same direction.

Most of the reforms brought about in the several States of the Union and in the country itself, through the Federal Legislature, for the relief and for the benefit of the laboring and industrial classes, and which necessarily operate for the benefit of the entire people, have been brought about because of the urgent and repeated and persistent demands of organized labor.

It may well be asserted, as a general rule, that whatever operates to benefit the laboring classes of the country operates toward the benefit of all the people of the land. That which serves to uplift and upbuild the people who toil, goes to promote the general prosperity and welfare of the nation.

Labor in some way and in some form is a mighty contributor to the taxes and the revenue that flow into the Public Treasury. In its last analysis taxation falls upon labor itself.

Some years ago upon this floor I said, and I desire to repeat it now, that I agreed fully with a great writer on the subject, who declared that "Taxation reaches down to the base, but the base is labor, and labor pays all."

Hence it is the laboring man, it is the laboring element, it is the great army of those who toil and sweat, those who produce something through their genius, their brawn, or brain, who stand at the portals of Congress demanding remedial legislation as citizens of the Republic. They come—as they have a right to come—in their dual capacity as citizens and as taxpayers, as men who contribute by their labor, their thrift, their industry, and their work to the general welfare of the country.

In these closing hours of Congress, no appeal, of course, can be productive of results at this session; but I deem it a duty, as well as I esteem it a pleasure, to stand here to lend my voice in aid of labor's demand for such legislation as may contribute to the welfare of the vast army of toilers and wage-earners of the land.

The Republican majority of this House, in whose power it was to pass the legislation necessary for the proper protection

of labor, must remember that in the end they must all answer to the people at the polls. Every Member of this House will in a few months more be called upon to render unto his constituency an account of his stewardship. When that time comes, the laboring man, the wage-earner, the toiler, as well as the rest of our citizenship, under the protection of the Constitution of the Republic, will exercise his sovereign right as a citizen in the selection of Representatives to sit in the Congress of the United States.

Let them then choose between those who have been indifferent to their demands on the one hand and those who have been friendly to them on the other.

From the Democratic side of the Chamber, with a consistency that has always marked the Democratic party in standing for the interests of the masses of the country, have come earnest appeals for remedial labor legislation. From the other side of the Chamber has come the silence that tells of indifference and opposition.

Let those who had it in their power to enact legislation for the common good, for the toilers of the country, for the wage-earners of the land, remember that they will be held responsible for their inaction by the people. When the test shall be made—as it must be made—at the polls, let those in the ranks of labor, let those who are the honest friends of labor, those who realize that—

> Princes and kings may flourish and may fade;
> A breath has made them, as a breath can make;
> But a bold working class, their country's pride,
> When once destroyed can never be supplied—

judge those for whom they are to cast their suffrage, not by promises or by empty professions, but by their deeds; by the evidences they have given of their steadfastness of purpose and of their sincerity of action.

RAILROAD RATES.

Mr. TOWNSEND. Mr. Speaker, I ask to take from the Speaker's table Senate joint resolution 72.

The SPEAKER. The gentleman from Michigan asks unanimous consent to take from the Speaker's table Senate joint resolution 72. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect.

Resolved, etc., That the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TOWNSEND. I move the adoption of the resolution.

The resolution was agreed to.

Mr. TOWNSEND. Mr. Speaker, I now move to amend the title.

The SPEAKER. The Clerk will report the amendment amending the title.

The Clerk read as follows:

Amend the title by striking out all after the word "June," in line 5, and insert the following: "29, 1906, shall go into effect."

The SPEAKER. The question is on agreeing to the amendment to the title.

The amendment was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 2668. An act to regulate the retirement of certain veterans of the civil war;

S. 2699. An act for the relief of Robert F. Scott;

S. 5868. An act changing the names of Brightwood avenue and Georgia avenue; and

S. 6468. An act ceding certain land appertaining to the post-office building at Reno, Nev., for use as a street.

PAYMENT OF CERTAIN EMPLOYEES.

Mr. SOUTHWICK. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Clerk of the House is hereby authorized and directed to pay, from the contingent fund of the House, to the persons employed, respectively, as Deputy Sergeant-at-Arms in charge of pairs, clerk in charge of pairs, and the special chief page, designated as a "Deputy Sergeant-at-Arms," the difference between the compensation now paid them by law at the rate of $1,400 per annum and the rate of $1,600 per annum until the end of the present fiscal year or until otherwise provided for by law.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I desire to know if that resolution has been reported from any committee.

The SPEAKER. The Chair understands not.

Mr. BARTLETT. Well, Mr. Speaker, I desire to say that resolution and another resolution looking to increasing the pay of various employees of the House have been before the Committee on Accounts and have been considered by them and have not been reported. Now, while I have no objection to permit the House to consider the question of increasing the pay of its employees, if it desires to do so, I do not think that certain employees ought to be singled out to the exclusion of others. There are other resolutions pending asking for an increase to other employees of the House.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. BARTLETT. Yes.

Mr. HENRY of Texas. What clerks are these?

Mr. BARTLETT. They are three pair clerks.

Mr. SULZER. Why not take them all in?

Mr. BARTLETT. That is my proposition exactly.

Mr. HENRY of Texas. There are two more?

Mr. BARTLETT. There are three more.

The SPEAKER. Does the gentleman from Georgia object?

Mr. SULZER. I move to amend by taking in the other three clerks.

The SPEAKER. Why, it is unanimous consent to consider this resolution.

Mr. BARTLETT. Now, Mr. Speaker, I do not intend that this shall be considered in this way, familiar as I am with what was done in the Committee on Accounts.

The SPEAKER. The gentleman from Georgia objects.

DIGEST OF CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Indiana [Mr. CHARLES B. LANDIS] asks unanimous consent for the present consideration of a joint resolution, the title of which the Clerk will report.

The Clerk read as follows:

Joint resolution authorizing the purchase of the manuscript of a digest of the United States customs laws and decisions.

The SPEAKER. Is there objection?

Mr. WILLIAMS. Mr. Speaker, I ask for a rereading of the resolution.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed $2,000, payable out of any funds not otherwise appropriated, the manuscript of a digest of the United States customs laws and decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies for the official use of the Treasury Department. And the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the Superintendent of Documents is hereby authorized to reprint this document for sale at $2 per copy.

Mr. TAWNEY. Mr. Speaker, I desire to ask the gentleman from Indiana [Mr. CHARLES B. LANDIS] for information as to the ownership of this manuscript at the present time.

Mr. CHARLES B. LANDIS. This manuscript was prepared by a gentleman named Robert Cousar, and it is now——

Mr. TAWNEY. Mr. Speaker, I reserve the right to object.

Mr. CHARLES B. LANDIS. And it is now in the hands of the Secretary of the Treasury.

Mr. TAWNEY. Has it been printed?

Mr. CHARLES B. LANDIS. It has never been printed. I would say that no digest of the decisions of the courts and the board of appraisers for the period covered by this manuscript has ever been printed. This particular period has never been covered. And the Secretary of the Treasury and the board of appraisers have earnestly recommended this publication.

Mr. TAWNEY. Has the Secretary of the Treasury recommended it?

Mr. CHARLES B. LANDIS. Very strongly.

Mr. PAYNE. Mr. Speaker, I would like to have read a telegram from the Secretary of the Treasury in response to one I sent this afternoon.

The SPEAKER. Without objection, the Clerk will report.

The Clerk read as follows:

WASHINGTON, D. C., *June 29, 1906.*

Hon. SERENO E. PAYNE,
House of Representatives.:

The Coursar's manuscript of digest of customs decisions was reliable and valuable when made. The author is dead and the work needs bringing up to date. The Department has, in fact, used it for a few years, and I think it is due the widow that we buy the manuscript for $1,000 at least.

L. M. SHAW.

Mr. TAWNEY. Mr. Speaker, as I understand, this resolution provides for paying $2,000 for this manuscript. In the judgment of the Secretary of the Treasury not to exceed $1,000 should be paid.

Mr. WILLIAMS. One thousand at least.

Mr. TAWNEY. Mr. Speaker, I object to the consideration of the resolution at that rate.

Mr. CHARLES B. LANDIS. I will say, Mr. Speaker, in the light of that telegram, that the value of this manuscript, as given to the Committee on Printing, was placed in the sum that is carried in the joint resolution, and our information as to its value came from the Treasury Department.

The SPEAKER. Objection is made.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message also announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the diocese of Washington;"

S. 4317. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897; and

S. 5565. An act to close certain alleys in the District of Columbia.

The message also announced that the Senate had passed the following resolution:

Resolved by the Senate (the House of Representatives concurring), That the conferees on the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, be directed to add to said bill an item of $100,000 toward the construction of a public building at Albuquerque, N. Mex.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4317. An act to provide for the payment of certain claims against the District of Columbia in accordance with the act of Congress approved January 26, 1897, and as amended July 19, 1897—to the Committee on the District of Columbia.

S. 5565. An act to close certain alleys in the District of Columbia—to the Committee on the District of Columbia.

S. 6338. An act to amend section 2 of an act entitled "An act to incorporate the convention of the Protestant Episcopal Church of the Diocese of Washington—to the Committee on the District of Columbia.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States;

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 20407. An act to authorize the Baldwin and Dague Lumber Company to construct a bridge across the St. Francis River, in Arkansas.

H. R. 3933. An act granting a pension to James P. Flewellen;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 7235. An act granting an increase of pension to Abel W. Payne; and

H. R. 8867. An act granting an increase of pension to George Stillman.

The SPEAKER announced his signature to enrolled bill of the following title:

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolutions:

H. R. 12323. An act to extend the public-land laws of the United States to the lands comprised within the limits of the abandoned Fort Crittenden Military Reservation, in the State of Utah, and for other purposes;

H. R. 17740. An act granting an increase of pension to Charles M. Sexton;

H. R. 6495. An act granting an increase of pension to Phineas Hyde;

H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy;

H. R. 20173. An act to authorize Henry T. Henderson and his associates to divert the waters of Little River, in the State of Alabama, from the lands of the United States for use of electric light and power plant;

H. R. 11932. An act to grant American registry to the bark *Homeward Bound;*

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems, and appliances for the automatic control of railway trains;

H. J. Res. 43. Joint resolution authorizing the Secretary of War to furnish condemned cannon for a life-size statue of Gen. Henry Leavenworth at Leavenworth, Kans.;

H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission;

H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States;

H. R. 14396. An act to incorporate the Lake Erie and Ohio River Ship Canal, to define the powers thereof, and to facilitate interstate commerce;

H. R. 20407. An act to authorize the Baldwin and Day Lumber Company to construct a bridge across the St. Francis River in Arkansas;

H. R. 17714. An act to authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General;

H. R. 13142. An act for the relief of Daniel B. Murphy;

H. R. 4279. An act to correct the military record of Wilbur C. Stephens;

H. R. 20290. An act to amend the river and harbor act of March 3, 1905;

H. R. 20176. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of Glasgow, in the State of Missouri;

H. R. 16670. An act to indemnify Edgar P. Swett;

H. R. 20175. An act to authorize the Missouri Central Railroad Company to construct and maintain a bridge across the Missouri River near the city of St. Charles, in the State of Missouri; and

H. R. 10501. An act to incorporate the National Educational Association of the United States.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 6468. An act ceding certain land appertaining to the post-office building at Reno, Nev., for the use as a street—to the Committee on Public Buildings and Grounds.

S. 5868. An act changing the names of Brightwood avenue and Georgia avenue—to the Committee on the District of Columbia.

S. 2699. An act for the relief of Robert F. Scott—to the Committee on Claims.

S. 2668. An act to regulate the retirement of certain veterans of the civil war—to the Committee on Military Affairs.

PUBLIC BUILDING BILL.

Mr. BARTHOLDT. Mr. Speaker, I desire to present a conference report and ask that the House agree to the same.

The SPEAKER. Is there a statement with the report?

Mr. BARTHOLDT. And I desire to ask unanimous consent, Mr. Speaker, that instead of a written statement I may be permitted to make an oral report and statement.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] presents a conference report on the bill of which the Clerk will read the title.

The Clerk read the title.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 1, 2, 3, 7, 8, 9, 10, 23, 28, 34, 36, 37, 41, 42, 46, 47, 48, 52, 55, 59, 60, 61, 62, 63, 65, 66, 68, 69, 74, 79, 80, 82, 89, 93, 97, 98, 109, 121, 123, 127, 128, 129, 130, 131, 132, 145, 148, 156, 157, and 158.

That the House recede from its disagreement to the amendments of the Senate numbered 4, 6, 12, 13, 15, 16, 18, 19, 20, 22, 24, 25, 26, 29, 31, 32, 33, 35, 39, 43, 45, 49, 51, 53, 56, 57, 64, 67, 71, 72, 75, 76, 85, 86, 87, 88, 90, 91, 94, 95, 99, 100, 101, 102, 103, 104, 105, 107, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 122, 124, 125, 126, 133, 134, 135, 136, 137, 140, 141, 142, 143, 144, 147, 154, 160, and 162; and agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment as follows: After the word "post-office" insert the words "and court-house;" strike out the words "government buildings" and insert in lieu thereof the words "governmental offices;" so that said section shall read as follows:

"United States post-office and court-house and other governmental offices at San Juan, Porto Rico, three hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 50: That the House recede from its disagreement to the amendment of the Senate numbered 50, and agree to the same with an amendment as follows: After the word "hundred" insert the words "and twenty;" so that said section shall read as follows:

"United States post-office, custom-house, and land office at Eureka, California, one hundred and twenty thousand dollars."

And the Senate agree to the same.

Amendment numbered 73: That the House recede from its disagreement to the amendment of the Senate numbered 73, and agree to the same with an amendment as follows: Strike out the word "sixty" and insert in lieu thereof the word "fifty-five;" so that said section shall read as follows:

"United States post-office at Manistee, Michigan, fifty-five thousand dollars."

And the Senate agree to the same.

Amendment numbered 77: That the House recede from its disagreement to the amendment of the Senate numbered 77, and agree to the same with an amendment as follows: Strike out the words "one hundred and fifty" and insert in lieu thereof the words "two hundred;" so that said item shall read as follows:

"United States post-office, court-house, and land office at Great Falls, Montana, two hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 78: That the House recede from its disagreement to the amendment of the Senate numbered 78, and agree to the same with an amendment as follows: Strike out the words "eighty-five" and insert in lieu thereof the word "eighty;" so that same shall read as follows:

"United States post-office at Kearney, Nebraska, eighty thousand dollars."

And the Senate agree to the same.

Amendment numbered 81: That the House recede from its disagreement to the amendment of the Senate numbered 81, and agree to the same with an amendment as follows: Strike out the word "sixty-five" and insert in lieu thereof the word "seventy;" so that same shall read as follows:

"United States post-office at Olean, New York, seventy thousand dollars."

And the Senate agree to the same.

Amendment numbered 83: That the House recede from its disagreement to the amendment of the Senate numbered 83, and agree to the same with an amendment as follows: Strike out the word "fifty" and insert in lieu thereof the word "seventy," making said amendment read as follows:

"United States post-office at Yonkers, New York, one hundred and seventy thousand dollars."

And the Senate agree to the same.

Amendment numbered 96: That the House recede from its disagreement to the amendment of the Senate numbered 96, and agree to the same with an amendment as follows: Strike out the word "seventy-five" and insert in lieu thereof the word "eighty," making said amendment read as follows:

"United States post-office and other governmental offices at Lead, South Dakota, eighty thousand dollars."

And the Senate agree to the same.

Amendment numbered 106: That the House recede from its disagreement to the amendment of the Senate numbered 106, and agree to the same with an amendment as follows: After the word "post-office" insert the words "and court-house;" so that said amendment shall read as follows:

"United States post-office and court-house at Sheridan, Wyoming, one hundred and fifty thousand dollars."

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: On page 42 of the bill, after line 7, insert the following:

"SEC. —. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That thirty thousand dollars of the fifty thousand dollars heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma."

And the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 42 of the bill, line 18, after the word "condemnation," insert the words "or otherwise;" and the Senate agree to the same.

Amendment numbered 138: That the House recede from its disagreement to the amendment of the Senate numbered 138, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "twenty;" and the Senate agree to the same.

Amendment numbered 139: That the House recede from its disagreement to the amendment of the Senate numbered 139, and agree to the same with an amendment as follows: Strike out the word "ten" and insert in lieu thereof the word "fifteen;" and the Senate agree to the same.

And disagree on the following amendments, numbered 5, 11, 14, 17, 21, 27, 30, 38, 40, 54, 58, 70, 108, 120, 146, and 159.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

The SPEAKER. The gentleman asks unanimous consent that in lieu of a written statement he may make a verbal statement, and also to dispense with the reading of the report. Is there objection?

There was no objection.

Mr. BARTHOLDT. Mr. Speaker, the conferees of the two Houses on the public building bill agree on all the items contained in that bill except fourteen items, which are as follows:

The New York custom-house; the New York assay office; Detroit (Mich.) post-office; Columbus (Ohio) post-office; Chattanooga post-office building; Cedar Rapids, Mich.; Oklawaha, Fla.; Des Moines, Iowa; Fernandina, Fla.; Moscow, Idaho; Denver, Colo.; Minneapolis, Minn., and Richmond, Va., and last,

but not least, the three-million-dollar proposition which contemplates the purchase of two blocks of land in the District of Columbia for the purpose of erecting a Department building.

The opinion of the conferees of the House is that there will be no difficulty in agreeing upon all these items. We would like to get the judgment of the House upon the main proposition, which has proved a stumbling block in our conference, namely, the $3,000,000 proposition. And on that, Mr. Speaker, I would like to get the judgment of the House.

The SPEAKER. Does the Chair understand that there is an agreement on all except the item specified? If so, the first thing to do would be to dispose of the report.

Mr. BARTHOLDT. Mr. Speaker, I move to adopt the report.

The SPEAKER. The question is on the adoption of the conference report.

The question was taken; and the conference report was agreed to.

Mr. BARTHOLDT. Mr. Speaker, I move to further insist on the disagreement of the House on the disagreeing votes of the two Houses on the amendments in disagreement, as specified, and ask for further conference.

The question was taken; and the motion was agreed to.

The SPEAKER. Does the gentleman now desire to agree to the further conference requested by the Senate?

Mr. BARTHOLDT. Yes.

The SPEAKER. If there be no objection, the request of the Senate for a conference will be agreed to.

There was no objection.

Mr. TAWNEY. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

Resolved, That it is the sense of the House that the conferees on the part of the House on the disagreeing votes of the two Houses on the amendments of the Senate to House bill 20410 do not agree to Senate amendment numbered 159, being an appropriation for the purchase of a site in the District of Columbia, at a cost of $3,000,000.

Mr. TAWNEY. Mr. Speaker, in support of that resolution I wish to state to the House that there is no doubt of the correctness of the statement of the gentleman from Missouri [Mr. BARTHOLDT] that this proposition, to appropriate $3,000,000 for the purchase of a site for a departmental building, is the principal if not the sole obstacle in the way of agreement between the two Houses. I confidently believe that if the House will adopt this resolution by a large majority, as I believe it will, the work of the conferees will be materially facilitated, and an agreement will be brought about much earlier than could otherwise be accomplished. And, Mr. Speaker, I wish to say further that in view of the construction that we have heretofore authorized here in the District of Columbia during the last four years, as compared with the construction authorized in the remainder of the United States, there is no justification whatever for our appropriating a dollar at this session for the construction of any new building in this city.

We have to-day in course of construction in this city eleven public buildings. All of them have been authorized since June 6, 1902. The limit of cost of those eleven buildings is $18,051,300. During that same time Congress has authorized the construction of buildings throughout the remainder of the United States in an amount aggregating $24,504,809. The unappropriated balance of the $18,000,000 heretofore authorized for construction in this city equals the aggregate amount carried in the sundry civil bill at this session of Congress for all other public-building construction throughout the Union. That being the case, Mr. Speaker, I can see no justification whatever for our now appropriating $3,000,000 for the purchase of this site, which means an ultimate expenditure for public buildings that will aggregate at least $12,000,000, if not $15,000,000, and thus prevent the appropriation of money for the erection of buildings in other parts of the United States, where buildings are just as essential as they are in the District of Columbia. [Applause.]

The SPEAKER. The question is on agreeing to the resolution.

Mr. TAWNEY. Mr. Speaker, I call for a division, in order that we may have a count on this vote.

The House divided; and there were—ayes 225, noes none.

Accordingly the resolution was agreed to.

The announcement of the result was received with applause.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent to print in the RECORD a statement concerning the public buildings in the District of Columbia now under construction, to which I have referred.

The SPEAKER. If there be no objection, the request will be granted.

The statement is as follows:

	Limit of cost.	Appropriations to date.	Appropriations this session.	Balance.
Municipal building	$2,500,000	$1,450,000	$500,000	$550,000
Police court building	75,000	75,000		
National Museum building	3,500,000	1,750,000	500,000	1,250,000
Agricultural Department building	1,500,000	950,000	300,000	250,000
Hall of Records	2,000,000	5,000		1,995,000
Addition to Post-Office Department building	400,000	400,000		
Power house for Capitol and other buildings	926,300	493,000		433,300
Office building, House of Representatives	3,100,000	2,300,000	500,000	300,000
Office building, United States Senate	2,250,000	1,330,000		920,000
New Union Station	1,500,000	1,500,000		
Total	17,751,300	10,253,000	1,800,000	5,658,300
Freedmen's Hospital	300,000			
Total	18,051,300			

During the same period, since June 6, 1902, public buildings have been authorized throughout the United States and outside of the District of Columbia at a total cost of only $24,504,809.

The SPEAKER appointed as conferees on the part of the House Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD.

PUBLIC BUILDING, ALBUQUERQUE, N. MEX.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent to consider the resolution passed by the Senate a few minutes ago, in relation to the public building at Albuquerque, N. Mex.

The SPEAKER. The gentleman from Missouri asks unanimous consent for present consideration of the following concurrent resolution of the Senate, which the Clerk will read:

The Clerk read as follows:

IN THE SENATE, *June 29, 1906.*

Resolved by the Senate (the House of Representatives concurring), That the conferees on the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, be directed to add to said bill an item of $100,000 toward the construction of a public building at Albuquerque, N. Mex.

The SPEAKER. Is there objection?

There was no objection.

The resolution was agreed to.

APPROPRIATION FOR PUBLIC BUILDINGS.

Mr. TAWNEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. At the beginning of the session this evening both Houses adopted a concurrent resolution instructing the conferees on the general deficiency bill to include in their final report appropriations for the public buildings authorized in the public building bill, which is now in conference between the two Houses, after agreement had been reached. Now, if this report on the general deficiency bill is agreed to, in what manner then will the appropriation be cared for?

The SPEAKER. Did the Senate pass the concurrent resolution?

Mr. TAWNEY. Yes.

The SPEAKER. And subsequently agreed to the conference report on the deficiency bill, and that is the final report. If the Chair may suggest to the gentleman, if the report is agreed to the engrossment and enrollment of the bill could be completed, and the Chair will suggest to the gentleman for his consideration that when the public-building bill is reported that perhaps the easiest and shortest way would be a deficiency bill that would cover the items in the public-building bill.

Mr. TAWNEY. Very well; I simply wanted the House to understand the situation.

CONFERENCE REPORT ON GENERAL DEFICIENCY BILL.

Mr. LITTAUER. Now, Mr. Speaker, I call up the conference report on the general deficiency bill, and ask that the report be read. There is no statement. It is a general agreement on all the items.

The SPEAKER. The gentleman from New York calls up the conference report on the bill (H. R. 20403) making appropriations to supply deficiencies, and asks unanimous consent that the report only be read. Is there objection?

There was no objection.

The Clerk read the conference report, as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

20463) making appropriations to supply the deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 9, 12, 15, 16, 21, 24, 38, 39, 52, 53, 54, and 94.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 7, 8, 10, 11, 13, 14, 17, 18, 19, 20, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 40, 41, 42, 43, 44, 45, 46, 47, 48, 50, 51, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, and 93, and agree to the same.

Amendment numbered 5: That the House recede from its disagreement to the amendment of the Senate numbered 5, and agree to the same with an amendment as follows: In line 1 of said amendment strike out the word "day;" and the Senate agree to the same.

Amendment numbered 49: That the House recede from its disagreement to the amendment of the Senate numbered 49, and agree to the same with an amendment as follows: In lieu of the sum named in said amendment insert: "two hundred and fifty dollars;" and the Senate agree to the same.

Amendment numbered 57: That the House recede from its disagreement to the amendment of the Senate numbered 57, and agree to the same with an amendment as follows: In lines 7 and 8 of said amendment omit the words ", to be expended only for service rendered in the District of Columbia;" and the Senate agree to the same.

Amendment numbered 69: That the House recede from its disagreement to the amendments of the Senate numbered 69, and agree to the same with an amendment as follows: In line 12 of said amendment, after the word "Numbered," insert "Five hundred and twelve;" and the Senate agree to the same.

Amendment numbered 95: That the House recede from its disagreement to the amendment of the Senate numbered 95, and agree to the same with an amendment as follows: In line 2 of said amendment, after the word "China," insert "to be available during the fiscal year nineteen hundred and seven;" and the Senate agree to the same.

LUCIUS N. LITTAUER,
J. A. TAWNEY,
S. BRUNDIDGE, Jr.,
Managers on the part of the House.

EUGENE HALE,
J. H. GALLINGER,
JAMES H. BERRY,
Managers on the part of the Senate.

The conference report was agreed to.

PUBLICATION OF DIGEST OF UNITED STATES CUSTOMS LAWS AND DECISIONS.

Mr. CHARLES B. LANDIS. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. CHARLES B. LANDIS. This afternoon, as chairman of the Committee on Printing, I presented a joint resolution providing for the publication of a digest of United States customs laws and decisions. To my request for unanimous consent the gentleman from New York [Mr. PAYNE] objected. Later I went to Mr. PAYNE and asked him the basis of his objection. He stated that he did not think the publication was justified. I told him it was recommended by the Secretary of the Treasury. He said he thought it must have been recommended by the Secretary without due consideration, and said he would telegraph the Secretary of the Treasury for information on the subject.

Before the House took recess I went to Mr. PAYNE again and asked him if he had received an answer to his telegram, and he said he had not, and that in his opinion his telegram had reached the Department after the Department had closed.

I then explained the matter further, and he stated that he would not object if I again asked for the consideration of the joint resolution. Relying upon his statement, and receiving no information whatever in relation to the telegram read, I again offered the joint resolution, and asked unanimous consent for its consideration. I was very much surprised indeed when the gentleman from New York arose and sent to the Clerk's desk the telegram from the Secretary of the Treasury, which has just been read in the hearing of the House. In view of the reading of the telegram I ask that the following letter from the Secretary of the Treasury, under date of January 8, 1906, be read.

The Clerk read as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, January 8, 1906.

The CHAIRMAN OF THE COMMITTEE ON PRINTING,
House of Representatives.

SIR: On February 6, 1902, a joint resolution (143) "to provide for the printing of a digest of the United States customs laws and decisions" was introduced by Mr. Metcalf, and referred to your committee. A similar joint resolution was introduced by Mr. LANDIS during the second session of the Fifty-eighth Congress. These resolutions provide in effect for the printing of a stated number of copies of a digest prepared by Robert M. Cousar, and appropriate a sum not to exceed $3,000 in payment therefor.

This is the only digest known to the Department that is so arranged that the decisions of the courts and the Board of United States General Appraisers appear under the respective paragraphs of the tariff.

I am of the opinion that this digest brought down to January 1, 1904, when the Department began the publication in "Treasury Decisions" of court cases, would be useful in the administration of the customs laws, and have the honor to recommend that provision be made for its completion and editorial supervision by such person or persons as may be designated by this Department, $1,000 of the $3,000 appropriated to be paid for this work, and the balance of $2,000 to be paid to the widow of Mr. Cousar.

Respectfully,
L. M. SHAW, *Secretary.*

Mr. CHARLES B. LANDIS. I submit, Mr. Speaker, that the honorable Secretary of the Treasury, in the light of this letter and telegram, was either too high in January or too low in June. I would call the attention of the House to the fact that in his letter the Secretary of the Treasury recommends an appropriation of $3,000 for this publication. The Committee on Printing conferred with the Treasury Department with special reference to the $1,000 asked for bringing the publication down to date and received the assurance that if we would make an appropriation of $2,000 the work would be brought down to date by the Treasury Department, and it would cost the Government nothing. Upon that representation and at the urgent request of the chief of the customs division the Committee on Printing presented this joint resolution. I would say in addition that the Committee on Printing was visited on several occasions by members of the Board of Appraisers of New York City, urging the speedy passage of this joint resolution.

Mr. PAYNE. Will the gentleman yield?

Mr. CHARLES B. LANDIS. Yes.

Mr. PAYNE. Mr. Speaker, I don't know exactly what fault the gentleman is finding with me. I went out and telegraphed, as I agreed, to the Department. I received word that the Department was closed and they could not get any answer. Subsequently I did receive a telegram from the Western Union Telegraph Company, which telegram was read here. I thought it ought to go in for the information of the House. I have no apologies whatever to make for it.

Mr. CHARLES B. LANDIS. Mr. Speaker, I would say that I am not asking the gentleman for any apologies, but I think, in view of the fact that he knew I was going to call up this joint resolution again and ask for unanimous consent to consider it, and in view of the assurance that he had given me, he ought to have informed me of the receipt of that telegram.

Mr. PAYNE. I want to say to the gentleman that I received the telegram after I went to my dinner. I came back here and almost immediately the gentleman attempted to call up his resolution, and the gentleman from Illinois [Mr. MANN] objected.

Mr. MANN. Will the gentleman from Indiana yield to a question?

Mr. CHARLES B. LANDIS. I will.

The SPEAKER. This colloquy is proceeding by unanimous consent. Is there objection to its proceeding further? [After a pause.] The Chair hears none.

Mr. MANN. I think the gentleman has possibly misinterpreted the telegram. When the gentleman from Indiana [Mr. CHARLES B. LANDIS] asked unanimous consent for its consideration at one time this evening I objected. The gentleman from New York [Mr. PAYNE] showed me the telegram, and it was after that that I stated I would withdraw my objections.

The telegram from the Secretary of the Treasury to the gentleman from New York refers only to the manuscript eight years back, whereas the $2,000 provided for in the resolution presented by the gentleman from Indiana, as I understand it, provides for bringing the manuscript down to date, so that the digest comes down to dat , and while the Secretary of the Treasury states that $1,000 is the value of the manuscript as it stands, he still adheres to his original opinion that it will require $1,000 to bring it down to date.

Mr. CHARLES B. LANDIS. The gentleman is in error. The sum of money recommended by the committee contemplates payment to the widow, and there will be no cost whatever for bringing the digest down to date. The $3,000 recommended by the Secretary of the Treasury contemplated that $2,000 of that should go to the widow and a thousand dollars of it toward bringing it down to date.

Mr. MANN. I think the gentleman from Indiana still does not understand the position I call his attention to. While the resolution contemplates paying the widow the $2,000, it also contemplates that the widow or some one acting for her shall bring the digest down to date to the satisfaction of the Secretary of the Treasury.

Mr. CHARLES B. LANDIS. I will say to the gentleman from Illinois that assurances have already been given that the Department will bring it down to date, and there will be no cost whatever to the Government.

Mr. MANN. That is what I say; that it is covered by the $2,000, whereas the telegram to the gentleman from New York did not refer to bringing it down to date. So that there is no conflict here at all.

Mr. PAYNE. I want to call the attention of the gentleman from Indiana to one other thing, and that is that the telegram said it was worth at least $1,000.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of this joint resolution.

The SPEAKER. Is there objection?

Mr. JOHNSON. Was the gentleman who prepared this digest in the employ of the Treasury Department when he prepared it?

Mr. CHARLES B. LANDIS. I could not say whether he was or not.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the House joint resolution.

The question was taken; and the resolution was ordered to be engrossed and read a third time, read the third time, and passed.

RECESS.

Then, on motion of Mr. PAYNE (at 12 o'clock and 19 minutes a. m.), the House took a recess until 10 o'clock and 55 minutes a. m. to-day.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of the harbor of San Juan, P. R., was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed, with illustrations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. GAINES of West Virginia, from the Committee on Election of President, Vice-President, and Representatives in Congress, to which was referred the bill of the House (H. R. 19515) providing for publicity in election expenditures, reported the same with amendment, accompanied by a report (No. 5082); which said bill and report were referred to the House Calendar.

Mr. McCLEARY of Minnesota, from the Committee on the Library, to which was referred the bill of the House (H. R. 20466) to erect a monument on the Tippecanoe battle ground, in Tippecanoe County, Ind., reported the same without amendment, accompanied by a report (No. 5083); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. BURTON of Ohio, from the Committee on Rivers and Harbors, to which was referred the bill of the House (H. R. 15845) to declare a certain portion of the White River unnavigable, reported the same without amendment, accompanied by a report (No. 5084); which said bill and report were referred to the House Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 15902) to declare the James River, in Stone County, Mo., unnavigable, reported the same without amendment, accompanied by a report (No. 5085); which said bill and report were referred to the House Calendar.

Mr. MUDD, from the Committee on Naval Affairs, to which was referred the bill of the House (H. R. 20020) authorizing the Secretary of the Navy to contract for the construction of a floating steel dry dock, reported the same without amendment, accompanied by a report (No. 5090); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. MILLER, from the Committee on Claims, to which was referred the bill of the House (H. R. 19275) for the relief of T. E. Boyt, reported the same without amendment, accompanied by a report (No. 5091); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PATTERSON of South Carolina: A bill (H. R. 20480) to repeal section 3480 of the Revised Statutes of the United States—to the Committee on the Judiciary.

Also, a bill (H. R. 20481) to confer jurisdiction upon the Court of Claims to hear and determine the claims of churches, lodges, and educational or eleemosynary institutions arising from the late civil war—to the Committee on War Claims.

Also, a bill (H. R. 20482) providing that the question of loyalty be not considered in certain cases before the Court of Claims—to the Committee on War Claims.

Also, a bill (H. R. 20483) to revive the right of action under the captured and abandoned property acts, and for other purposes—to the Committee on War Claims.

Also, a bill (H. R. 20484) to amend the Bowman Act, volume 22, Statutes at Large, page 485—to the Committee on War Claims.

Also, a bill (H. R. 20485) to establish in the Department of Agriculture a bureau to be known as the Bureau of Public Highways and to provide for national aid in the improvement of the public roads—to the Committee on Agriculture.

By Mr. SPARKMAN: A bill (H. R. 20486) prescribing a uniform box or crate for interstate shipment of oranges and grape fruit—to the Committee on Interstate and Foreign Commerce.

By Mr. PATTERSON of South Carolina: Joint resolution (H. J. Res. 185) directing the Secretary of Agriculture to cause a survey and investigation to be made of the swamp and tidal lands of the Second Congressional district of South Carolina, to determine the feasibility and cost of leveeing and draining said lands, and the benefits to agriculture and the public health which would result therefrom—to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 20487) granting an increase of pension to Louisa Brown—to the Committee on Pensions.

Also, a bill (H. R. 20488) granting an increase of pension to Martha A. Carroll—to the Committee on Pensions.

By Mr. AMES: A bill (H. R. 20489) granting an increase of pension to Josiah B. Kinsman—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 20490) for the relief of Frank J. Ladner—to the Committee on the Public Lands.

By Mr. DIXON of Indiana: A bill (H. R. 20491) granting an increase of pension to Eliza B. Bond—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 20492) to correct the military record of Samuel P. Hedges—to the Committee on Military Affairs.

By Mr. FULLER: A bill (H. R. 20493) granting an increase of pension to Charles F. Connery—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 20494) for the relief of Mrs. M. F. Charlton, T. B. Latham, of Stewart County, Tenn., and Miss M. E. Latham, of Ensley, Ala.—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 20495) for the relief of Hugh H. Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 20496) for the relief of Matthew H. Moore—to the Committee on Military Affairs.

By Mr. KEIFER: A bill (H. R. 20497) granting a pension to Mary Williams—to the Committee on Pensions.

By Mr. McLACHLAN: A bill (H. R. 20498) for the relief of Daniel Conner—to the Committee on War Claims.

By Mr. MILLER: A bill (H. R. 20499) granting an increase of pension to Michael Pendergrast, alias Michael Blake—to the Committee on Invalid Pensions.

By Mr. PATTERSON of South Carolina: A bill (H. R. 20500) for the relief of the heirs of Joseph G. Thorpe, deceased—to the Committee on War Claims.

By Mr. POU: A bill (H. R. 20501) granting a pension to Mrs. Stapleton Hayes—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 20502) granting an increase of pension to Samuel B. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20503) granting an increase of pension to Nancy Lee—to the Committee on Invalid Pensions.

By Mr. SOUTHARD: A bill (H. R. 20504) granting a pension to Susan Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20505) granting a pension to Thomas R. Woodrough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20506) granting a pension to William H. Waltman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20507) to correct the military record of Myron T. Palmer—to the Committee on Military Affairs.

By Mr. LOUD: A bill (H. R. 20508) to classify and bond pay officers' clerks—to the Committee on Naval Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Paper to accompany bill for relief of Martha A. Carroll and Louise Brown—to the Committee on Pensions.

Also, petition of people of upper Savannah, Tugaloo, and Seneca rivers, for appropriation to deepen the Savannah, Seneca, and Tugaloo rivers—to the Committee on Rivers and Harbors.

By Mr. BARTLETT: Petition of Georgia State Dental Association, for S. 2355, to reorganize the corps of dental surgeons in the Army—to the Committee on Military Affairs.

By Mr. FULLER: Paper to accompany bill for relief of Charles T. Connery—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Paper to accompany bill for relief of heirs of W. S. Latham—to the Committee on War Claims.

By Mr. KNAPP: Petition of citizens of Redfield, N. Y., for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. KNOWLAND: Paper to accompany bill for relief of Conrad Hyne—to the Committee on Military Affairs.

By Mr. McLACHLAN: Paper to accompany bill for relief of Daniel Conner—to the Committee on Claims.

By Mr. MAHON: Paper to accompany bill for relief of Mrs. Charles F. Kulicke, widow of Charles F. Kulicke—to the Committee on War Claims.

By Mr. MOON of Tennessee. Paper to accompany bill for relief of W. H. Bean—to the Committee on Claims.

By Mr. POU: Petition of W. J. Bailey, Raleigh, N. C., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Kinly Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. RYAN: Petition of Travelers' Protective Association of America, against exceptions favorable to express companies in the rate bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SOUTHARD: Petition of Board of Trade of Chicago, for Government inspection of meat packing products—to the Committee on Agriculture.

Also, petition of Tri County Bulletin, Grand Rapids, Ohio, for amendment of postal laws making legal all paper subscriptions—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of New York State commission to the Jamestown Tercentennial Exposition—to the Committee on Industrial Arts and Expositions.

Also, petition of the New Immigrants' Protective League, against the Dillingham-Gardner bill—to the Committee on Immigration and Naturalization.

SENATE.

SATURDAY, *June 30, 1906.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. JOHN VAN SCHAICK, Jr., of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. BURROWS, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

SENATOR FROM UTAH.

Mr. BURROWS. Mr. President, I ask permission to make a brief statement.

The VICE-PRESIDENT. Without objection, permission is granted.

Mr. BURROWS. When the Committee on Privileges and Elections made its report in the matter of the senior Senator from Utah [Mr. SMOOT] it was the desire and purpose of the committee to bring the matter before the Senate and dispose of it at the present session. The public business, however, has been so pressing and the necessity of passing the usual appropriation bills before the close of the fiscal year so urgent, and owing to the great importance of the questions involved in the report of the Committee on Privileges and Elections, it has been impossible to bring it to the attention of the Senate.

I desire to give notice that as it is a privileged matter, I shall call it up on the first day of the session in December, and ask the Senate to proceed with it to its conclusion.

ISTHMIAN EXPOSITION AT TAMPA, FLA.

The VICE-PRESIDENT laid before the Senate the following concurrent resolution of the House of Representatives, which was read:

Whereas it is fitting that the commencement of the work on the Panama Canal should be celebrated in a suitable manner to the end that the importance of this great isthmian waterway may be accentuated and the sentiment in favor of its early completion fostered and kept alive; and

Whereas the city of Tampa, in the State of Florida, by reason of its being farther to the southward and nearer to said canal than any other city in the country, having a deep and commodious harbor, reached by ample railroad facilities, as also on account of its salubrious climate and the spirit of American progress among its citizens, manifest in the rapid growth and development of the city and her commerce, affords a suitable place for such an exhibition; and

Whereas it has been determined to hold such an exposition at Tampa, Fla., during the months of January, February, March, April, and May, A. D. 1908; and

Whereas his excellency, Napoleon B. Broward, governor of the State of Florida, did on the 30th day of December, 1905, issue his proclamation calling an isthmian exposition to be held in the city of Tampa, commencing in the month of January, A. D. 1908, for the purpose aforesaid, and inviting the governors of the several States comprising the United States of America, as well as the governors of the Territories of the United States, to secure the cooperation of their State legislatures in aid of said exposition by participating therein and sending exhibits of their resources to said exposition: Therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the President be, and he is hereby, requested to hold a naval review in Tampa Bay at such time during the progress of said exposition as he may deem best.

Resolved further, That the President of the United States be, and he is hereby, requested to cause to be made such display of the Army of the United States at said exposition as he may deem advisable.

Resolved further, That nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

Mr. MALLORY. I ask unanimous consent for the present consideration of the resolution.

Mr. HALE. I want to see what the language is, because I do not want to have the Government committed to any more expositions. Is there any clause in it providing that there shall be no call on the Government? If there is not, I shall have to object.

Mr. MALLORY. It does not commit the Government.

The VICE-PRESIDENT. The last clause of the concurrent resolution provides that—

Nothing contained in this concurrent resolution shall be construed as committing the United States to any obligation hereafter to appropriate money for expenses or liabilities of any kind or character made or incurred by anyone for the entertainment of the guests of such exposition, or in connection with such celebration and exhibition.

Mr. HALE. We will try to keep to that if possible.

Mr. KEAN. It is a good beginning.

Mr. HALE. Everybody is very tired of these expositions.

The Senate, by unanimous consent, proceeded to consider the concurrent resolution.

Mr. FLINT. Mr. President, I am very glad to support this resolution, as I desire to offer a resolution at the next session of Congress providing for an international exposition at Los

Angeles, Cal., to commemorate the completion of the Panama Canal in 1915. [Laughter.]

The concurrent resolution was agreed to.

MISSOURI RIVER BRIDGE AT SOUTH OMAHA, NEBR.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 17972) to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.

Mr. NELSON. That bill was read last night. I ask for its present consideration.

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

JUNCTION CITY POST, GRAND ARMY OF THE REPUBLIC.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 177) authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, department of Kansas.

Mr. LONG. The joint resolution was read last night. I ask unanimous consent for its consideration.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

THOMAS H. KENT.

The bill (H. R. 8825) for the relief of Thomas H. Kent was read the first time by its title.

Mr. CARTER. A similar bill was reported favorably from the committee, and it is recommended by the Department. I ask for its consideration.

The bill was read the second time at length, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, directed to pay, out of any money now in his hands or hereafter received from the sale of Crow lands in Montana, to Thomas H. Kent, of Sweet Grass County, Mont., the sum of $2,007.20, for the reimbursement to the said Thomas H. Kent for money actually expended by him in causing to be made the survey known as the "Bundock survey," within the boundaries of land ceded by the Crow Indians in Montana, to the United States, under treaty dated August 27, 1892, a map or plat of said survey having heretofore been filed in the Office of the Commissioner of Indian Affairs and marked "11622, Indian Office."

There being no objection, the bill was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HOUSE BILL REFERRED.

H. R. 19750. An act to amend an act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended by the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, was read twice by its title, and referred to the Committee on Finance.

RAILROAD IN ALASKA.

H. R. 18891. An act to aid in the construction of a railroad and telegraph and telephone line in the district of Alaska was read twice by its title.

The VICE-PRESIDENT. The bill will be referred, without objection, to the Committee on Territories.

Mr. HANSBROUGH. Mr. President——

Mr. NELSON. The bill belongs to the Committee on Territories.

Mr. HANSBROUGH. I think the bill should go to the Committee on Public Lands.

Mr. NELSON. It goes to the Committee on Territories. That committee has had jurisdiction of all such measures.

Mr. HANSBROUGH. Upon what theory does the Senator from Minnesota claim that the bill should be referred to the Committee on Territories?

Mr. NELSON. Because it relates to the Territory of Alaska.

Mr. HANSBROUGH. It is an appropriation of public land, and it has been the uniform custom of the Senate and the rule of Congress that all bills appropriating public lands should go to the Committee on Public Lands. I insist that the bill which came out of the Committee on Territories providing for a special charter for a railroad and which has been up for consideration here several times should have gone to the Committee on Public Lands originally.

Mr. NELSON. All bills relating to Alaska have gone to the Committee on Territories. There have been several railroad bills before that committee at every session since I have been here. They have all gone to the Committee on Territories.

The VICE-PRESIDENT. The Chair understands that such has been the practice.

Mr. BERRY. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Arkansas?

Mr. HANSBROUGH. Certainly.

Mr. BERRY. I agree with the Senator from North Dakota. The Committee on Public Lands has always had the control of bills of this character. This bill proposes to appropriate a certain quantity of public lands to this railroad company. I do not think it pertains to Territories at all, but the Public Lands Committee has always had bills relating to grants of public land in Alaska and everywhere else. It seems to me the bill belongs to the Committee on Public Lands.

Mr. HANSBROUGH. The original act granting a right of way to railroad companies in Alaska was considered by the Public Lands Committee and reported out of that committee.

The VICE-PRESIDENT. Does the Senator from North Dakota move to refer the bill to the Committee on Public Lands?

Mr. NELSON. I move that the bill be referred to the Committee on Territories. We have had all the railroad bills pertaining to Alaska before that committee.

Mr. HANSBROUGH. I do not care, of course, to be obstinate on this question, because the Committee on Public Lands has all the work it can do. There have been some 125 or 130 bills referred to that committee. I simply desire to say that there is no doubt that all bills of this character making grants of public lands have heretofore been referred to the Committee on Public Lands, and to that committee I think this bill ought to go.

I move to lay the motion of the Senator from Minnesota on the table.

The VICE-PRESIDENT. The Senator from North Dakota moves to lay the motion of the Senator from Minnesota on the table.

The motion to lay on the table was not agreed to.

Mr. BERRY. I move to strike out "Territories," in the motion, and to insert "Public Lands."

The VICE-PRESIDENT. The Chair understands that it is not according to the rules to amend a motion to refer. The question is on the motion of the Senator from Minnesota to refer the bill to the Committee on Territories.

The motion was agreed to.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the Vestry of St. Luke's Episcopal Church, of Remington, Va., *v.* The United States; which, with the accompanying paper, was referred to the Committee on Claims, and ordered to be printed.

COAL AND COAL LANDS.

The VICE-PRESIDENT laid before the Senate a communication from the Postmaster-General, transmitting, in response to the resolution of the 29th instant, a statement giving the contracts for the purchase of coal to be used by the Post-Office Department during the present fiscal year; which, with the accompanying papers, was ordered to lie on the table and to be printed.

He also laid before the Senate a communication from the Attorney-General, transmitting, in response to the resolution of the 29th instant, a statement showing the contracts entered into by the Department of Justice for coal for use by that Department for the present fiscal year, and also for he fiscal year 1907; which was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1906, shall go into effect, with an amendment to the title; in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20403) making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, further insists upon its disagreement to the amendments of the Senate Nos. 11, 14, 17, 21, 27, 30, 38, 40, 54, 58, 70, 108, 120, 146, and 159, agrees to the further conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD managers at the conference on the part of the House.

The message also announced that the House had passed a joint resolution (H. J. Res. 183) providing for the printing of reports ordered by the river and harbor act of March 3, 1905; in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the concurrent resolution of the Senate directing the conferees on the public-buildings bill to add to said bill an item of appropriation of $100,000 for the construction of a public building at Albuquerque, N. Mex.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (S. 6209) authorizing certain changes in the permanent system of highways in the District of Columbia; and it was thereupon signed by the Vice-President.

INVESTIGATION OF AFFAIRS IN INDIAN TERRITORY.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Wyoming [Mr. CLARK] on March 1, 1906, to report a substitute therefor. I ask for the present consideration of the proposed substitute.

The VICE-PRESIDENT. The proposed substitute will be read.

The Secretary read as follows:

Resolved, That a select committee consisting of five Senators be appointed to fully investigate all matters connected with the condition of affairs in the Indian Territory in relation to legislation included in an act entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April 26, 1906, and kindred matters in said Territory with reference to the Five Civilized Tribes, and that said committee be authorized to employ a stenographer to report its hearings, and all necessary clerical assistance; and said committee is authorized to sit in the city of Washington and in the Indian Territory, or elsewhere, as circumstances may demand, with power to send for persons and papers and to administer oaths, and shall make full and complete report, together with their conclusions and recommendations, to the Senate of the United States on the first Monday in December, A. D. 1906. The necessary expenses of said committee shall be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution just read?

Mr. BAILEY. Mr. President, for myself I wish to understand what is the purpose of the resolution. I have a pretty definite idea that it will accomplish no good. We have admitted that country as a State, and I do not understand what business Congress now has with a committee down there while those people are preparing for statehood.

Mr. CLARK of Wyoming. The Senator from Texas will remember that at the time the Five Civilized Tribes bill was under consideration in this body at the present session it developed a deplorable ignorance as to all matters affecting the legislation then pending.

While it is true that an enabling act has been passed for Oklahoma and Indian Territory, it is also true that the tribal relations still exist in the Indian Territory. The lands have not yet been allotted. There are questions of alienation, there are questions of citizenship, there are questions of the disposal of the property of the Indian tribes, and the Indians, upon which Congress ought to be fully advised.

I believe it was the unanimous sentiment at that time that some information ought to be furnished to the Senate which would serve as a basis for intelligent action upon matters connected therewith.

Mr. BAILEY. I have frequently realized that it was a positive misfortune that the Congress did not possess more accurate and more abundant information in respect to the conditions in the Indian Territory. I have seen the Senate repeatedly do what I felt sure it would not have done if it had thoroughly understood the conditions in that country. But the trouble is, we have about completed our legislation with respect to it, and it looks to me now like seeking information after the fight. But if the Committee on Indian Affairs thinks this is a proper resolution, I shall not oppose my single objection to the combined wisdom of the committee charged especially to deal with it.

However, I will say in passing that unless this committee learns more about the Indian Territory in this investigation than it has heretofore learned from the people who come here and who testify and make statements before the committee, it will be a waste of time and money.

I shall not, myself, do more than vote against the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution which has been read.

The resolution was not agreed to.

ASSISTANT CLERK TO COMMITTEE ON RULES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Wisconsin [Mr. SPOONER] on the 14th instant, to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

Resolved, That the Committee on Rules be, and it is hereby, authorized to employ an assistant clerk, in lieu of the messenger authorized by the resolution of January 4, 1906, to be paid from the contingent fund of the Senate at the rate of $1,800 per annum until otherwise provided by law.

The amendment of the committee was, to add at the end of the resolution "to take effect July 1, 1906."

The amendment was agreed to.

The resolution as amended was agreed to.

DAVID UPHAM.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 18545) granting an increase of pension to David Upham, to report it without amendment, and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of David Upham, late of Company I, Ninth Regiment Kansas Volunteer Cavalry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

MARGARET MUNSON.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 19163) granting an increase of pension to Margaret Munson, to report it without amendment, and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Margaret Munson, widow of William H. Munson, late of Company B, Fourteenth Regiment Vermont Volunteer Infantry, and to pay her a pension of $16 per month in lieu of that she is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY A. CONANT.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 19241) granting an increase of pension to Henry A. Conant, to report it without amendment; and I ask unanimous consent for the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Henry A. Conant, late of Company I, First Regiment Ohio Volunteers, war with Mexico, and to pay him a pension of $20 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

ANDREW LEOPOLD.

Mr. McCUMBER. I am directed by the Committee on Pensions, to whom was referred the bill (H. R. 19926) granting an increase of pension to Andrew Leopold, to report it without amendment, and I ask unanimous consent for its present consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to place on the pension roll the name of Andrew Leopold, late of Company B, Thirty-eighth Regiment Wisconsin Volunteer Infantry, and to pay him a pension of $30 per month in lieu of that he is now receiving.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

BILLS INTRODUCED.

Mr. WARREN introduced a bill (S. 6554) to provide for the purchase of a site and the erection of a public building thereon at Rock Springs, in the State of Wyoming; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 6555) for the relief of Richard A. Proctor; which was read twice by its title, and referred to the Committee on Claims.

Mr. MILLARD introduced a bill (S. 6556) to reimburse certain persons for the preparation of an analytical index to testimony taken before the Committee on Interoceanic Canals; which was read twice by its title, and referred to the Committee on Interoceanic Canals.

MALINDA S. GRAY.

Mr. HEMENWAY. I ask unanimous consent to call up the bill (S. 1473) for the relief of Malinda S. Gray.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Malinda S. Gray, widow of the late Frederick S. Gray, the sum of $356.10, the same being in lieu of check issued and returned to the Government by Frederick S. Gray.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

PUBLIC BUILDINGS BILL.

Mr. SCOTT. Mr. President, I wish to ask the Senate to have patience, and to state that as soon as the report can be written up by the clerks the conferees on the public buildings bill have agreed on a report, which will be presented.

It was with great reluctance, Mr. President, that your conferees were compelled to yield on what to them was a very important—one of the most important amendments that the Senate committee had placed in the bill. I refer to section 24, or the so-called "site for the Departments of Justice, Commerce and Labor, and State Department." That measure had passed the Senate by a unanimous vote and your conferees felt that they were expected to stand to the last minute and retain that provision in the bill; but yet, as I said, we had reluctantly to abandon it.

Mr. President, it is with humiliation, if not shame, that I have to make this statement. When the two Houses of Congress make appropriations for buying sites for putting up public buildings all over the country in small cities and towns, and when we are erecting two magnificent buildings within the shadow of the Capitol for the comfort and convenience of ourselves, yet we allow the two great Departments of this Government to go uncared for and without a roof over their heads, housed in rented buildings, ill adapted for conducting the business of these Departments and certainly very inconvenient to those who have to conduct these branches of our Government.

And, Mr. President, another thing: If we were doing business as business men would act for themselves, this would not be a condition existing for any length of time.

The rents that are being paid for the buildings that house these two great Departments are five or six times the interest on the money that would be required to put up magnificent buildings.

Then, Mr. President, in addition to that, if I had my way Washington would not only be, as she is now, perhaps, one of the most beautiful cities of the world, but I would make her still more beautiful until she would be the admiration of all civilized countries. I would buy every foot of available land that I thought the Government would need for years to come, and I would allow future generations, by the issuing of a long-time bond, to pay for these improvements and beautifications, which will cost less to-day than they ever will again, because every day increases the value of the property in the capital city or our country. The Washington Times recently contained the following appropriate reference to this matter:

The Government's borrowing rate is about 1.9 per cent. It pays annually as rental for the District National Guard about $12,000. The rent bill is, therefore, the interest on $631,570. Without taking into account the loss to the Government through the use of inadequate quarters, the scattering of its offices, and waste time, the construction of a National Guard building at any figure less than $631,570 would be a measure of practical economy.

But the provision in the omnibus public building bill does not go even that far. It carries no appropriation whatever. It provides merely that Armory Square shall be dedicated for use as the site of a National Guard building and authorizes three officials of the Government, already under salary, to prepare plans and specifications for the building. Wherein the elimination of this item from the measure reduces its total would be hard to determine.

What has been said of the National Guard building is more impressively true of the $3,000,000 item carried in the sundry civil bill for the purchase of office sites for the three Departments named. These columns have argued the case of those buildings more than once. Every consideration of national pride and self-respect should move Congress to make the allowances inserted in the bill by the Senate.

But if national pride and self-respect will not reach the Speaker as forces helpful to his organization, let him consider national economy. It applies to this project as effectively as to any other similar one which could be cited. The Government pays now as rental for departmental quarters, not the interest on $3,000,000 or $6,000,000, but the interest on $18,000,000, and that sum takes no account of the loss through inefficient and inconvenient service due to the present accommodations. Calculating those items also, the annual outlay on bad departmental accommodations is the interest on $34,000,000, in which the three Departments indicated have more than their share.

The Speaker is above all a business man. Let him consider these public building items in the light of good business administration.

I say again, Mr. President, it was with great reluctance that we allowed this amendment that the Senate committee and the Senate had put into the bill to go out in conference.

Mr. HALE. I hope the Senator from West Virginia will, as he has indicated, see that the clerks push forward the matter of the report, because that is all that is keeping the Senate here, as the Senator understands.

Mr. SCOTT. They are writing it up. It will be ready in about twenty minutes, I understand.

Mr. WARREN. I wish to add a word to what my colleague on the committee has said about public buildings in the District of Columbia. He has spoken of the good business policy of buying the property before it is higher, and it seems to me that the best business policy would require us to construct every building that is required for the use of the Government in Washington, where the Government has to pay but 2 per cent for money if it borrows, and at present—and the future promises the same—we shall not have to borrow. We should build, instead of paying, as we do now, from 7 to 15 per cent rent on the cost of buildings. As a matter of business, we ought to proceed generously and rapidly with public buildings in the District of Columbia.

DEFICIENCY APPROPRIATIONS.

Mr. HEMENWAY. Mr. President, I intended when the general deficiency bill was pending in the Senate to submit a few remarks as to the legislation which was enacted a year ago on the general deficiency appropriation bill. I ask the Secretary to read the statute which was then enacted.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested by the Senator from Indiana.

The Secretary read as follows:

SEC. 3. Section 3679 of the Revised Statutes of the United States is hereby amended to read as follows:

"SEC. 3679. No Department of the Government shall expend in any one fiscal year any sum in excess of appropriations made by Congress for that fiscal year or involve the Government in any contract or obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law; nor shall any Department or officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made for the fulfillment of contract obligations expressly authorized by law or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent undue expenditures in one portion of the year that may require deficiency or additional appropriations to complete the service of the fiscal year, and all such apportionments shall be adhered to except when waived or modified in specific cases by the written order of the head of the Executive Department or other Government establishment having control of the expenditure, and all such waivers or modifications, together with the reasons therefor, shall be communicated to Congress in connection with estimates for any additional appropriations required on account thereof.

"Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than $100 or by imprisonment for not less than one month."

Mr. HEMENWAY. Mr. President, I drafted that provision of law a year ago and submitted it to the Senator from Maine [Mr. HALE], and it met with his hearty approval. There was great objection to it by the different Departments of the Government.

Now, after the law has been in operation for a year, I think it is due to the Senator from Maine as well as to myself to say something about its effect.

The general deficiency bill a year ago carried appropriations amounting to $31,000,000 of deficiencies. It is fair to say that of the $31,000,000 about $10,000,000 covered judgments and audited claims, as only about $20,000,000 in that bill carried real deficiencies.

The bill that passed the Senate last night, in charge of the Senator from Maine, carried only $10,000,000 of deficiencies, and of the $10,000,000, $7,000,000 was in payment of judgments and audited claims. So the result of that statute for one year, I could safely say, has resulted in the saving of over $10,000,000 to the Government, if not the full difference of $20,000,000,

The Departments of the Government have grown into the habit of ignoring the acts of Congress. The Appropriations Committees would sit for weeks and work out what they believed the different Departments ought to expend along various lines, and the Departments would pay no attention to the acts of Congress, but simply use any sum of money they saw fit to use, and come back to Congress in the way of deficiencies and say, "Why, here, the money is expended. What can we do?" And as a rule Congress would appropriate and make good the deficiency, the tendency being simply to ignore the Congress of the United States and turn this Government over to the different Departments to run at their own good will.

I am glad to state, Mr. President, that the present chairman of the Committee on Appropriations of the House, Mr. TAWNEY, consulting with the Senator from Maine [Mr. HALE], has amended this section at this session, and we hope, with the section of the statute as now amended, to absolutely prevent the Departments of the Government from ignoring the Congress of the United States and spending more money than we authorize them to spend.

A year ago Congress reduced the estimates of the different Departments over $42,000,000. When this Congress adjourns, with the appropriations made for this year, there will have been a very great reduction, and I think it is time that Congress should look to it that the Departments of the Government shall not control matters of appropriation, but that Congress shall control them.

There has been a growing tendency to build up in the great Departments of the Government newspaper bureaus to hammer Congress into doing their sweet will. Now, with ten years' experience on appropriations, I can say that, when that time comes, there will be deficiencies every year, because if you were to follow all the recommendations that they make for the expenditure of money, they would bankrupt the Government in just a little while.

Mr. President, I think it due to myself and due to the Senator from Maine, in view of the criticisms during last summer, when this provision went into effect, to state to Congress and to the country the result of this provision of law.

Mr. HALE. Mr. President, the country, and the Treasury, representing the Departments through which the expenditures finally come, owe a great debt to the Senator from Indiana for originating and carrying through this practical reform. My part in it was very slight, and any credit that is due to me is very small compared to what is due to the Senator from Indiana. I was very glad in every way to conform to his idea of meeting a great abuse that had grown up in almost all the Departments of every year seeking to avoid the limitations on appropriation made by Congress and running into extravagant deficiencies.

Mr. SPOONER. Will the Senator allow me to ask him a question?

Mr. HALE. Certainly.

Mr. SPOONER. To what extent has the present law been violated since it was enacted?

Mr. HALE. I think all the Departments have been careful with regard to countervailing the law. Of course, it takes time, in a great government expending the amount of money that we do, to get used to new conditions, and there have been some cases—emergency cases—which are provided for in the law, where there have been deficiencies, and there always will be some real deficiencies.

The law has been strengthened. It is provided in one of the appropriation acts this year that, in the first place, the Departments shall send in their estimates, as far as practicable, all at once. They had a fashion of sending in what was at hand and then to keep sending in and claiming that they must have new appropriations because they had new estimates. We are providing for all that.

I hope in time the Departments will take notice that it is Congress which provides the money; that it is the discretion of Congress that settles the amount of money, and that no Secretary and no understrapper in a Department has any business to beset Congress and importune for more appropriations than Congress has given. If the head of the Department believes that under the statute there are real deficiencies and emergency deficiencies, he should estimate them, and Congress should settle it, but for one I am tired of being importuned by the minor officers or understrappers of the different Departments, the Assistant Secretaries and heads of bureaus, to make more and more appropriations. I hope that practice will cease.

Mr. WARREN. I wish to draw the attention of the Senator from Maine to one item. What he is talking about is of great interest, and I think the Senate should be attracted by it. I think the Senator from Maine and others are getting along faster in the real reduction of deficiencies than appears from the deficiency bills themselves, for the reason that after the estimates are made by the Departments there is liable to be at the other end of the Capitol appropriations something less than these estimates by the Departments called for. They come here; sometimes they are raised; but when we go into conference I notice the first items liable to go out in dispute are those where the law provides for certain annual appropriations, as, for instance, for subsistence and salaries of the Army and Navy. I notice that in the Army appropriation bill the sum is apt to be reduced in the conference below what the estimates are and below what the law provides for, and therefore there occurs a seeming deficiency which is really not a deficiency. I do not know whether we can protect ourselves against that or not.

Mr. CULLOM. Mr. President, having had charge of the bill providing for the legislative, executive, and judicial expenses of the Government I have noticed in handling the bill this year that there has been apparently a greater effort or desire expressed on the part of the Cabinet officers and their subordinates to keep themselves within the limits of the appropriations, and I suppose that in part it is the result of the law that has just been read, which was drafted by the Senator from Indiana [Mr. HEMENWAY].

There is another thing that I want to say. The provision that we put in that bill providing that the Cabinet officers shall make full estimates for all that they desire in the bill, and it shall be sent in the regular estimates, so as to avoid the constant writing of letters to Congress for a little more money or for something that they had forgotten, I think will work great advantage to the Government. It has grown up as a practice, probably not any more in this Administration than any other, to put in the estimates what they think of at the time as convenient and easily gathered together, and leaving out hundreds of items they write letters about. They do not seem to realize what annoyance that sort of proceeding is. The result of it has been that we put a provision in that bill requiring that full estimates shall be made of all the expenditures necessary for the Government. I am inclined to think that we shall get the mode of doing business in better shape, and that we shall save money by the course which has recently been pursued.

REGULATION OF RAILROAD RATES.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect; which was to amend the title so as to read: "Joint resolution fixing the date upon which the act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, shall go into effect."

Mr. CULLOM. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

REPORTS OF RIVER AND HARBOR EXAMINATIONS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 183) providing for the printing of reports ordered by the river and harbor act of March 3, 1905; which was read the first time by its title and the second time at length, as follows:

Resolved, etc., That at any time prior to the assembling of Congress in December, 1906, all reports of preliminary examinations and surveys ordered in the river and harbor act of March 3, 1905, that may be ready for printing shall, in the discretion of the Secretary of War, be printed by the Public Printer as documents of the Fifty-ninth Congress.

Mr. NELSON. I ask unanimous consent for the present consideration of the joint resolution.

There being no objection, the Senate, as in Committee of the Whole, proceeded to the consideration of the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COMMITTEE SERVICE.

Mr. PENROSE. I move that the Senate proceed to the consideration of executive business.

Mr. McCUMBER. Will the Senator withhold the motion until I can make a request?

Mr. PENROSE. Certainly.

Mr. McCUMBER. Mr. President, I ask to be excused from further service on the Committee on Manufactures and also on the Committee to Investigate the Condition of the Potomac River Front at Washington.

I desire to say that I have remained on the Committee on

Manufactures during the last two or three years only for the purpose of securing the enactment of what is known as the "pure-food bill." That bill having become a law at this session, I desire to be relieved from further service on that committee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from North Dakota that he be excused from further service on the committees named by him? The Chair hears none, and the request is granted.

INVESTIGATION OF AFFAIRS IN INDIAN TERRITORY.

Mr. BAILEY. Mr. President, a few moments ago I resisted the resolution proposed by the Senator from Wyoming [Mr. CLARK] to appoint a committee to visit the Indian Territory and investigate certain matters relating to that country. Since then I have conferred with the Senator from Wyoming, and he informs me that the purpose of the resolution is to enable that committee to obtain some personal knowledge concerning conditions existing in that country.

The Senator from Wyoming further explained to me that the purpose of the committee is to send a subcommittee there, so that they may report as to personal knowledge concerning the condition of that country with particular reference to the disposition of the coal and other mineral lands and as to the removal of the restrictions upon the alienation of Indian allotments. If the committee will visit that country and see the great progress it has made and the splendid white population which now inhabits it, I feel confident that it will take my view that the only wise legislation now is with reference to the progress of the white man rather than to the preservation of the Indian. I believe that that investigation will be conducted thoroughly and that there will be no attempt made to undo what has already been done with reference to the settlement of the vexed Indian problems.

I not only believe, Mr. President, that the committee will find that it is sensible and just to remove the restrictions on alienation in that country, but I believe that when they investigate the subject and find the great value and possibilities of those mineral lands, they will dedicate them to a school fund for the education of the children of that country. Hoping that such will be the result of their visit and investigation, I move to reconsider the vote by which the resolution was defeated.

The VICE-PRESIDENT. The question is on the motion of the Senator from Texas, to reconsider the vote by which the resolution reported from the Committee to Audit and Control the Contingent Expenses of the Senate by the Senator from New Jersey [Mr. KEAN] was disagreed to.

The motion to reconsider was agreed to.

The VICE-PRESIDENT. The question recurs upon the adoption of the resolution.

Mr. CULBERSON. Mr. President, I desire to inquire what appropriation, if any, the pending resolution carries?

Mr. KEAN. The resolution provides that the expenses shall be paid from the contingent fund of the Senate.

The VICE-PRESIDENT. The language of the resolution is: "The necessary expenses of said committee shall be paid out of the contingent fund of the Senate."

Mr. CULBERSON. I ask the chairman of that committee what the probable expenses have been estimated by the committee to be?

Mr. KEAN. The committee has made no estimate.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. CULBERSON. Certainly.

Mr. CLAPP. There are two questions involved in that Territory; one the question of alienation, and the other the disposition of the coal lands. Personally I am not opposed to this resolution, nor am I in favor of it. I do not believe that it is possible to determine the value of coal lands in the Indian Territory or in any other section, except as those lands are developed. I have no doubt much of the land now segregated will prove to have no coal, while there will be vast deposits found outside of the land now segregated.

In regard to the question of alienation, I do not believe that much can be learned by studying the situation down there. It is a broad question; it is a question we have got to ultimately settle from our general knowledge and on our best judgment of what the outcome will be.

I share in the sentiments of the Senator from Texas [Mr. BAILEY]; but I want to say that this investigation is not designed so much for the information of Senators of the committee who are to visit the Indian Territory as it is for the members of the Senate outside of the committee. The committee, with one or two exceptions, is pretty thoroughly impressed with the importance of as rapidly as possible removing the restrictions against alienation and opening that country to settlement.

As to the amount proposed to be expended, there has been no estimate made, so far as I know.

Mr. CULBERSON. Mr. President, the inquiry I made with reference to the probable cost of this committee leads me to call attention to the expenses of the Government for the past four years.

On the 14th of September, I believe it was, 1901, by the death of President McKinley, Vice-President Roosevelt became the acting President of the United States, upon whom, to use the language of the Constitution, the powers and duties of the office of President devolved. It was not, however, until 1903 that the full effect of the Administration of President, or acting President, Roosevelt—whichever it may be—upon expenditures was developed; and I desire to call attention to the total revenues and expenditures of the Government for the years 1903, 1904, 1905, and 1906, as stated in the reports of the Secretary of the Treasury.

Total revenues and expenditures for the years named, as shown by the reports of the Secretary of the Treasury.

1903.

Revenues	$694,621,117.64
Expenditures	640,323,450.28
Surplus	54,297,667.36

1904.

Revenues	684,214,373.74
Expenditures	725,984,945.65
Deficit	41,770,571.91

The sum of $50,164,500 was paid this year on the Panama Canal matter. Aside from this amount expenditures increased that year more than $35,000,000 over the previous year.

1905.

Revenues	$697,101,269.95
Expenditures	720,105,498.55
Deficit	23,004,228.60

The sum of $3,918,819.83 was paid this year on the Panama Canal matter. It will be observed, however, that omitting this and although expenditures for 1904 were augmented by the abnormal Panama appropriation, exceeding $50,000,000, the expenditures for this year (1905) were almost equal to those of 1904, and exceeded those of 1903 by $75,863,228.44.

1906 (ESTIMATED).

Revenues	$738,590,515.00
Expenditures	746,590,515.00
Deficit	8,000,000.00

The sum of $12,500,000 for the Panama Canal is included in this estimate of expenditures. Deducting this amount, the expenditures for 1906 were $13,985,016.45 greater than 1905 and $93,767,064.72 greater than 1903, after which Panama expenditures began.

Exclusive of the Panama appropriation, the increase of expenditures in 1904 over 1903 was $35,496,995.37; the increase in 1905 over 1904 was $40,366,233.07, excluding Panama each year; and the increase in 1906 over 1905, exclusive of Panama each year, was $17,903,836.28. This shows an aggregate increase of expenditures, excluding all expenses in Panama, of $93,767,064.72 in three years. As usual with this Administration, expenditures for the military and naval establishments increased for this period, and of the preceding amount the increase for the naval establishment alone exceeded $34,000,000 for the three years. The total expenditures for the years 1903, 1904, 1905, and 1906 was $2,933,004,409.48, and deducting Panama expenses it was $2,866,421,089.65. The total expenditures of the years 1898, 1899, 1900, and 1901, the four full years of McKinley, was $2,430,316,390.29. It thus appears that, exclusive of all expenses in Panama, the expenditures for the four years of Roosevelt exceeded those of the four years of McKinley, although he conducted the Spanish war, by the extraordinary sum of $436,104,699.36.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

The VICE-PRESIDENT subsequently appointed as the members of the committee authorized by the resolution of Mr. CLARK of Wyoming, Mr. LONG, Mr. BRANDEGEE, Mr. TELLER, and Mr. CLARK of Montana.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from Wisconsin?

Mr. PENROSE. I yield to the Senator from Wisconsin if his proposition is not going to lead to any extended debate.

Mr. LA FOLLETTE. I do not think it will lead to any debate,

I will say to the Senator from Pennsylvania. Mr. President, I desire to submit a request for unanimous consent.

The VICE-PRESIDENT. The Senator from Wisconsin submits a request for unanimous consent, which will be read by the Secretary.

The Secretary read as follows:

I ask unanimous consent that the pending bill for the safety of employees and travelers upon railroads may come up for consideration as the unfinished business on the second Monday of December, at 2 o'clock p. m.; that the motion of the Senator from Ohio [Mr. FORAKER] to recommit the bill, together with my motion to lay on the table, be withdrawn, and that a vote be had on all pending amendments and the bill at 3 o'clock on Wednesday, December 12, 1906, without further debate.

Mr. GALLINGER. Mr. President, I will ask the Senator from Wisconsin if, in his judgment, the request, if agreed to, would commit the Senate against the making of a motion to recommit when the matter comes before the Senate during the next session?

Mr. LA FOLLETTE. If it does not, I will modify the request so that that shall be——

Mr. GALLINGER. But I would object to that. I think that is a parliamentary privilege that ought to be left open. It always is left open.

Mr. LA FOLLETTE. I am submitting the request for unanimous consent——

Mr. GALLINGER. I am satisfied that it would be open anyway. Now, Mr. President, I shall not object, although I think it is bad procedure to mortgage any time in the short session for any special bill; but this matter has been discussed, and I think it very probable that it will not take very much time at the next session. I want, however, before giving my consent, to say a word or two.

I regret that last evening the Senator from Wisconsin [Mr. LA FOLLETTE] felt it his duty to make some rather severe animadversions upon me, indicating that I was opposed to legislation in the interest of the laboring people of the country. In a very humble and quiet way I have done my part toward securing legislation in my own State and in Congress along what I thought very safe and sane lines, and I have never put myself in opposition to the interests of laboring men, as I understood them. I repeat that I regret that the Senator felt called upon to make remarks that will go out to the country indicating that I am not the friend, but the enemy, of the laboring classes, because that is not the fact.

I know the great interest the Senator from Wisconsin feels in this legislation. I know that he has devoted a good deal of his time during the past ten years or more to considering these questions; but the Senator from Wisconsin, wrapped up, as he is, in these matters, must not judge harshly those of us who take a more conservative and, possibly, a safer view of the questions than he does himself. That is all I care to say; and I do not object to the Senator's request.

Mr. LA FOLLETTE. Mr. President, I only wish to trench on the time and the courtesy of the Senator from Pennsylvania [Mr. PENROSE] to say that I made no observation in the discussion last evening as to the opposition of the Senator from New Hampshire toward laboring men as a class. Whatever I said had reference and application to railway employees and their interests as opposed to the interests of the railroad companies.

Mr. GALLINGER. Just a word, Mr. President. I need not argue with the Senator from Wisconsin, or with any other Senator, that, if my attitude toward railway employees is one of illiberality and injustice, my attitude necessarily toward other classes of laboring men would be the same; and I want to repudiate any intimation that I have ever taken that position in matters of legislation.

Mr. FORAKER. Mr. President, I do not feel disposed to agree that the motion to recommit shall be withdrawn, as the Senator requires by the proposed unanimous-consent agreement which he has had read at the Secretary's desk. I think this bill should be recommitted, though I am not disposed to higgle about that or to be unreasonable about it. But if it is not to be recommitted and is to be brought back here, with these twenty-five amendments pending—we were told last evening that that many have been proposed—and put into some proper shape, it will be necessary to have a good deal of discussion here in the open Senate that might very well be dispensed with.

I think the Senator is apprehensive that there will be an effort to prevent his getting a vote on this bill. I have not any idea that that can be done. I think it was quite natural that last evening there should be a disposition to prevent a vote. I did not want to vote myself, although I am friendly to this bill. There were so many amendments, and we have been having so many other things to think about that we were not in a position to put it in the best shape in which it could be put.

I think if the Senator would simply ask that the bill be taken up at the date named and then be proceeded with as the unfinished business until it is disposed of that would answer every purpose. I am sure that everybody here would recognize the Senator's right to have a vote on the bill and on every amendment, and it would not look as though there was any attempt to drive men to take a vote on the measure before they are ready to vote on it.

So far as being the representative of the laboring man is concerned, I do not think anybody in this body or in the public service anywhere would admit that he is not friendly to the laboring man. I have always tried to do whatever I could in his behalf. I am not always able to agree with everything that he wants; but I have never found the representatives of labor to be unreasonable, and, after discussion, we have always been able to come to an understanding, and I think we could again.

I do not think the manifestation of opposition to the bill last evening indicates that there would be any opposition of the character the Senator evidently apprehends there would be if this bill should go over without a day fixed on which to vote.

Then, I want to suggest that we have already fixed another matter for the 12th of December next. I do not know what date the Senator's request names as the date when a vote shall be taken; but we have fixed the 12th of December to vote in executive session on a treaty——

Mr. GALLINGER. That is so.

Mr. FORAKER. And I understood the Senator from Wisconsin to ask to have the vote on his bill taken on the same day.

Mr. BEVERIDGE. Will the Senator allow me to make a suggestion?

Mr. FORAKER. Let the agreement be again read.

The Secretary again read the request submitted by Mr. LA FOLLETTE, as follows:

I ask unanimous consent that the pending bill for the safety of employees and travelers upon railroads may come up for consideration as the unfinished business on the second Monday of December at 2 o'clock p. m.; that the motion of the Senator from Ohio [Mr. FORAKER] to recommit the bill, together with my motion to lay on the table, be withdrawn, and that a vote be had on all pending amendments and the bill at 3 o'clock on Wednesday, December 12, 1906, without further debate.

Mr. KEAN. That would interfere with another unanimous-consent agreement.

Mr. BEVERIDGE. I wish merely to say that I hope the Senator from Wisconsin [Mr. LA FOLLETTE] will accept the suggestion made by the Senator from Ohio [Mr. FORAKER] for two reasons. First, it is clear that a request for unanimous consent such as the Senator submits, fixing a definite day for a vote, will not be given; and, second, the proposition of the Senator from Ohio is reasonable, and assures to an absolute certainty a vote upon the bill at an early day next session. If we agree now by unanimous consent to take the bill up and have it made the unfinished business by unanimous consent, then it must stay before the Senate, and can not even be displaced by a motion until a vote is had. If it is made the unfinished business by unanimous consent, nothing but unanimous consent can displace it. The manager of the bill then becomes master of the floor until his bill is disposed of. I think the Senator from Wisconsin has here an opportunity to get his bill certainly disposed of very early next session, and that is the reason I make the suggestion.

Mr. LA FOLLETTE. Mr. President——

Mr. CULLOM. May I interrupt the Senator for one moment?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Illinois?

Mr. LA FOLLETTE. Certainly.

Mr. CULLOM. I simply want to suggest to the Senator from Wisconsin that, while I am friendly to the measure, I do not desire that the 12th of December should be fixed as the date upon which to vote, because that day is already set aside by unanimous consent for the action of the Senate on another matter.

Mr. HANSBROUGH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. Certainly.

Mr. HANSBROUGH. Just a word, Mr. President. I desire to say that I think the Senate is somewhat confused as to the situation. By referring to the Calendar it will be found that the unfinished business is the bill to which the Senator has referred in his proposed order; and, of course, it will remain the unfinished business until the meeting of Congress in December.

Mr. GALLINGER. It will remain the unfinished business.

Mr. LA FOLLETTE. I think that is understood by everybody. I understood it when I framed the proposition for

unanimous consent. I am willing that the first week of the session shall be given to other business, and I will modify my request for unanimous consent to the extent, and to the extent only, that another day than Wednesday, the 12th, be fixed for a date upon which the vote shall be taken. I do not care, I will say to the Senators, how long it be deferred. It may be a week later; but I do want to see some definite time fixed for a vote.

Not only was a vote on this bill prevented by filibustering yesterday, but that has been done from the time it was first made the unfinished business of the Senate. If it could be disposed of in that way for weeks at this session, with the determined effort of Senators who are opposed to the bill, it can be disposed of for the entire short session, because many things will be pressing then upon every hand.

I will say, Mr. President—and I feel that I am trespassing too long upon the kindness and the courtesy of the Senator from Pennsylvania, who gave way to let me make this request for unanimous consent—that I wish to modify the request in this respect, that instead of naming Wednesday, the 12th, Friday or the Monday following be named.

Mr. GALLINGER. Let it be the Tuesday following, I will say to the Senator—Tuesday, the 18th.

Mr. LA FOLLETTE. Well, on Tuesday, the 18th, at the hour named, that the vote shall be taken. I wish to substitute for the word "my," before "motion," the words "Mr. LA FOLLETTE'S," as it appears in the request.

The VICE-PRESIDENT. The Senator from Wisconsin modifies his request as stated.

Mr. CARTER. Mr. President, the Senator from Wisconsin will readily appreciate that the Senate considers as he considers this a bill of very great importance. It has a definite and a good purpose. I do not think any Senator in the Chamber is opposed to the accomplishment of the result the bill contemplates. I stated to the Senator from Wisconsin when the bill became the unfinished business that it was my desire to consult with the railroad men operating trains in the State I have the honor to represent in part in this Chamber before being called upon to vote on the measure. I think it important that those operating trains in the intermountain country, presenting conditions in railway work that are sui generis, should be consulted personally before any act is passed materially affecting their domestic and general affairs.

The bill was the unfinished business. As candidly stated by the Senator from Wisconsin, I was not prepared to vote for the bill. The bill was not reported in this Chamber until the 9th day of this month. In the time that has intervened since then Senators have been constantly engaged in committee and conference work incident to the closing of a session of Congress. I do not think the Senator selects words wisely when denominating an honest desire to get information as partaking of a filibuster. There has been no needless opposition to this measure.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I am glad to yield.

Mr. GALLINGER. This bill was made the unfinished business—I do not know the date, but it was reported on the 9th of June, I understand.

Mr. CARTER. It has been made the unfinished business within a week.

Mr. GALLINGER. Within a week?

Mr. CARTER. Within a week.

Mr. GALLINGER. I had charge of a bill, during the present session, which, I think, was the unfinished business for almost three months, and I did not complain that there was any filibuster or needless delay because the bill was discussed that length of time. I do think it is not a just criticism that a bill, which has been the unfinished business but a week or ten days——

Mr. CARTER. Only since the 26th of this month has it been the unfinished business.

Mr. GALLINGER. I was quite surprised, and did not dare state it, but I thought it was the 26th of June. It has been the unfinished business only four days. It is not unusual for bills to remain on the Calendar three or four months as the unfinished business, and those of us who have been here longer than the Senator from Wisconsin have not been in the habit of charging Senators with filibustering if they wanted to discuss a bill within that length of time.

Mr. CARTER. In my experience here, when any Senator has expressed a desire to investigate a subject for the purposes of submitting observations upon it, that privilege is granted as a matter of course. I know of five Senators in the body who desire to be heard upon this bill who were engaged upon conference committees and could not be in the Chamber at the various times when it was taken up for consideration.

This bill will pass—carefully, judiciously prepared. There will be no filibuster and no more time taken in its consideration than the grave importance of the subject requires.

Mr. HALE. Mr. President, I think the Senator from Wisconsin, on reflection, will not feel that he has been hardly used by the Senate on this very important bill. But I fancy the Senator does not care so much what has been done or what has taken place as he does about getting the bill disposed of at the next session. It seems to me he is all right in asking that a day be set to take up the bill, and I should hope that the Senate would agree to some such proposition as he has made, that a final vote shall be taken on a certain day. It is not very essential what that day is. I would want it understood, and I suppose every other Senator would, that in the meantime it is subject to whatever other business may come up, when this bill does not occupy the time. If the Senator gets a day fixed for its being taken up as the unfinished business, practically he has the matter settled. It will be in the way of everything else, and he will get a vote anyway. I do not see any objection to agreeing upon a day when the final vote shall be taken.

Mr. McCUMBER. Mr. President, this bill is now the unfinished business; and if it is the unfinished business now, will it not remain the unfinished business until it is disposed of in some way?

Mr. HALE. I understand the Senator from Wisconsin to say that he does not desire that the bill shall be brought before the Senate during the first week of the next session. There will be other things then, and it is a concession on his part when he fixes a later day, because undoubtedly it would be right in the way of everything the moment Congress assembled. I think the Senator is reasonable in fixing a time six or eight days after Congress has assembled, so that the bill will not interfere during that time with other business.

Mr. McCUMBER. There are interests in my State, and, I think, on both sides of this question, which desire a hearing before the committee. I do not know any other way to secure the proper hearing and to secure the proper data upon which Congress can act.

Mr. HALE. Let me say to the Senator right here, if a day is fixed, as the Senator from Wisconsin proposes, not at the beginning of the session, but a later day, it will give just the opportunity the Senator wants for hearings by the committee before the day comes when the Senator from Wisconsin wants to have the bill taken up.

Mr. McCUMBER. It may and it may not. The Senator knows as well as I do how difficult it is, even before the holiday recess, to get a quorum and to get the committee at work. The Senator understands as well as I do that there is always danger that you may not close a hearing within a certain time. You may commence your hearing at the very beginning of the session, but one matter brings out another, and you are compelled to send for other testimony and other witnesses. One proposition will invite attention to another proposition, and finally the day arrives when we are compelled to vote, and the committee has not accomplished its work and has not been able to make a report. What I want is a hearing—a fair, just, full, comprehensive hearing—so that all persons who want to be heard may be heard, and then as soon as the committee can make its report, if it is in two days or within a week or within two weeks, I shall be ready to vote on the question.

Mr. HALE. What the Senator says about the difficulty of getting a quorum together does not apply to the short session. In the long session it is difficult; the committees are not then constituted; but there is no reason why, when the short session assembles in December, the committee having this matter in charge should not take it up and have all the hearings that may be necessary and do it before the day comes when the Senator from Wisconsin will ask that the bill be taken up.

Mr. McCUMBER. Senators do not get here until about the 7th. We can not have any hearings before that time. And certainly after the bill is in the Senate I can not understand how the committee can go on and investigate. The moment it is made the unfinished business, whether it is the 6th or the 12th or any other day, that moment the committee loses jurisdiction of the subject-matter. For that reason I simply desire to say that I shall object to fixing a day for voting, and shall object to an early date being fixed when it shall be made the unfinished business.

The VICE-PRESIDENT. Objection is interposed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the house had passed the bill (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States.

The message also announced that the House had passed a joint resolution (H. J. Res. 187) authorizing the purchase of the manuscript of a digest of the United States laws and decisions; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolution; and they were thereupon signed by the Vice-President:

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 15673. An act for the relief of Harry A. Young;

H. R. 17842. An act granting a pension to Josephine V. Sparks;

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; and

H. J. Res. 186. Joint resolution relative to the printing of 12,000 copies of the Report on the Progress of the Beet-Sugar Industry.

EXECUTIVE SESSION.

Mr. PENROSE. I renew the motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened.

HOURS OF LABOR OF RAILROAD EMPLOYEES.

Mr. BEVERIDGE. I ask unanimous consent that on Thursday, the 10th day of January, 1907, the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon shall, at 3 o'clock in the afternoon, be voted upon.

Mr. KEAN. If not sooner disposed of.

Mr. BEVERIDGE. Why, of course, if not sooner disposed of.

The VICE-PRESIDENT. The Senator from Indiana asks unanimous consent that on Thursday——

Mr. BEVERIDGE. The 10th day of January.

The VICE-PRESIDENT. The 10th day of January——

Mr. BEVERIDGE. Nineteen hundred and seven, the bill (S. 5133) to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon shall, at 3 o'clock in the afternoon, be finally voted upon, unless earlier disposed of.

Mr. McCUMBER. At what time, then, will it be made the unfinished busness?

Mr. BEVERIDGE. It is now the unfinished business, and will so remain.

Mr. McCUMBER. That will give no opportunity whatever for the committee to examine the matter and grant any hearings to anyone. I do not know how the committee can have a hearing when the bill will be in the Senate and out of the hands of the committee.

Mr. HALE. That is done every day by committees while the subject is being considered here. The Senator is given a full month by this arrangement, in which the committee can meet and consider what amendments and whatever else may be necessary.

Mr. McCUMBER. If the committee can have a hearing on it at any time, I do not care whether it is two days or three days before the vote shall be taken, so that either side can be heard. The time for voting is reasonable, and I shall not object.

Mr. BEVERIDGE. I should say that will be done as a matter of course.

The VICE-PRESIDENT. Senators must address the Chair.

Mr. HALE. The Senator will not be as earnest as he commonly is if he does not during the whole month given by this proposition have the committee hear anything that he wishes to submit. There is no trouble about that. There is a full month for the committee to meet and to give any hearings and to prepare any amendments. The committee can meet any time. The objection which the Senator from North Dakota raises is not a real objection.

Mr. FORAKER. The agreement which the Senator from Indiana asks for should apply to voting on all amendments that are now pending or may be offered.

Mr. BEVERIDGE. I intended to make that modification.

Mr. FORAKER. That should be in the agreement the Senator has asked for, if it be adopted.

The VICE-PRESIDENT. The Senator from Indiana requests unanimous consent that on Thursday, January 10, next——

Mr. BEVERIDGE. At 3 o'clock.

The VICE-PRESIDENT. At 3 o'clock p. m. Senate bill 5133 be voted upon, and all amendments then pending or which may be offered, unless sooner disposed of.

Mr. BEVERIDGE. That is right.

Mr. FORAKER. Without further debate after 3 o'clock on that day.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (S. 6283) granting an increase of pension to Clara A. R. Devereux.

The message also announced that the House had passed a joint resolution (H. J. Res. 188) making additional appropriation for expenses under the Interstate Commerce Commission; in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED.

The message further announced that the Speaker of the House had signed the following enrolled bills and joint resolutions; and then were thereupon signed by the Vice-President:

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for other purposes;

S. 1812. An act for the relief of Lieut. James M. Pickerell, United States Navy;

S. 2188. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs;

S. 4774. An act relating to the movements and anchorage of vessels in Hampton Roads, the harbors of Norfolk and Newport News, and adjacent waters, in the State of Virginia;

S. 5901. An act to extend the time for completion of the Alaska Central Railway, and for other purposes;

S. 6283. An act granting an increase of pension to Clara A. R. Devereux; and

H. R. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907.

S. 4169. An act to authorize the sale of certain real estate in the District of Columbia belonging to the United States;

S. 6283. An act granting an increase of pension to Clara A. R. Devereux;

S. 6523. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across Copper River, in the Territory of Alaska;

H. R. 8825. An act for the relief of Thomas H. Kent;

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

H. R. 18545. An act granting an increase of pension to David Upham;

H. R. 19163. An act granting an increase of pension to Margaret Munson;

H. R. 19241. An act granting an increase of pension to Henry A. Conant;

H. R. 19926. An act granting an increase of pension to Andrew Leopold;

S. R. 72. Joint resolution fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, shall go into effect;

H. J. Res. 177. Joint resolution authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas;

H. J. Res. 183. Joint resolution providing for the printing of reports ordered by the river and harbor act of March 3, 1905;

H. J. Res. 187. Joint resolution authorizing the purchase of the manuscript of a Digest of the United States Laws and Decisions; and

H. J. Res. 188. Joint resolution making additional appropriation for expenses under the Interstate Commerce Commission.

APPROPRIATION FOR INTERSTATE COMMERCE COMMISSION.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 188) making appropriation for expenses under the Interstate Commerce Commission, which was read the first time by its title, and the second time at length, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of $81,597.33 for additional expenses of the Interstate Commerce Commission during the fiscal year 1907, authorized under the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

Mr. HALE. I ask that the joint resolution may be considered.

The Senate, as in Committee of the Whole, proceeded to consider the joint resolution.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CLAIMS OF POSTMASTERS IN THE STATES AND TERRITORIES.

The VICE-PRESIDENT laid before the Senate the resolution submitted by Mr. DICK on the 29th instant, as follows:

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have stated in the Sixth Auditor's office the salary accounts of former postmasters who served at post-offices in the various States and Territories of the United States in terms between July 1, 1864, and July 1, 1874, and who applied to the Postmaster-General, prior to January 1, 1887, for payment of increased salary under the act of March 3, 1883, such salary accounts to be stated upon the registered returns of each postmaster for each term of service specified, and by the method and rule laid down by the Postmaster-General for the statement and payment of salary accounts of former postmasters under the act of March 3, 1883, in his public order of February 16, 1884, directing payment of salaries by commissions and box rents, less the salaries paid at time of service; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim, and the Secretary of the Treasury is hereby directed to report to the Senate such stated salary accounts of former postmasters as soon as they can be made ready, not later than the beginning of the second session of the Fifty-ninth Congress.

Mr. DICK. Because of the situation in reference to the public business, I will not now ask for action on the resolution, but give notice that I shall call it up on the first Wednesday in December.

Mr. GALLINGER. Let it lie on the table, subject to call.

Mr. DICK. Yes; that is the course to be taken.

The VICE-PRESIDENT. The resolution will lie on the table, subject to the call of the Senator from Ohio.

MEAT INSPECTION.

Mr. BEVERIDGE. I ask unanimous consent that that portion of the agricultural appropriation bill known as the "meat-inspection amendment" may be printed in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The amendment referred to is as follows:

That for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned," all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof, which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishments, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and all such condemned meat food products shall be destroyed for food purposes, as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: *Provided*, That, subject to the rules and regulations of the Secretary of Agriculture, the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said articles shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this act.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state that the contents thereof have been "inspected and passed" under the provisions of this act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade names or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat-canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "Inspected and passed."

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

That on and after October 1, 1906, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for tansportation from one State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture: *Provided*, That all meat and meat food products on hand on October 1, 1906, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in intertsate or foreign commerce.

That no person, firm, or corporation, or officer, agent, or employee thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly and wrongfully alter, deface, or destroy, or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described, and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have compiled with all of the provisions of this act.

That any person, firm or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding $10,000 or imprisonment for a period not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this act, and all inspections and examinations made under this act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this act.

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony, and upon conviction thereof, shall be punished by a fine of not less than $5,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony, and shall, upon conviction thereof, be summarily discharged from office, and shall be punished by a fine not less than $1,000 nor more than $10,000 and by imprisonment not less than one year nor more than three years.

That the provisions of this act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding $1,000 or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this act provided for at any slaughtering, meat canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this act shall apply notwithstanding this exception.

That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $3,000,000, for the expenses of the inspection of cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year. And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

ELECTION OF SENATORS BY DIRECT VOTE OF THE PEOPLE.

Mr. GALLINGER. Mr. President, Senate Document No. 406, Fifty-seventh Congress, first session, relating to the election of United States Senators by the direct vote of the people is being called for quite largely, and the edition is exhausted. I move that an additional print of 5,000 copies be made for the use of the Senate.

The motion was agreed to.

Mr. GALLINGER subsequently said: A few moments ago I obtained consent for the reprinting of Senate Document 406. I meant to ask to have included in it a speech by the late Senator Hoar, of Massachusetts, delivered in the Senate on Thursday and Friday, April 6 and 7, 1893. I ask to have that included.

The VICE-PRESIDENT. The Chair understands it is included in the original document; but if not, without objection, it is so ordered.

DIGEST OF UNITED STATES CUSTOMS LAWS AND DECISIONS.

The VICE-PRESIDENT laid before the Senate the joint resolution (H. J. Res. 187) authorizing the purchase of the manuscript of a digest of the United States Customs Laws and Decisions, which was read the first time by its title, and the second time at length, as follows:

Resolved, etc., That the Secretary of the Treasury be, and he is hereby, authorized to purchase from the legal owners thereof, at a cost not to exceed $2,000, payable out of any funds not otherwise appropriated, the manuscript of a Digest of the United States Customs Laws and Decisions, compiled by Robert M. Cousar, deceased, and to have printed, with such revision as in his judgment may be necessary, not to exceed 1,000 copies, for the official use of the Treasury Department; and the sum of $2,000, or so much thereof as may be necessary, is hereby appropriated for said purpose. And the superintendent of documents is hereby authorized to reprint this document for sale at $2 per copy.

Mr. ELKINS. I ask unanimous consent for the present consideration of the joint resolution.

Mr. NELSON. I would inquire if anybody knows whether the manuscript has been examined, and whether it is a proper work. What Senator asked for the consideration of the joint resolution?

The VICE-PRESIDENT. The senior Senator from West Virginia [Mr. ELKINS].

Mr. ELKINS. I will state to the Senator for his information that this manuscript has been in the Treasury Department for four or five years. The House committee, where the joint resolution originated, have examined it carefully, and I am assured by the committee that it is all right. The Secretary of the Treasury urgently recommends it.

Mr. GALLINGER. Let the joint resolution be read again.

The VICE-PRESIDENT. It will again be read.

The Secretary again read the joint resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the joint resolution?

Mr. BERRY. I should like to ask the Senator from West Virginia if the person who prepared this digest was in the employment of the Government at the time it was done? There were a number of this kind of claims which the Committee on Appropriations refused to allow. I ask the Senator whether he was in the employ of the Treasury Department or any other Department of the Government, receiving compensation for such employment?

Mr. ELKINS. I can not answer that question, but I can state that the Secretary of the Treasury and the Board of Appraisers have urged the adoption of this measure. It is the only part of the laws of the United States on this subject which

has not been reduced to the form of a digest. It is in use every day. The committee of the House reported the joint resolution favorably and recommended its passage.

Mr. BERRY. I understood from the Senator that it had been there for four or five years and used all the time.

Mr. ELKINS. They have been using it, but it has not been printed and it has not been paid for.

Mr. BERRY. It seems to me that we should make no difference between this and all other cases of the kind, but the Senator from Maine is more familiar with such matters than I am. He is the acting chairman of the Committee on Appropriations, and if he thinks it is all right I shall not object.

There being no objection, the joint resolution was considered as in Committee of the Whole.

Mr. SPOONER. I read a letter this morning in the RECORD—I can not turn to it now—in which the Secretary of the Treasury said this was a good manuscript and they had used it for some years to advantage. He recommended, or thought it might be proper to pay, not exceeding $1,000 for it. It passed the House at $2,000.

Mr. ELKINS. At $2,000.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

S. W. LANGHORNE AND H. S. HOWELL.

Mr. HALE. I have just heard that the appropriations bill for public buildings will be here in about fifteen minutes, and I move that the Senate take a recess——

Mr. CARTER. Will the Senator yield to me for one moment, to call up a short bill.

Mr. HALE. Very well; I withhold the motion.

Mr. CARTER. I ask for the consideration of the bill (S. 4421) for the relief of S. W. Langhorne and H. S. Howell.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes to pay to S. W. Langhorne and H. S. Howell, of Helena, Mont., $1,568, being the amount paid by them for rent of the building used by the United States for a land office at Helena, Mont., from November, 1885, up to and including June, 1900, a period of fifty-six months, at $14 per month, and the further sum of $280, being the amount paid by them for janitor service for the same period at $5 per month; in all, $1,848.

Mr. BERRY. The bill has been reported from the committee?

Mr. CARTER. It was reported unanimously from the Committee on Claims.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. HALE (at 11 o'clock and 50 minutes a. m.). I move that the Senate take a recess for fifteen minutes.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 5 minutes p. m.) the Senate reassembled.

PUBLIC BUILDING AT HURON, S. DAK.

Mr. GAMBLE. I ask unanimous consent for the present consideration of the bill (S. 318) to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported from the Committee on Public Buildings and Grounds with amendments.

The first amendment was, on page 1, line 7, after the word "apparatus," to strike out "elevators;" in line 8, after the word "of," to strike out "the" and insert "a;" in the same line, after the words "United States," to strike out "courts;" in the same line, after the word "post-office," to insert "land office, United States Weather Bureau;" on page 2, line 1, after the word "apparatus," to strike out "elevators;" in line 2, after the word "hundred," to strike out "and seventy-five;" and in line 3, after the word "dollars," to strike out "which said sum of $175,000 is hereby appropriated for said purpose out of any moneys in the United States Treasury not otherwise appropriated;" so as to make the paragraph read:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a site and cause to be erected thereon a suitable building, including fireproof vaults, heating and ventilating apparatus, and approaches, for the use and accommodation of a United States post-office, land office, United States weather bureau, and other Government offices, in the city of Huron and State of South Dakota, the cost of said site and building, including said vaults, heating and ventilating apparatus, and approaches, complete, not to exceed the sum of $100,000.

The amendment was agreed to.

The next amendment was, on page 2, to strike out all from line 22 down to and including line 21 on page 4.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD H. OZMUN.

Mr. CLAPP. Is the Chair about to lay anything before the Senate?

The VICE-PRESIDENT. There is nothing to be handed down at the moment.

Mr. CLAPP. In the meantime I ask unanimous consent for the present consideration of the bill (S. 744) for the relief of Edward H. Ozmun.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Edward H. Ozmun the sum of $775.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWIN S. HALL.

Mr. CLAPP. If anyone else wants the floor, I do not desire, of course, to have bills called up to the exclusion of other Senators. If no one else wishes to call up anything, I will ask for the present consideration of the bill (S. 6166) for the relief of Edwin S. Hall.

The Secretary read the bill; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration. It proposes to pay to Edwin S. Hall, of Sauk Rapids, Benton County, Minn., $2,028.58.

Mr. KEAN. I should like to ask the Senator from Minnesota what were the services rendered?

Mr. CLAPP. Along in the sixteenth century the American people—however, I will not take time to rehearse the whole story, but will state that about two years ago some surveying was necessary in Minnesota, and the Secretary of the Treasury has no authority to pay for it without a direct appropriation by Congress.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ETIENNE DE P. BUJAC.

Mr. CULBERSON. I ask unanimous consent for the present consideration of the bill (S. 4926) for the relief of Etienne De P. Bujac.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It directs the Secretary of the Treasury to pay to Etienne De P. Bujac, late second lieutenant, Thirty-third Infantry, United States Volunteers, $1,020, being money lost by him while in the military service of the United States.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RECESS.

Mr. KEAN (at 12 o'clock and 15 minutes p. m.). I move that the Senate take a recess for five minutes. There is no business before the Senate.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 20 minutes p. m.) the Senate reassembled.

PUBLIC BUILDINGS BILL.

Mr. SCOTT. Mr. President, I know that Senators are all anxious in regard to the public buildings bill, and I desire to say that we are waiting upon the other House. The delay is not the fault of the conferees. I have tried to ascertain the cause of the detention of the report in the other House, but I have been unable to do so. I am told over there every five minutes that the bill will be soon sent here.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened.

RECESS.

Mr. WARREN (at 12 o'clock and 38 minutes p. m.). Mr. President, on the other side the public buildings bill is yet under consideration, the conference report not having been made. The preparation of the bill to follow it providing the necessary appropriations is in the course of construction. Unless there is something here pressing, I move that the Senate take a recess until 1 o'clock.

Mr. KEAN. Say ten minutes.

Mr. SPOONER. Make it until ten minutes to 1 o'clock.

Mr. WARREN. It has been suggested to me to make it 12.50. I therefore move that the Senate take a recess until 12.50 o'clock.

The motion was agreed to; and at the expiration of the recess (at 12 o'clock and 50 minutes p. m.) the Senate reassembled.

ISTHMIAN EXPOSITION AT TAMPA, FLA.

Mr. MALLORY. I wish to call the attention of the Senate to Senate concurrent resolution No. 28, requesting the President to issue his proclamation to the governors of the several States inviting them to participate in the Isthmian Exposition to be held at Tampa, Fla., commencing in January, 1908, etc. It is a Senate resolution similar to the one passed this morning, and I move that it be indefinitely postponed.

The motion was agreed to.

RECESS.

Mr. KEAN (at 1 o'clock p. m.). May I ask the Senator from West Virginia a question?

Mr. SCOTT. Certainly.

Mr. KEAN. Would the Senator from West Virginia like us to take a recess for a short time?

Mr. SCOTT. I will say to the Senator from New Jersey that I am expecting every minute the public buildings bill and the appropriation bill carrying the necessary appropriations to put it into effect. I believe that is what is delaying the House. I can not tell whether it will be five minutes or half an hour. I have been expecting it every minute for the last half hour.

Mr. KEAN (at 1 o'clock and 10 minutes p. m.). I move that the Senate take a recess until half past 1 o'clock.

The motion was agreed to; and at the expiration of the recess (at 1 o'clock and 30 minutes p. m.) the Senate reassembled.

"THE PRESIDENT AND CONGRESS."

Mr. HALE. I ask to have printed as a document a valuable article entitled "The President and Congress," by Senator BACON, in the Independent of March 8 last.

The VICE-PRESIDENT. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 189) to correct an error in the enrollment of, and repealing a certain provision in the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes; in which it requested the concurrence of the Senate.

CORRECTION OF ERROR IN ENROLLMENT.

The joint resolution (H. J. Res. 189) to correct an error in the enrollment of, and repealing a certain provision in the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, was read twice by its title.

Mr. HALE. I ask for the immediate consideration of the joint resolution.

There being no objection the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC BUILDINGS BILL.

Mr. SCOTT submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 5, 14, 17, 27, 30, 38, 40, 58, 66, 70, 92, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 72, 120, 146, 149, 150, 151, 152, 154, 161, 163, 164, and 165, and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment, as follows: On page 5, after line 8 of the bill, insert "United States post-office and court-house at Evanston, Wyo., $5,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

Transfer lines 1 and 2, page 12, of the bill, to page 6, after line 14, of the bill.

Also transfer lines 1, 2, and 3, page 14, of the bill, to page 7, after line 26 of the bill; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 11, after line 20 of the bill, insert the following: "United States post-office at Albuquerque, N. Mex., $100,000;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Transfer the matter inserted by amendment No. 88 to page 11, after line 22; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows: On page 5 of the bill, line 21, after the word "dollars," insert the following: "and for additional amount fifteen thousand dollars;" also, on page 17 of the bill, after line 18, insert the following: "United States post-office at New Ulm, Minn., $35,000;" also transfer the matter inserted by amendment No. 90 to page 11, after line 26; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: On page 35 of the bill, after line 4, insert the following:

"SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That $30,000 of the $50,000 heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition by purchase, condemnation, or otherwise of a site only at Oklahoma City, Territory of Oklahoma."

And the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 37 of the bill, line 14, after the word "condemnation," insert the words "or otherwise;" and the Senate agree to the same.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

The report was agreed to.

RECESS.

Mr. HALE (at 1 o'clock and 55 minutes p. m.). Mr. President, information has come from the House of Representatives that the bills in the course of enrollment can not be completed before half past 5 or 6 o'clock. Therefore I move that the Senate take a recess until 5 o'clock.

The motion was agreed to; and the Senate took a recess until 5 o'clock p. m., at which hour it reassembled.

PRINTING OF IMMIGRATION BILL.

Mr. PENROSE. The immigration bill has passed finally both Houses and no copies of it have been printed for the use of the Senate. It is a very important measure, and there will be many demands during the summer for copies of the bill. I move that 5,000 copies be printed for the use of the Senate.

Mr. CULLOM. Does the Senator refer to the naturalization law or the immigration law?

Mr. PENROSE. I understand the bill is in conference and will not come up until next session.

Mr. CULLOM. To what bill does the Senator refer?

Mr. PENROSE. The immigration bill, now in conference.

Mr. CULLOM. That is what I wanted to find out.

Mr. PENROSE. I am referring to the immigration bill, for copies of which there will be a very great demand during the summer.

The VICE-PRESIDENT. The Senator from Pennsylvania moves that 5,000 copies of the immigration bill as it finally passed and is now in conference be printed for the use of the Senate.

Mr. PENROSE. I refer to the bill as it finally passed the House.

The motion was agreed to, and afterwards reduced to writing, as follows:

Ordered, That S. 4403, an act to amend "An act to regulate the immigration of aliens into the United States," approved March 3, 1903, be printed as it passed the House and now in conference between the two Houses and that 5,000 additional copies be printed for the use of the Senate.

ENROLLED JOINT RESOLUTION SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled joint resolution (H. J. Res. 189) to correct an error in enrollment of and repealing a certain provision in the bill (H. R. 19844) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906; and it was thereupon signed by the Vice-President.

JAMESTOWN EXPOSITION OF 1907.

Mr. DANIEL. Congress, Mr. President, has provided most generously for the celebration of the beginning of the American people at Jamestown, and I could not be content unless I expressed here the gratitude which I know that the people of Virginia feel to the Fifty-eighth Congress for their gracious, noble, and magnanimous action.

First of all do we owe it to the President of the United States, who all the time has favored the celebration of the three hundredth anniversary of the landing of John Smith and his 105 adventurers at Jamestown in a manner becoming this great nation, and had it not been for his commanding influence, we know not that there would have been so agreeable a consummation of our wishes. Next to him, sir, do we owe this recognition to the gentlemen of the Republican party, who are in power in both Houses of Congress, and lastly to their Democratic associates.

To one and all I beg leave in this crude fashion to express the appreciation which I know is felt by every citizen of the old Commonwealth of Virginia, as well as by those who have the honor to represent her here and in the House of Representatives.

It was a saying of Thomas Jefferson that one warm thought is worth more than money. It is in the ideals that our people love and follow that we have a greater fortune than was ever piled up in treasury vaults or could ever be hoarded amongst the accumulations of men.

It was a great Virginian of the Revolutionary period who said in that crisis, "We are not Virginians, we are Americans."

As the Virginians were the first Americans of our race, so are they to-day Americans in every fiber of their being, and in every aspiration for the unity and the prosperity and happiness of our beloved country. And when the people of our sister States shall come to celebrate upon our soil the landing of those few Englishmen who planted there the beginning of the career of the American people, I know that in all the mighty throng there will be no thought but an American thought, and the nations of the earth may well exclaim "Behold how blessed it is for brethren to stand together in unity." On behalf of the people of Virginia and of their Representatives in Congress, I hereby thank my associates in this body for their magnanimous and generous action, which will long be appreciated and cherished.

RAILROAD IN ALASKA.

Mr. HANSBROUGH. Mr. President, in an account of the morning business of the Senate to-day I find the following item in an evening paper:

Mr. HANSBROUGH met defeat in an effort to get action on the bill authorizing the construction of a railroad and telegraph line in Alaska. He had the measure as it just passed the House laid before the Senate, but on motion of Mr. NELSON it was referred to the Committee on Territories, where it will sleep until next session.

I do not think the writer of that item intended any reflection upon me, but it is just such items as that which are the basis of numerous scandals against public men that happen very frequently, and too often follow them to the end of their lives.

I think the Chair and the Senate will bear me out when I say that what happened was this: The Chair in the regular course of business laid the bill before the Senate, and I asked that it be referred to the Committee on Public Lands, because it carried an appropriation of public lands, and therefore should have been sent to that committee. The Senator from Minnesota [Mr. NELSON], who is a member of both the Committee on Public Lands and the Committee on Territories, asked that the bill go to the Committee on Territories, and after some debate it was so referred.

What makes the item more objectionable, Mr. President, is this: A similar bill has been pending in the Senate during the entire session, I believe. It came from the Committee on Territories. I have been opposed to that bill ever since it was introduced.

Mr. NELSON. Mr. President——

Mr. HANSBROUGH. Just a moment. I have opposed it for the simple reason that the bill in question is a counterpart of the bill which came from the other House, and the Senate bill repeals an existing law with respect to the right of way for railroads in the district of Alaska. There is now a general law under which anybody can get a right of way in the district of Alaska for a railroad or a wagon road or a tramway, and there are several railroad companies organized under that law. But the bill in question is the one that came here from the House to-day. The one that has been pending in this body, coming from the Committee on Territories, provides for a special national charter for a railroad in the district of Alaska, and is therefore, in my judgment, an objectionable measure, especially on account of the facts I have given.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. Yes.

Mr. NELSON. Mr. President, the bill to which the Senator from North Dakota refers is not similar to this bill at all. The original bill which was introduced and reported by the Committee is entirely different from this bill. A later bill was introduced and reported by the Senator from New Hampshire [Mr. BURNHAM] in the latter part of the session, akin to this bill; but that bill is entirely different from the House bill.

Mr. HANSBROUGH. Mr. President, I think the Senator from Minnesota——

Mr. NELSON. It grants no land, but it grants, instead, a right of way, and simply creates a corporation for the purpose of building a thoroughfare in Alaska from Prince William Sound up to Eagle, on the Yukon River. The parties who are opposed to that bill represent the White Pass people, an English syndicate, for the purpose of controlling the railway traffic passing out of the mouth of the Yukon River. The object of the bill is to create a company that would build a railroad through to take the Canadian freight.

Mr. HANSBROUGH. I do not know what the object of the bill is, Mr. President.

Mr. NELSON. The parties who are opposing the bill—parties outside here—represent the Canadian interests. The White Pass Railroad people are parties who are opposing this bill.

I will tell the Senator that when the proper time comes—and this is not the time to take the matter up. I will show him who are the parties who are opposing this measure.

Mr. HANSBROUGH. I hope the Senator will do so.

Mr. NELSON. I will do so.

Mr. HANSBROUGH. I simply want to say that the only interest I have in this whole transaction is to see that the bill goes to the proper committee. That is the first thing. The second thing is to have anyone who wants to build a railroad in Alaska proceed under the general law. That is the only point I make in regard to it. I do not know anybody connected with either one of these railroad companies.

I asked the gentleman who came to see me about it—a public official, by the way—why they had been pressing to get a special charter for this company, and he said it would make the bonds more salable. That is the only point that I have heard relative to the business end of this transaction.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. HANSBROUGH. I do.

Mr. NELSON. I will give the Senator some information.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. I do.

Mr. GALLINGER. Before the Senator proceeds, if he will

permit me, I wish to say that I have noticed the intense hostility displayed toward the bill that has been in charge of my colleague [Mr. BURNHAM]. The Senator from Minnesota complained to-day that he had not secured the passage of a bill for three or four days. My colleague has been in this Chamber for several months trying to get consideration of this bill, and there has been intense hostility displayed toward it. I consulted with my colleague a day or two ago as to this matter of a grant of public lands, and, if I remember correctly, he said to me that this bill did not alienate any public lands beyond what the general bill does, to which the Senator from North Dakota alludes. Am I correct?

Mr. NELSON. Except in one particular. It gives them a little more land at the terminal points by paying for it.

Mr. GALLINGER. At the terminals. That is precisely what my colleague told me.

Mr. NELSON. That is all there is about it.

Mr. HANSBROUGH. This bill is in the usual form, as I understand. They merely grant land to the width of 200 feet.

Mr. NELSON. That applies under the general law.

Mr. HANSBROUGH. The only point I make is that they ought not to grant the public land. For that reason I thought the bill should go to the Public Lands Committee. I may be mistaken about it.

Mr. NELSON. Since I have been here a number of railway bills for Alaska have come before the committee, several of them providing for extensions of time. All of those bills relating to rights of way in Alaska and for extensions of time have gone to the Committee on Territories. Beyond giving a little extra land for terminal purposes, this bill contains no land grant at all.

I want further to state to the Senator from North Dakota [Mr. HANSBROUGH]—and I will say for the information of the Senator from Montana [Mr. CARTER], also—that the parties who are interested in this charter have explored that country from Copper Center down to Valdez, a distance of 100 miles. They have made a preliminary survey and a plat and spent $2,000. While this bill has been pending here some parties who are interested in the White Pass Railroad, a Canadian railroad running from White Pass through Skagway up to White Horse on the Yukon River, have gone lately, within the last two months, have filed a plat here, and they pretend that they are going to build. Their object is to prevent the Americans from building a road and getting that traffic in their hands. Their representatives have been here, and some parties have called me out into the Marble Room to see about it. When the time comes, I will give the Senator from North Dakota more information on that subject. I do not desire to discuss it further now.

Mr. HANSBROUGH. I do not care about any of the information which the Senator has concerning the matter.

Mr. NELSON. It is a little surprising to me that anyone should think that there was any danger in incorporating an American company to build an American line instead of allowing a Canadian company to come in here and block it. They have got a charter. They have incorporated under the laws of Alaska, and they have gone on and incorporated under the laws of some other State—I forget what State, though I have heard; I think it was Nevada, but I am not certain about that—they have gone on and secured an incorporation, and they have come in here just to block this American company, composed of our own people. That is the long and short of the matter.

Mr. HANSBROUGH. There were other Senators, I think, opposed to this bill besides myself. There were several on the Democratic side, among them the Senator from Colorado.

Mr. NELSON. Yes; I know them.

Mr. HANSBROUGH. So I hope the Senator when he gives this startling information which he is going to give—and I never heard of it before—will give it to all Senators.

Mr. NELSON. I thought that, inasmuch as one Senator entered on a personal explanation regarding this matter, I would make a little explanation.

Mr. HANSBROUGH. I am very glad the Senator did. Mr. President, I will call the Senator as a witness to this feature of this controversy, and that is that I did not ask that this bill be laid before the Senate. I think the Senator will agree with me that that is true. That is the principal point in this newspaper item to which I object.

Mr. CARTER. Mr. President, I do not know why the Senator from Minnesota thought proper to bring my name into the discussion. I was opposed——

Mr. NELSON. I will state to the Senator it was because every time the Senator from New Hampshire [Mr. BURNHAM] has attempted to call the bill up either the Senator from Montana [Mr. CARTER] or the Senator from North Dakota [Mr. HANSBROUGH], if I remember aright, have objected.

Mr. CARTER. I think the RECORD will not show any objection made by me to the consideration of the bill.

Mr. HANSBROUGH. I think the RECORD will show that I made one objection. I shall make another when the time comes.

Mr. CARTER. I was opposed to the bill, which I understand the committee has abandoned. I was opposed to it because it presented a proposition in contravention of the settled policy of the Government of the United States with reference to the public waters of the bays and inlets and harbors of the country. It provided that the parties receiving this grant might select 2,600 acres of land on Golofnin Bay and be entitled to the tide lands in connection therewith. There was no limitation as to the width or the proportions of the selection. This Golofnin Bay I know not of save from common report. It is said to be a good harbor. It was very obvious to my mind that 2,600 acres of land, selected in a shoestring form, might be stretched around any harbor in the country so as to completely control it.

Again, it gave a grant of coal lands, but it did not appear from the bill that the incorporators had any investment at all. It did not appear that any survey had ever been made. It is not important that that bill be discussed, because, as I understand, it has been abandoned by the committee itself.

As to the bill now pending, I have no objection to it, as I have not read it. I understood the committee had reported some bill as a substitute for the one originally presented to the Senate. I do know that there is a liberal law with reference to railway rights of way; that that law is general, and that persons desiring to incorporate under it are not restricted, either as to the State where they may incorporate or as to the capitalization of the company.

In due time the bill now under consideration will come up, and I have no doubt it will prove a very great improvement upon the bill as originally reported. I have nothing to say about the pending bill.

Mr. NELSON. I want to correct the Senator.

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. NELSON. I understand the Senator has concluded, and I rise in my own right, Mr. President.

The VICE-PRESIDENT. The Senator from Minnesota is recognized.

Mr. NELSON. I want to correct the Senator from Montana about the first bill. He is mistaken about that. It was not Golofnin Bay. Golofnin Bay is over on the Seward Peninsula—it was Cordova Bay.

Mr. CARTER. Cordova Bay—I stand corrected.

Mr. NELSON. The outer portion of Cordova Bay is very deep water, but right in front of it is much low land—you may call it tide-water land—and without great improvements no railroad could get out to deep water so as to reach a vessel. In order to get a harbor at all, any company would have to expend thousands of dollars to check and restrain a number of glacial streams that flow down there; piles would have to be driven to get a proper footing for a place for connecting the railroad with the ships in the harbor, and a good deal of dredging would have to be done. Whoever builds a railroad from that point will have to expend thousands of dollars to get a terminal. They will have to dredge those tide flats, and they will have to drive piles in some places. They will have to check and restrain a half dozen glacial streams in order to get them into one channel. It will be utterly impossible, without spending even millions of dollars, to get out there to a harbor that will be of any use.

Unfortunately along that coast of Alaska there are few real harbors. The nearest that comes to it is at Valdez, away up in the interior, back farther in the upper end of what is known as Prince William Sound. The great misfortune about that harbor is that the anchorage is too deep, while over at Cordova Bay, by extending work out across the tide flats toward deep water, a good harbor can be reached.

In the next place, the bill proposed that these parties should pay for this land; in the next place, it gave them no coal-land grant. It gave them a section of land by paying $10 an acre, the price for which the Senator from Montana can himself go up there and, with four associates, under the general laws of the Territory, locate 640 acres of coal land. That was all that bill proposed to give.

Alaska is a bleak, barren, mountainous, hard country in which to build railroads. It has few permanent settlers, and without giving encouragement to some railroad company it is difficult to get any railroad built. Some years ago a railroad

was started from Resurrection Bay up the Kenai Peninsula. They have been trying to get up some 156 miles to the Matanuska coal fields. They have not got even as far as Turnagain Arm yet. They have spent two million and a half dollars to get about 40 or 50 miles of road built. They are utterly stranded and helpless, and we have got a bill here to extend the time for the construction of the road.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from West Virginia?

Mr. NELSON. Certainly; I always yield to the chairman of the Committee on Public Buildings and Grounds.

Mr. SCOTT. I understand the House of Representatives has taken a recess until 7 o'clock, and I move that the Senate now take a recess until half past 7.

Mr. CLAPP. Mr. President, I would suggest that my colleague has not finished his speech.

Mr. NELSON. I am quite satisfied. I will finish the speech next session.

Mr. BACON. I desire to inquire of the Senator if he thinks that at 7 o'clock the two Houses will be in a position to bring business to a close. If so, I would rather have the recess to 7 than to half past 7.

Mr. SCOTT. I will say to the Senator from Georgia that my impression is that we shall be here until 9 o'clock. I may be mistaken. I withdraw my motion.

The VICE-PRESIDENT. The motion is withdrawn.

PUBLIC BUILDINGS BILL.

Mr. KEAN. I move that the Senate take a recess until 7 o'clock this evening.

Mr. BACON. There is no probability in the world, from what I can learn, that at 7 o'clock the business will be in such shape that we can conclude.

Mr. KEAN. I am informed that by a quarter of 7 the House will have the bill, for which we are waiting, in readiness.

Mr. NELSON. Will it be enrolled by that time?

Mr. KEAN. The Speaker so informed me.

Mr. HALE. They have been saying that ever since 12 o'clock.

Mr. SCOTT. That is it. We had better take a recess until 8 o'clock.

Mr. BLACKBURN. We have been here all day waiting on the pleasure of the House. It seems to me the Senate might now exercise some judgment of its own. If we meet here at 7 o'clock, to judge by our experience, we will have to wait here either patiently or impatiently until 9 o'clock.

Mr. HALE. I am told that the delay is owing to the inefficiency of the Printing Department. They have not had capacity enough, although they have had hours enough, to get the bill ready for the House; and that is a matter which hereafter we ought to deal with in our relations with the Printing Department. They have shown an entire lack of capacity in this matter and an entire lack of appreciation of the situation, and instead of, as has been done heretofore, under other management, sending bills up here early, they have taken their own time, and our delay is simply owing to the incapacity of the Printing Office.

Mr. BLACKBURN. Let me suggest to the Senator from Maine that I understand the House has taken a recess until 7 o'clock. Now, what need of the Senate being here at 7? We surely will get nothing at that hour. I suggest to the Senator from Maine that the Senate take a recess until 8 o'clock and let Senators have a chance to get their dinner and come back.

Mr. HALE. I suppose we will get something pretty soon after 7 o'clock.

The VICE-PRESIDENT. The Senator from Maine will suspend, to enable the Senate to receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed the bill (H. R. 20511) making appropriations for certain public buildings authorized by the act approved June 30, 1906, and for other purposes; in which it requested the concurrence of the Senate.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

The VICE-PRESIDENT laid before the Senate the bill (H. R. 20511) making appropriations for certain public buildings authorized by the act approved June 30, 1906, and for other purposes.

Mr. HALE. Let the bill be considered now.

The VICE-PRESIDENT. The Senator from Maine asks unanimous consent that the bill just stated be now considered. It will be read for the information of the Senate.

The bill was read the first time by its title and the second time at length, and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. WARREN. I will ask the Secretary to look and see if Colorado Springs is included in the bill. I presume it is, but I missed it.

Mr. HALE. If it is not there, it can not be put there anyway. We can not send the bill back to conference.

Mr. WARREN. It may have been an error.

The VICE-PRESIDENT. The Secretary read every item in the bill.

Mr. HALE. Let the Senate act on the bill.

Mr. WARREN. I wish it might wait for a minute.

Mr. HALE. Supposing the item is not in the bill, does the Senator propose to send the bill back to conference?

Mr. WARREN. I had an idea that we might amend it.

Mr. HALE. We have waited on the House for hours and hours, Mr. President.

Mr. KEAN. And we will wait for hours and hours more.

Mr. WARREN. I will not delay the Senate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

RECESS.

Mr. HALE (at 6 o'clock and 17 minutes p. m.). I move that the Senate take a recess until fifteen minutes past 7 o'clock.

The motion was agreed to; and at the expiration of the recess the Senate reassembled.

ENROLLMENT OF BILLS.

Mr. HALE. Mr. President, the Senate has been very patient and very faithful in attending to its business in these last days of the session and has waited patiently during the day, getting the information from time to time that the closing bills which are necessary to be passed would be sent here, and that action would be completed and no further delay result. The President of the United States has come here with his Cabinet to scrutinize bills before signing them, and after waiting, as I have never known a President to do before, for hours and hours, has naturally and with good reason left the Capitol, and the final messages will have to be sent to him.

Mr. President, I do not know where the fault is. I do not conceive that it is here. I am certain that the House of Representatives and its committees are as desirous of closing the session as the Senate can be. But there is a grave fault somewhere. The situation that we are in is unusual; I think unprecedented. I have been greatly disturbed because the great sundry civil appropriation bill, which the Committee on Appropriations of the Senate had in charge, was, in the absence of the senior Senator from Iowa [Mr. ALLISON], who I hope will at no long day in the future be restored to the field of his great work and services here, committed to my charge.

One of the things in controversy upon that bill was the $3,000,000 appropriation for the acquisition of land on the southern side of Pennsylvania avenue, to be condemned or bought for the erection of much-needed public buildings for the Department of State, Department of Justice, and the Department of Commerce and Labor. I for one was greatly interested. The matter has been up here, and as the Chair will remember it was up in the previous Congress. The Committee on Appropriations put the clause in the bill and reported it. But great opposition was developed in the House, and I felt and the committee felt that while it was a proper public measure and that it would be a good thing for Congress to adopt, as the House had not put it on the bill, and as the Senate had put it on, and the House conferees squarely and determinedly stated that that body would not agree to it, the Senate must recede and give it up. I have here the official report of the presentation of the conference report on June 29:

SUNDRY CIVIL APPROPRIATION BILL.

Mr. HALE. I submit the final conference report on the sundry civil bill.

Which ended it so far as our committee is concerned.

That the Senate recede from its amendments numbered 3, 4, 5, 14, 22, 47—

And following twenty or thirty other amendments.

I turn to the copy of the bill, and I find upon page 10 the amendment numbered 5—building for the Departments of State, Justice, and Commerce and Labor—and a somewhat extended provision following to enable the Secretary, in his discretion, to condemn the site below the Avenue. In terms and as conclusively as it is possible for the Senate to act it discarded that amendment and it went out under the report made to the Senate, which I have quoted. But notwithstanding that, Mr. President, in the official enrolled copy of the bill amendment No. 5 in terms, instead of disappearing as the Senate directed

that it should disappear, appears as a part of the enrolled bill and of the law.

It awakens not only surprise but solicitude that anything of that kind should happen after a complete scrutiny, after official action. This thing occurred and was only detected, I will not say by accident, in examining the bill before it was signed by the President, and it is found that this clause, instead of being eliminated and disappearing under the waters of Congressional dissent, is in the text of the bill, and the two bodies of Congress have been obliged to pass—and have, I am glad to say, without question passed—a joint resolution, approved by the President, correcting this error and, if it become law by the President having formally affixed his signature, repealing that clause, so that it is out of the bill. But it has given me a good deal of trouble, not, as the RECORD shows, that there is any fault on the part of the committee or of the clerks in making it up, but it is in the enrollment.

Mr. President, I do not know what the enrolling force is. I do not know who constitute it. I have no prejudice against it. I do not know how many men compose that force. It has never been up to me to investigate it. But I do know that a thing of this kind ought not to occur.

Mr. NELSON. Mr. President——

Mr. HALE. I wish the Senator would let me complete my statement. Still I will yield.

Mr. NELSON. I was going to suggest that the enrollment now is done at the Government Printing Office, is it not?

Mr. HALE. I say I do not know where it is done. I do not know who is engaged in it.

Now, I can see and Senators can see that here is a matter of great controversy. Here is a condemnation or purchase of I do not know how many tracts—twenty or thirty or fifty, perhaps a hundred different tracts of land—and the two Houses throw out the clause, and yet it appears afterwards as being in the law. Suspicions are very easily engendered; the newspapers are not wholly without fault in nourishing suspicion and in attributing sinister motives to Congress, and if this had not been discovered, and if it had been found, after adjournment, that it was in the bill, I do not know how many men or how many newspapers or how many correspondents would have said that the Senator from West Virginia [Mr. SCOTT], in charge of the public buildings bill, and I, who for the time being was in charge of these appropriations, and the Secretary of State, who has urged this earnestly, had quietly submitted to its insertion.

I do not think any implication of that kind would have affected any of us here, but I am very glad that we escaped it. Whoever is accountable for this, it ought hereafter never to take place. I am not certain but that in the future there ought to be a special committee to examine into the final stages of a bill after it has passed the Senate to see that the enrollment corresponds to the action of Congress.

Mr. CARMACK. This was a House bill. It was enrolled in the House, I understand.

Mr. HALE. I am not going into that, Mr. President. I do not know——

Mr. CARMACK. I think it proper that that fact should be known, so that if there is any fault it may appear where the fault is located.

Mr. HALE. I am so desirous of doing no injustice to anyone that I do not seek to locate the fault. It is a very grave one and might have embarrassed the Senate very greatly. It was luckily discovered, and it has been corrected.

I am by no means certain we should not hereafter properly create a committee of experts, not a large committee, but one whose duty it would be to examine the enrollment of bills. We have a Committee on Enrolled Bills, but I do not suppose that committee ever pays great attention to these matters, but formally passes them up to the desk of the presiding officer to be signed.

Always with the naval appropriation bill I have directed the clerk of the committee to follow the bill after it has passed both the House and Senate and has been agreed to in conference to see that the enrollment has in it nothing but what the two Houses have agreed to and that no mistake has been made in indicating an amendment by number, as amendment No. 5 in this case, which, instead of being put into the items rejected, was put into the items accepted. In that way I have tried to see that the naval appropriation bill is stripped of any defect of this kind. As I said, I do not know but we shall be obliged to do that in all cases.

Upon this matter, Mr. President, without in any way locating the fault, but showing where it is not to be placed, as I have read the RECORD, I present the following resolution, which I ask may be adopted.

The VICE-PRESIDENT. The Senator from Maine submits a resolution, which will be read by the Secretary.

The resolution was read, as follows:

Resolved, That the Committee on Rules be directed to examine into the clerical force engaged in the enrollment of bills passed by Congress and to report to the Senate whether said force needs to be reorganized in order to secure accuracy and efficiency in its work.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. CARMACK. Mr. President, I think this particular error ought to be examined into. The resolution proposed by the Senator from Maine of course does not look to that, but I think this particular case ought to be inquired into.

Mr. HALE. I have no doubt the Committee on Rules, because this is the occasion of the resolution, will begin its investigation by looking into the circumstances attendant on this bill.

Mr. CARMACK. But that is not provided for in the resolution.

Mr. HALE. I do not think it needs to be provided for.

Mr. CARMACK. It may not be necessary.

I merely wish to say, Mr. President, that I do think this matter ought to be inquired into. It may have been, and probably was, simply an error, an oversight, a mistake; but I know it has occurred again and again in the legislature of Tennessee, and I have no doubt it has occurred again and again in the legislatures of other States, that bills have been fraudulently changed and practically a law enacted by a simple twist of the wrist on the part of sombody who was paid to do it fraudulently. I do not mean to charge that anything of that sort happened in this case. I do not think it did; but still that is possible. This matter, I think, ought to be carefully inquired into. If the resolution of the Senator is such as to require an investigation into this particular case I am satisfied with it.

Mr. HALE. I have no doubt it is.

Mr. CARMACK. It ought to be done, unquestionably.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

PRINTING OF BILLS AND JOINT RESOLUTIONS.

Mr. HALE. Mr. President, I have another resolution to offer. Both these resolutions take root in the embarrassment that has come by reason of this unusual delay. I do not know how many Senators have asked me why it is that when it was supposed we could adjourn early this morning we were told we could adjourn at half past 12, and then at 3, and then at 6, and then at 8, and yet the bills do not appear. One reason and another has been given.

I do know this, Mr. President, that for the first time in my experience here it has been difficult to get bills that come here from the House and are ordered to be printed up before the committees acting on them in the time in which we have ordinarily had them. The Printing Office has been heretofore quite a model in that regard. I have sometimes been surprised at the celerity with which when a bill has been sent there it is printed and returned here with the amendments numbered. In the last days of the session this is essential, not only to the comfort of members of this body, but to the interests of legislation.

This year, for the first time, it has been hard work to get anything out of the Printing Office. On one of the important bills that we had we waited and waited, and at last the Committee on Appropriations had to go to work and consider an old print, having nothing more, in order to transfer our amendments to the new print, and we could get no satisfaction from the Printing Office for the delay.

I do not know where the cause is. I know that it occurs now for the first time. It has been suggested to me that the new management in the Printing Office is so largely engaged in other reforms and in securing to itself additional jurisdiction that it believes in these matters it is the business of the Congress to wait on the convenience of the Printing Office instead of their waiting on our convenience. A veteran Senator who has had charge of an appropriation bill nods his assent to this, and quite likely other Senators. It is a part of the thing that we are meeting, the disposition on the part of outside organizations not, as I have said, to wait on the convenience of Congress, but to make us wait on their convenience. That is all wrong. It is absolutely different from the theory that should obtain.

These Departments beset us for appropriations, for increased appropriations, for new clauses, and they hammer at the gates of our committee, and when we decide against them they entreat and implore us to change our decision and give them what they want, all upon the theory that it is for them to decide

on these great questions of appropriations what is needed and not for Congress. I think the Senate is very tired of that. Without localizing in this case—I do not know who is at fault; Mr. Brian has been there for years; there never has been any trouble heretofore; I never before had any trouble in getting early reports—I submit this additional resolution.

The VICE-PRESIDENT. The Senator from Maine submits a resolution, which will be read by the Secretary.

The Secretary read the resolution, as follows:

Resolved, That the Committee on Printing be directed to inquire into the reasons for the delay in the Government Printing Office in sending to the Senate, especially in the last days of the session, printed copies of bills and joint resolutions pending and awaiting action on the part of Congress.

The Senate, by unanimous consent, proceeded to consider the resolution.

Mr. HALE. Mr. President, I do not know of anything better that can be done when a grievance arises than to try to remedy it. I do not wish here to do any injustice to the Public Printer or to anybody. I know very little about it. He has had no experience in the Printing Office here before. He was brought here and put at the head of it, but has had a good reputation elsewhere, and he is said to be a faithful, competent man. But I am afraid he does not realize the importance, particularly in the last days of a session, of letting other work go and attending to the calls of Congress for the copies of bills that are necessary to be placed upon the desks of members in order that we may legislate with information and with understanding.

I ask for the adoption of the resolution.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. FORAKER. Mr. President, I listened with very great interest and a high degree of appreciation to all the Senator from Maine said. I thought he said very wisely and very properly, under all the circumstances, that the fault is one necessary to be located, and he would not undertake to locate it. But I do think the Senate ought to know, in view of all that has been said, where at least it should not be located. I rise to make the inquiry that I may learn if possible whether or not any of this fault is to be located in the Senate, if the Senator can tell us.

Mr. HALE. Perhaps the Senator was not present when I read from the RECORD upon the particular case.

Mr. FORAKER. Yes; I was present and heard it.

Mr. HALE. Showing that the fault was not in the Senate or in the committee or with the clerks of the committee.

Mr. CULLOM. Of the Senate?

Mr. HALE. Of the Senate. Now, that is as far as I know. I can not go beyond that.

Mr. FORAKER. I only wanted to know whether or not it was possible that any of this fault was to be located in the Senate. I did not imagine that it could be, and I am gratified to know that it is not.

Mr. HALE. I suppose, as I have already said in reply to the Senator from Tennessee, that when the committee which will be intrusted with this investigation begins its work the first thing it will do will be to take up this particular, significant incident, which was the occasion of the resolution.

Mr. CULLOM. Mr. President, I merely want to say that it was suggested to me by a Senator a moment ago—I knew it before, but I had forgotten about it—that the Public Printer has been very ill for some weeks, and that may be the cause of the delay, if anything is attributable to the Printing Office at all. I do not know enough about the situation to know where it does belong, but I do want to give credit to the fact that if there has been any neglect there, the Public Printer has been ill and could not give the matter that attention he would perhaps otherwise have done.

Mr. FORAKER. I do not know anything about the matter at all, but I felt that it was due to the clerical force of the Senate, and to everybody else connected with the Senate, that there should not be any room left to locate it with them.

Mr. CARMACK. Of course the illness of the Public Printer might absolve him from any personal blame in this matter, but it does look like the office there ought to be so well organized that the personal presence of the Public Printer ought not to be necessary in a matter of this sort. While that may absolve the Public Printer himself it appears that the office ought to be well enough organized for work of this kind to go on properly and expeditiously without any trouble, even though he may be ill and absent.

PUBLIC BUILDINGS BILL.

Mr. HALE. Senators inquire when we may expect the last bill to be enrolled—the public buildings bill—from the House. I am told that whenever a copy arrives it is found to contain errors which have to be remedied. I do not know what the errors are. I think the House is laboriously striving to send us that bill, which is the only measure keeping us here. It is a very important bill, and everybody understands that it must be passed. It is a tax upon the patience of Senators to ask them to wait, but I think we must ask Senators to wait until we receive that bill and act upon it. When that is done and the bill is sent to the President there is nothing else to prevent an immediate adjournment. I do not think anybody wants to put the matter over until Monday, because that would keep Senators here who want to leave the city to-night or to-morrow. While it is disagreeable, I think we have got to await the action of the House until they complete the bill.

I shall hope that whenever there is a public-buildings bill again somebody in considering the bill will look to it that it is prepared with the care and attention and faithful detail with which we prepare, I will say, appropriation bills, which have sometimes a thousand items in them, so that we may not be submitted to the spectacle we have been submitted to to-day and be asked to continue along indefinitely in the evening, which I fear we will now have to do.

I am told that the House means to perfect the bill and to send it to us to-night and not adjourn. I have known cases where we have awaited the action of the House until almost midnight, and I think we will have to do that now.

Mr. WARREN. Mr. President, I feel sure that the Senator from Maine [Mr. HALE] does not intend to reflect upon either the Committee on Public Buildings and Grounds or its employees.

The history of the public-buildings bill is something as follows: It is a House bill and its consideration was entered upon almost seven months ago by the House Committee on Public Buildings and Grounds. It was finally perfected, as that committee thought, put under lock and key, and I am informed to-day that it was taken out by that committee and revamped and altered from time to time, and again put back under lock and key until finally unlocked and passed by the House. In the meantime the Senate nor any of its members were in possession of the terms of the bill. It reached this body, if I am not mistaken, somewhere about 5 o'clock on Wednesday afternoon of this week. It got to the Senate Committee on Public Buildings and Grounds in season for that committee to get to work on it at 8 o'clock Thursday night. The bill was amended, brought back to the Senate the next day, and passed shortly after the opening of the session.

In other words, the committee had it in its possession much less than twenty-four hours. It went to conference, reached the committee of conference at a late hour on Friday night, and was finished the next morning—to-day, Saturday—at 10 minutes past 10. In the meantime there had been a disagreement reported, a second conference had, and our work as conferees completed.

Now, with nearly seven months in a committee on the other side, I submit, forty-eight hours was rather a short time for the Committee on Public Buildings and Grounds of the Senate for this great, vexatious omnibus bill.

Nevertheless, Mr. President, the bill, as far as we know now, has no errors on account of that short time and the haste of the committee of the Senate, but in enrolling the bill I am informed that nearly every sheet has been sent back to the Printing Office for errors, and some of them more than once.

So, wherever the delay is, it is not on the part of the Senate, its committee, the committee clerks, or, so far as I know, of any of the employees, and we in our forty-eight hours seem to have done our work as well as they did theirs in seven months.

I will say, however, as I may seem to reflect upon the work of the House committee, that, in my judgment, we have never had sent us as good a bill in the way of an omnibus public-buildings bill as the one the House sent us this year. The House committee deserves credit for this, and I believe the Senate may congratulate itself, and Congress and the country, upon this bill as being the most valuable bill we have ever had in the way of an omnibus public-buildings bill, in that it is not a large amount—some $23,000,000, or a little over. It covers a great many places and will erect a great many suitable buildings for public use.

Mr. HALE. Needed buildings.

Mr. WARREN. Needed buildings. But instead of voting, as we have sometimes done, $150,000 or $200,000 for a given town, for a given post-office only, we have given, say, $50,000 to $100,000; where post-office, court-house, land offices, from $75,000 to $150,000, and we have obtained assurances from the Treasury Department that it can conform to these sums and erect the needed useful buildings by leaving off, perhaps, a little

of the ornamentation and some of the furbelows, but giving us all the solids, all the real values, all the working room, and, in fact, all of the substantial qualities necessary to give a building not only a good, wholesome, substantial appearance, but as long a life as if we spent a good deal more upon it.

Now, Mr. President, in looking about we find the buildings that have been built in Washington, where the most ornamentation was put upon them, are to-day the furthest out of date. The buildings that were built plainly and elegantly, as a number of them were, like the Patent Office, we will say, the Treasury building, are to-day in my judgment, away above and beyond in their appearance those of a later date that, in the ornamental stage, had hundreds of thousands of dollars expended upon the ornamentations.

I recall—and others who have served with me on the Committee on Public Buildings and Grounds will also do so—that we have been asked heretofore to appropriate $500,000, $600,000, $700,000, and even $750,000 for fresco and other similar ornamentation in public buildings after all but this fancy finish had been completed.

Mr. President, there are not to my knowledge any of the frills and frescoes of a more extravagant age in the present bill. In my judgment we ought to ask the Supervising Architect of the Treasury Department to calculate upon plain, substantial styles of buildings for all the towns throughout the United States when the Government is to erect Federal offices. Of course in State capitals and large cities like the great metropolis, New York, we can perhaps be a little more generous in expenditures; but, generally speaking, I think we want good, large, plain, roomy, airy, substantial buildings. We can get along without marble halls or marble walls in a large majority of cases and use sandstone, limestone, or other good strong material. It is not necessary that the marble should be 8 or 9 feet high in the wainscoting around the rooms where 3 feet will do, and so on.

Mr. HALE. Does either of the Senators know which body assented to the conference?

Mr. WARREN. The House assented. The Senate asked for the last conference.

Mr. HALE. Is the Senator sure of that?

Mr. WARREN. Yes.

Mr. HALE. Because that will make a difference in the proposition of our taking a recess.

Mr. WARREN. I will say to the Senator that the Senate last night reported here a disagreement, the House waiting. The Senate insisted, and appointed conferees and asked for a conference. The House agreed to it.

Mr. HALE. Then there is no doubt that the report will be submitted in the House first.

Mr. WARREN. In the House first.

Mr. HALE. Then I will make my motion for a recess after we hear from the House.

Mr. WARREN. Mr. President, this delay is vexatious. I regret it very much, wherever the fault may be; but I want to say that if we shall find when this bill is signed and becomes a law somebody's building is left out, or if some building for some city or town is provided for in one bill but is not appropriated for in the other, we must remember that the Senate had something like forty-eight—certainly not seventy-two—hours to do all its part, and that the final work upon it—that is, the enrollment—clerks and others have had to do at late hours, after long, hard sessions in very warm weather. We must put up with the general proposition that the bill, as a whole, is the best one we have ever had and is tending toward improvement so far as the number of buildings is concerned and more frequent public-building bills, because of the economies of this bill.

NOTIFICATION TO THE PRESIDENT.

Mr. HALE. Mr. President, I am informed by a veteran Member of the House of Representatives that the House has appointed its members of a joint committee to wait upon the President of the United States and inform him that Congress is ready to close its session, that it has passed a resolution for final adjournment at 10 o'clock to-night, and has taken a recess until 10 minutes to 9 o'clock in order to take up the enrolled bills. So I present the resolution which I send to the desk, and I wish to say to the Chair that although I present the resolution I will not be able to serve on the committee. I therefore ask that the Chair appoint some other Senator.

The VICE-PRESIDENT. The resolution proposed by the Senator from Maine will be read.

The Secretary read the resolution, as follows:

Resolved, That a committee of two Senators be appointed by the Vice-President, to join a similar committee appointed by the House of Representatives, to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

The resolution was considered by unanimous consent, and agreed to.

The VICE-PRESIDENT. Under the resolution just adopted, the Chair appoints as members of the committee on the part of the Senate the Senator from New Hampshire [Mr. GALLINGER] and the Senator from Kentucky [Mr. BLACKBURN].

Mr. HALE. Mr. President, I am told that the Senator from New Hampshire is not here and is not likely to be here this evening. In looking around, my eye falls upon the senior Senator from Minnesota [Mr. NELSON].

The VICE-PRESIDENT. In the absence of the Senator from New Hampshire, the Chair will appoint the senior Senator from Minnesota [Mr. NELSON].

Mr. HALE. Mr. President, I will not yet ask that the Senate take a recess until 10 minutes to 9 o'clock, as the House has done, but I will wait to see if we get a message from the House announcing the appointment of the committee to wait upon the President and fixing the time for final adjournment. As I have already stated, I am told that the other House has fixed the time at 10 o'clock to-night. My impression is that the Senate, without extended debate, will accept that and be very thankful for it.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had passed a concurrent resolution authorizing the President of the Senate and the Speaker of the House of Representatives to close the present session by adjourning their respective Houses on the 30th day of June, 1906, at 10 o'clock p. m.; in which it requested the concurrence of the Senate.

The message also announced that the House had passed a resolution appointing a committee of three Members to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses had completed the business of the present session and were ready to adjourn unless the President has some other communication to make to them.

The message also announced that the Speaker had appointed Mr. PAYNE, Mr. BURTON of Ohio, and Mr. WILLIAMS as members of the committee on the part of the House.

ENROLLED BILL SIGNED.

The message further announced that the Speaker of the House had signed the enrolled bill (H. R. 20511) making appropriations for certain public buildings authorized by the act approved June 30, 1906; and it was thereupon signed by the Vice-President.

FINAL ADJOURNMENT.

Mr. HALE. Mr. President, I ask that the House resolution relating to final adjournment be laid before the Senate. It is customary to refer such resolutions to the Committee on Appropriations; but there is no need of doing that now.

The VICE-PRESIDENT. The Chair lays before the Senate a concurrent resolution of the House of Representatives, which will be read.

The Secretary read the resolution, as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 30th day of June, 1906, at 10 o'clock post meridian.

Mr. HALE. I ask for the adoption of the resolution.

The concurrent resolution was considered by unanimous consent, and agreed to.

RECESS.

Mr. HALE (at 8 o'clock and 8 minutes p. m.). Now, unless there is some enrolled bill or a bill that is not enrolled, or is not likely to be enrolled right, I move that the Senate take a recess until ten minutes past 9 o'clock.

The motion was agreed to; and at the expiration of the recess (at 9 o'clock and 10 minutes p. m.) the Senate reassembled.

INDIAN APPROPRIATION ACT.

On motion of Mr. LONG, it was

Ordered, That 1,000 additional copies of the Indian appropriation act be printed for the use of the Senate.

RECESS.

Mr. KEAN (at 9 o'clock and 25 minutes p. m.). Mr. President, I do not see that any business is doing at the present moment; and I suggest that the Senate take a recess for ten minutes, in the hope that there may be something from the other House by the expiration of that time.

The motion was agreed to; and at the expiration of the recess (at 9 o'clock and 35 minutes p. m.) the Senate reassembled.

ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the Speaker of the House had signed the enrolled bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; and it was thereupon signed by the Vice-President.

PRESIDENTIAL APPROVALS.

A message from the President of the United States, by Mr. B. F. BARNES, one of his secretaries, announced that the President of the United States had on this day approved and signed the following acts and joint resolution:

S. 369. An act to authorize the appointment of Acting Asst. Surg. Reuben A. Campbell, United States Navy, as an assistant surgeon in the United States Navy;

S. 1864. An act for the relief of James H. Oliver, a commander on the retired list of the United States Navy;

S. 4593. An act for the relief of Francis J. Cleary, a midshipman in the United States Navy;

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes;

S. 1476. An act granting certain lands to the town of Tincup, Colo., for cemetery purposes;

S. 4169. An act to authorize the sale of certain real estate in the District of Columbia belonging to the United States;

S. 4208. An act to amend section 4471 of the Revised Statutes of the United States, regulation of steam vessels;

S. 5901. An act to extend the time for the completion of the Alaska Central Railway, and for other purposes;

S. 6167. An act to improve the channels along the New Jersey seacoast;

S. 6209. An act authorizing certain changes in the permanent system of highways in the District of Columbia;

S. 6283. An act granting an increase of pension to Clara A. R. Devereux;

S. 6523. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Copper River in the Territory of Alaska;

S. 952. An act to authorize a patent to be issued to Stephen Teichner for certain lands therein described;

S. 1166. An act to correct the military record of Peleg T. Griffith;

S. 1291. An act for the relief of James W. Watson;

S. 1725. An act granting certain land to the Missionary Baptist Church, of Rock Sink, Fla.;

S. 1862. An act for the relief of Joshua T. Reynolds;

S. 4185. An act granting an increase of pension to George B. Barnes;

S. 4880. An act granting an increase of pension to Emma K. Tourgée;

S. 4899. An act granting an increase of pension to Ann Thompson;

S. 5028. An act to remove the charge of desertion from the military record of Thomas F. Callan, alias Thomas Cowan;

S. 5769. An act defining the right of immunity of witnesses under the act entitled "An act in relation to testimony before the Interstate Commerce Commission," etc., approved February 11, 1893, and an act entitled "An act to establish the Department of Commerce and Labor," approved February 14, 1903, and an act entitled "An act to further regulate commerce with foreign nations and among the States," approved February 19, 1903, and an act entitled "An act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June 30, 1904, and for other purposes," approved February 25, 1903;

S. 6256. An act to authorize the Lake Schutte Cemetery Corporation to convey lands heretofore granted to it;

S. 6268. An act granting a pension to Helen G. Hibbard;

S. 6301. An act granting an increase of pension to William C. Long;

S. 6359. An act granting an increase of pension to Francis D. Garnsey;

S. 6381. An act granting an increase of pension to John McDonough;

S. 6422. An act granting an increase of pension to John L. Wells;

S. 6443. An act authorizing and directing the Secretary of the Interior to sell to the city of Los Angeles, Cal., certain public lands in California; and granting rights in, over, and through the Sierra Forest Reserve, the Santa Barbara Forest Reserve, and the San Gabriel Timber Land Reserve, California, to the city of Los Angeles, Cal.;

S. 6471. An act granting an increase of pension to Ella E. Kenney;

S. 6004. An act to provide an American register for the steam yacht *Waturus;*

S. 6492. An act to correct the military record of James Devlin;

S. 6522. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a railroad trestle across tide and shore lands in Controller Bay, in the Territory of Alaska; and

S. R. 72. Joint resolution fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June 29, 1906, shall go into effect.

ADDITION TO ROCK CREEK PARK.

The VICE-PRESIDENT. In compliance with the terms of section 25 of an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, the Chair appoints as the committee referred to in the section relative to the advisability of purchasing the proposed addition to Rock Creek Park the Senator from West Virginia [Mr. SCOTT], the Senator from New Hampshire [Mr. GALLINGER], and the Senator from Kentucky [Mr. BLACKBURN].

NOTIFICATION TO THE PRESIDENT.

At 9 o'clock and 42 minutes p. m. Mr. NELSON and Mr. BLACKBURN, the committee appointed on the part of the Senate to wait upon the President of the United States, appeared, and

Mr. NELSON said: Mr. President, the committee appointed on the part of the Senate, to join a similar committee appointed on the part of the House of Representatives, to wait upon the President of the United States and notify him that Congress is ready to adjourn and to ascertain whether he may have any further communications to make to Congress, beg leave to report that we communicated with the President, informed him that Congress was ready to adjourn, and inquired whether he had any further communications to make, and he informed the committee that he has no further business to present to Congress.

PUBLIC BUILDINGS ACT.

On motion of Mr. KEAN, it was

Ordered, That 1,000 additional copies of H. R. 20410, to limit the cost of public buildings, etc., as approved, be printed for the use of the Senate.

THANKS TO THE VICE-PRESIDENT.

Mr. BLACKBURN (at 9 o'clock and 50 minutes p. m.). Mr. President, it affords me a great deal of pleasure to offer for the adoption of the Senate a resolution that I will send to the desk expressive of the appreciation of this body for the courtesy, efficiency, fairness, and ability with which its presiding officer has discharged the duties of his station.

In offering this resolution, Mr. President, I feel assured that it but gives expression to the sentiment of each and every member of this body. In all the years that I have been here I have never known an occupant of that chair who more richly deserved this tender of appreciation from those over whose deliberations he presided.

I ask that the Secretary read the resolution that I offer for the adoption of the Senate.

The PRESIDING OFFICER (Mr. NELSON in the chair). The Secretary will read the resolution submitted by the Senator from Kentucky.

The Secretary read the resolution, as follows:

Resolved, That the thanks of the Senate are hereby tendered to the Vice-President for the dignified, impartial, and courteous manner in which he has presided over its deliberations during the present session.

The PRESIDING OFFICER. The question is on the adoption of the resolution which has been read by the Secretary.

The resolution was unanimously agreed to.

ADDRESS OF THE VICE-PRESIDENT.

The VICE-PRESIDENT having resumed the chair, and the hour of 10 o'clock p. m. having arrived,

The VICE-PRESIDENT. Senators, I shall always hold in

grateful remembrance the resolution you have adopted personal to myself. Permit me to express to you my deep sense of obligation for the uniform courtesy, kindness, and assistance which the Chair has received from both sides of the Chamber.

The session which is closing has been a protracted and arduous one. Great questions have been debated in a manner worthy of the best traditions of the Senate. Many sharp differences of opinion have been disclosed in the progress of the discussions, but they have been only such as must naturally arise in a forum where public measures of magnitude are determined after mature deliberation. There has been, of course, entire accord among Senators in patriotic purpose.

I trust that at the close of the vacation upon which you are about to enter you may return safely and in health to resume your important service in behalf of the Republic.

The hour for the adjournment of the first session of the Fifty-ninth Congress having arrived, it becomes my duty to declare the Senate adjourned without day.

NOMINATIONS.

Executive nominations received by the Senate June 30, 1906.

PROMOTIONS IN THE ARMY.

To be captains.

First Lieut. Charles C. Pulis, Artillery Corps, from June 9, 1906, vice Foster, detailed in the Subsistence Department.

First Lieut. Terence E. Murphy, Artillery Corps, from June 22, 1906, vice Davis, promoted.

SURVEYOR-GENERAL.

Ernest G. Eagleson, of Boise, to be surveyor-general of Idaho, his term having expired. (Reappointment.)

CONFIRMATIONS.

Executive nominations confirmed by the Senate June 30, 1906.

SURVEYOR-GENERAL OF IDAHO.

Ernest G. Eagleson, of Boise, Idaho, to be surveyor-general of Idaho.

PROMOTIONS IN THE ARMY.

To be captains.

First Lieut. Charles C. Pulis, Artillery Corps, from June 9, 1906.

First Lieut. Terence E. Murphy, Artillery Corps, from June 22, 1906.

CONSUL.

Herman L. Spahr, of South Carolina, to be consul of the United States of class 8 at Breslau, Germany.

PROMOTIONS IN THE NAVY.

To take rank as commanders in the Navy from the dates set opposite their names:

John L. Gow, to take rank from May 26, 1906.
George R. Clark, to take rank from June 6, 1906.
George E. Burd, to take rank from June 12, 1906.
Albert N. Wood, to take rank from February 12, 1906.
Edward Lloyd, jr., to take rank from February 19, 1906.
Richard M. Hughes, to take rank from February 28, 1906.
Frank W. Bartlett, to take rank from April 13, 1906.
Frederick C. Bieg, to take rank from May 13, 1906.

Professor of Mathematics Philip R. Alger, to be a professor of mathematics in the Navy, with the rank of captain, from the 21st day of June, 1906.

Professor of Mathematics Thomas J. J. See to be a professor of mathematics in the Navy, with the rank of commander, from the 21st day of June, 1906.

Second Lieut. Walter N. Hill to be a first lieutenant in the Marine Corps from the 26th day of June, 1906.

APPOINTMENT IN THE MARINE CORPS.

Robert Tittoni, a citizen of Pennsylvania, to be a second lieutenant in the Marine Corps from the 26th day of June, 1906.

POSTMASTERS.

ALABAMA.

William A. Warner to be postmaster at New Decatur, in the county of Morgan and State of Alabama.

CALIFORNIA.

Lorenzo A. Rockwell to be postmaster at Compton, in the county of Los Angeles and State of California.

COLORADO.

Calvin L. McPherson to be postmaster at Holly, in the county of Prowers and State of Colorado.

MICHIGAN.

Albert U. King to be postmaster at Augusta, in the county of Kalamazoo and State of Michigan.

MINNESOTA.

Samuel C. La Due to be postmaster at Fertile, in the county of Polk and State of Minnesota.

MISSOURI.

Samuel H. Elkins to be postmaster at Columbia, in the county of Boone and State of Missouri.

NEW YORK.

Lyle Bennehoff to be postmaster at Alfred, in the county of Allegany and State of New York.

Alfred E. Greene to be postmaster at Hunter, in the county of Greene and State of New York.

Emmons R. Stockwell to be postmaster at Theresa, in the county of Jefferson and State of New York.

HOUSE OF REPRESENTATIVES.

SATURDAY, *June 30, 1906.*

[*Continuation of legislative day of Friday, June 29, 1906.*]

The recess having expired, the House was called to order at 10.55 by the Speaker.

Mr. TAWNEY. Mr. Speaker, I offer the following joint resolution and ask for its immediate consideration.

The SPEAKER. The gentleman from Minnesota offers a joint resolution, and asks unanimous consent for its present consideration. The Clerk will report the same.

The Clerk read as follows:

Joint resolution (H. J. Res. 188) making an additional appropriation for expenses under the Interstate Commerce Commission.

Resolved, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $81,597.35 for additional expenses of the Interstate Commerce Commission during the fiscal year 1907, authorized under the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof and to enlarge the powers of the Interstate Commerce Commission.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. TAWNEY. Mr. Speaker, I wish to say a few words by way of explanation. The Interstate Commerce Commission last night sent me an estimate of the amount that would have to be added to their appropriation in consequence of the passage of the rate bill. The amount estimated was $97,916.80. Later I received a letter from the Commission saying that in the event of the passage of the resolution requiring that the bill should not take effect until sixty days from the date of approval it would be necessary to carry only five-sixths of the amount estimated, and the amount in the joint resolution is exactly the amount estimated by the Commission on account of the rate bill going into effect sixty days from the date of its approval.

The joint resolution was ordered to be engrossed and read the third time; was read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the last vote was laid on the table.

Mr. TAWNEY. Mr. Speaker, I am informed that last evening, on the agreement to the report on the general deficiency bill, a motion was not made to reconsider and lay that motion on the table. I wish to enter that motion.

The SPEAKER. Without objection, it is so ordered. [After a pause.] The Chair hears no objection.

PRINTING COPIES OF RAILROAD RATE LAW AND PURE-FOOD LAW.

Mr. CHARLES B. LANDIS. Mr. Speaker, I ask unanimous consent for the present consideration of the following House resolution.

The SPEAKER. The Clerk will report the same.

The Clerk read as follows:

Resolved by the House of Representatives, That there be printed for the use of the House of Representatives 15,000 copies of the railroad rate law and 15,000 copies of the pure-food law as enacted at the present session of Congress.

The SPEAKER. Is there objection?

Mr. FINLEY. Mr. Speaker, I would like to ask the gentleman will these copies be distributed through the folding room?

Mr. CHARLES B. LANDIS. They will be distributed through the folding room.

The SPEAKER. The Chair hears no objection.

The resolution was agreed to.

CLARA A. B. DEVERAUX.

Mr. GROSVENOR. Mr. Speaker, I ask unanimous consent to discharge the Committee on Invalid Pensions from the further

consideration of the following bill, and that it be passed under the rule.

The SPEAKER. The gentleman from Ohio asks to discharge the Committee on Invalid Pensions from the further consideration of the following Senate bill and to consider the same at this time. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 6283) granting an increase of pension to Clara A. R. Devereux.

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Clara A. R. Devereux, widow of Arthur F. Devereux, late colonel Nineteenth Regiment Massachusetts Volunteer Infantry, and pay her a pension at the rate of $30 per month in lieu of that she is now receiving.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be read the third time; was read the third time, and passed.

On motion of Mr. GROSVENOR, a motion to reconsider the last vote was laid on the table.

STATEMENT OF APPROPRIATIONS.

Mr. TAWNEY. Mr. Speaker, I desire to submit a request for unanimous consent, and before submitting it I wish to make a statement. It has been the custom for a great many years for the chairman of the Committee on Appropriations to submit and have printed in the RECORD a statement reviewing the work of Congress in respect to appropriations, together with comparisons with previous years, and it has also been the custom for the ranking minority member of the committee to make a like statement. So far as the chairman of the Committee on Appropriations is concerned, he has not had time to prepare that statement and submit it before the final adjournment of Congress. I desire now to ask unanimous consent that I may print in the RECORD a statement or a review of the work of the session, so far as the appropriations are concerned, with such comparisons and statements and remarks as I may deem necessary to make in connection therewith.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment bills of the following titles:

H. R. 19241. An act granting an increase of pension to Henry A. Conant;

H. R. 19926. An act granting an increase of pension to Andrew Leopold;

H. R. 19163. An act granting an increase of pension to Margaret Munson;

H. R. 18545. An act granting an increase of pension to David Upham;

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

H. R. 8825. An act for the relief of Thomas H. Kent;

H. J. Res. 183. Joint resolution providing for printing of reports ordered by the river and harbor act of March 3, 1905;

H. J. Res. 177. Joint resolution authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, department of Kansas; and

H. C. Res. 28. Concurrent resolution providing for a naval review at Tampa Bay during the exposition at Tampa, Fla., commencing in the month of January, 1908.

The message also announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 5221. An act to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia; and

S. 5119. An act authorizing the extension of W and Adams streets NW.

AUTHORIZING SALE OF CERTAIN REAL ESTATE IN THE DISTRICT OF COLUMBIA.

Mr. RODENBERG. Mr. Speaker, I ask unanimous consent to take from the Union Calendar and discharge the Committee of the Whole House on the state of the Union from further consideration of the bill S. 4169, and that the same may be considered at this time.

The SPEAKER. The gentleman from Illinois asks unanimous consent to take from the Union Calendar, discharge the Committee of the Whole House on the state of the Union from the further consideration of the following bill; and consider the same at this time. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Chief of Engineers of the Army is hereby authorized to sell at public auction to the highest bidder, provided such highest bid be deemed reasonable and just by the said Chief of Engineers, the house and lot known as No. 204 L street NW., being part of lot 8 in square 558 in the city of Washington, D. C., said house and lot being the property of the United States and now under the charge of the Chief of Engineers in pursuance of section 1797, Revised Statutes, as amended by the act of April 28, 1902.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, reserving the right to object, I would like to know what it is and why it is.

Mr. RODENBERG. I will say to my colleague that the report accompanying the bill gives an explanation, and I will read from that. It is very brief:

The Committee on Public Buildings and Grounds, to whom was referred the bill (S. 4169) to authorize the sale of certain real estate in the District of Columbia belonging to the United States, having considered the same, report thereon with a recommendation that it pass.

This bill passed the Senate on March 12, 1906.

The Acting Secretary of War, under date of February 1, 1906, in a letter to the President of the Senate, makes the following recommendation in favor of the proposed legislation, which authorizes the Chief of Engineers to sell at public auction the property known as 204 L street NW., in this city:

"Under date of December 6, 1904, the United States, through the Department of Justice, obtained possession of the property which had escheated to the United States, for the reason that the owner died intestate and no natural heirs were discovered. This property came into the charge of the Chief of Engineers in pursuance of section 1797, Revised Statutes, as amended by the act of April 28, 1902, and consists of a two-story, four-room and summer-kitchen frame house on the lot, which is now rented to a monthly tenant for $12.30 per month, payable in advance. The Engineer Department reports that the house is small and old and that no reason exists why it should not be sold, provided a fair price can be obtained for it.

"The need of this legislation is brought to the attention of the Department by the officer in charge of public buildings and grounds, Col. Charles S. Bromwell, and is recommended as desirable by the Chief of Engineers, United States Army."

Mr. MANN. May I ask the gentleman if he has given this his own personal consideration?

Mr. RODENBERG. I can not say that I have. I can not say anything more about it than that it was reported unanimously by the Committee on Public Buildings and Grounds.

Mr. LIVINGSTON. What is the size of the lot?

Mr. RODENBERG. I do not know.

Mr. MANN. I do not object.

The SPEAKER. The question is on the passage of the bill.

The bill was ordered to be read a third time, was read the third time, and passed.

BOND ISSUE OF 1893.

Mr. BARTLETT. Mr. Speaker, I desire to have unanimous consent, not to make any remarks, but to have put in the RECORD a letter from myself to and a reply from Secretary John G. Carlisle in reference to a subject which has been much discussed in this session of Congress and at other sessions of Congress, with reference to the order for printing the plates for issuing bonds in 1893.

The SPEAKER. Is there objection?

Mr. MANN. Mr. Speaker, I would like to ask the gentleman what chapter this is of the continued story?

Mr. BARTLETT. I hope it will be the last, and I think it will be when this letter is read. On the 26th day of May the gentleman from Ohio made a speech in which he incorporated a letter from former Secretary of the Treasury, Mr. Foster, in which it was intimated, if not stated, that those plates were prepared for the issuance of bonds by the request of the then expected-to-be Secretary of the Treasury, Mr. Carlisle. I wrote immediately to Mr. Carlisle, and I desire to have my own letter and the one from him read.

The SPEAKER. Is there objection?

Mr. BARTLETT. Mr. Speaker, I will content myself with putting them in the RECORD, without being read at the Clerk's desk.

The SPEAKER. Is there objection to printing the letters referred to? There was no objection.

The letters are as follows:

HOUSE OF REPRESENTATIVES,
Washington, May 29, 1906.

Hon. JOHN G. CARLISLE,
39 Broad street, New York, N. Y.

MY DEAR SIR: The inclosed extract from the CONGRESSIONAL RECORD contains a statement made by Gen. CHARLES H. GROSVENOR, of Ohio, on the 26th instant.

If you feel inclined, I would be glad to know whether or not the references therein made to you are correct. You will recall that the order to the Director of the Bureau of Engraving and Printing was issued by Secretary Foster in February, 1893. Mr. GROSVENOR undertakes to create the impression from this letter that this order to prepare the plates for the printing of the bonds was made not for the purpose of meeting a deficit in the public revenues which existed or would exist at the end of the Harrison Administration, but was made at your suggestion.

I write this letter after conferring with Mr. WILLIAMS, of Mississippi, as we do not want the statement of Mr. GROSVENOR to go uncontradicted if it is not correct.

I would be glad to have authority to use any reply you may make to this letter.

Very truly, yours, C. L. BARTLETT.

CURTIS, MALLET-PREVOST & COLT,
ATTORNEYS AND COUNSELORS AT LAW,
39 Broad street, New York, June 5, 1906.

Hon. CHARLES BARTLETT,
House of Representatives, Washington, D. C.

DEAR SIR: On my return to the city I find your favor of May 29, with its inclosure. Two or three years ago I received a letter from the Hon. Judson Harmon upon the same subject, which I answered, stating, in substance, that I had no connection whatever with the arrangement said to have been made between my predecessor, Hon. Charles Foster, and certain New York banks, by which they were to advance to the Treasury Department the sum of $50,000, or any other amount, in gold or otherwise. I never heard of that arrangement until some months after I had become Secretary of the Treasury, and then my information was derived from the Bureau of Engraving and Printing, to which an order had been sent by my predecessor for the printing of the contemplated bonds. I never had any conversation with Mr. Gorman or my predecessor upon that subject, but, according to my best recollection, I had interviews with both of them in relation to the amendment which Mr. Sherman had offered and which is referred to in the letter you inclose to me. I approved of that amendment. In view of the condition of the Treasury Department at that time, it was my opinion that the Secretary of the Treasury should be clothed with the power which the Sherman amendment conferred upon him in order that, if it should become necessary to do so, he might procure gold by issuing and selling a 3 per cent bond instead of bonds bearing 4 per cent and 5 per cent, which were the only ones then authorized by law. In addition to the withdrawals of gold from the Treasury, which were then going on at a rapid rate, the monthly receipts had been for several months previous to that time, and were then, less than the monthly expenditures of the Government, as will be seen by an examination of the official records of the Department.

Yours, truly, J. G. CARLISLE.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 188. Joint resolution making an additional appropriation for expenses under the Interstate Commerce Commission; and

H. J. Res. 187. Joint resolution authorizing the purchase of the manuscript of a Digest of the United States Laws and Decisions.

The message also announced that the Senate, in compliance with the terms of section 25 of the act entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," approved June 30, 1906, the Vice-President had appointed as said committee referred to therein Mr. SCOTT, Mr. GALLINGER, and Mr. BLACKBURN.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. FORSTER, one of his secretaries, who also informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

On June 29:

H. R. 16620. An act granting a pension to Jackson Adkins;

H. R. 17780. An act granting a pension to Caroline E. Perry;

H. R. 609. An act granting an increase of pension to Horace H. Sickels;

H. R. 1143. An act granting an increase of pension to Ephraim D. Achey;

H. R. 1206. An act granting an increase of pension to Allen Crow;

H. R. 1217. An act granting an increase of pension to Spillard F. Horrall;

H. R. 1294. An act granting an increase of pension to George W. Van De Bogert;

H. R. 1507. An act granting an increase of pension to Henry D. Jordan;

H. R. 1549. An act granting an increase of pension to Louis H. Gein;

H. R. 1689. An act granting an increase of pension to William A. Bailor;

H. R. 1836. An act granting an increase of pension to Hiram B. Thomas;

H. R. 2053. An act granting an increase of pension to Annie A. Townsend;

H. R. 2223. An act granting an increase of pension to John A. Blanton;

H. R. 2229. An act granting an increase of pension to Lytle McCracken;

H. R. 2410. An act granting an increase of pension to Saturnin Jasnowski;

H. R. 2714. An act granting an increase of pension to Charles H. Charles;

H. R. 2759. An act granting an increase of pension to Daniel Eaton;

H. R. 2772. An act granting an increase of pension to Eli Cero;

H. R. 2789. An act granting an increase of pension to Merrill Johnson;

H. R. 2867. An act granting an increase of pension to Leah Bedford;

H. R. 3222. An act granting an increase of pension to George Merrill;

H. R. 3238. An act granting an increase of pension to Samuel Hartley;

H. R. 3369. An act granting an increase of pension to Albert Sriver;

H. R. 3724. An act granting an increase of pension to Samuel Likens;

H. R. 4397. An act granting an increase of pension to John M. Byers;

H. R. 4647. An act granting an increase of pension to David C. Austin;

H. R. 4659. An act granting an increase of pension to John F. Morris;

H. R. 4885. An act granting an increase of pension to James Hennon;

H. R. 4887. An act granting an increase of pension to John F. Brown;

H. R. 4891. An act granting an increase of pension to George W. Swadley;

H. R. 4967. An act granting an increase of pension to Joshua Holcomb;

H. R. 5554. An act granting an increase of pension to James T. Saunderson, alias Sanderson;

H. R. 5567. An act granting an increase of pension to Sanford Weaver;

H. R. 5707. An act granting an increase of pension to John P. Veach;

H. R. 5834. An act granting an increase of pension to Ethan A. Willey;

H. R. 6181. An act granting an increase of pension to Fayette E. Ford;

H. R. 6190. An act granting an increase of pension to John J. Schneller;

H. R. 6201. An act granting an increase of pension to George W. Laking;

H. R. 6421. An act granting an increase of pension to Reuben Van Buskirk;

H. R. 6423. An act granting an increase of pension to Levi A. Canfield;

H. R. 6510. An act granting an increase of pension to Richard A. Roberts;

H. R. 6900. An act granting an increase of pension to John Rawling;

H. R. 6914. An act granting an increase of pension to John Hecker;

H. R. 6944. An act granting an increase of pension to David P. Kimball;

H. R. 7508. An act granting an increase of pension to Benjamin F. Andrews;

H. R. 7539. An act granting an increase of pension to David H. Hair;

H. R. 7543. An act granting an increase of pension to Prior M. Pavy;

H. R. 7589. An act granting an increase of pension to Robert A. Scott;

H. R. 7652. An act granting an increase of pension to Charles W. Timms;

H. R. 7683. An act granting an increase of pension to James Ross;

H. R. 7871. An act granting an increase of pension to Jerome L. Brown;

H. R. 7910. An act granting an increase of pension to Nicholas Karns;

H. R. 8214. An act granting an increase of pension to Joseph Slagg;

H. R. 8285. An act granting an increase of pension to Daniel Sharpley;

H. R. 8291. An act granting an increase of pension to Daniel S. Chase;

H. R. 8552. An act granting an increase of pension to Elisha G. Horton;

H. R. 8903. An act granting an increase of pension to John W. Dawes;

H. R. 8920. An act granting an increase of pension to Andrew J. Lane;
H. R. 8934. An act granting an increase of pension to Wesley A. J. Mavity;
H. R. 9101. An act granting an increase of pension to James W. Loomis;
H. R. 9159. An act granting an increase of pension to John S. McClary;
H. R. 9876. An act granting an increase of pension to William H. H. Mallalieu;
H. R. 10031. An act granting an increase of pension to Martin Haley;
H. R. 10224. An act granting an increase of pension to David Bussey, alias George Brown;
H. R. 10267. An act granting an increase of pension to David W. Farington;
H. R. 10280. An act granting an increase of pension to James Spencer;
H. R. 10282. An act granting an increase of pension to Emma E. Goodwin;
H. R. 10356. An act granting an increase of pension to Martin B. Doty;
H. R. 10394. An act granting an increase of pension to John Behymer;
H. R. 10474. An act granting an increase of pension to Lewis F. Davis;
H. R. 10563. An act granting an increase of pension to Joseph D. Cummins;
H. R. 10604. An act granting an increase of pension to Martin L. Holcomb;
H. R. 10902. An act granting an increase of pension to James Holderby;
H. R. 10965. An act granting an increase of pension to Mortimer F. Sperry;
H. R. 11072. An act granting an increase of pension to William T. Hosley;
H. R. 11100. An act granting an increase of pension to John Browne;
H. R. 11841. An act granting an increase of pension to Isaac A. McCulley;
H. R. 14211. An act granting an increase of pension to Deborah J. Pruitt;
H. R. 14257. An act granting an increase of pension to Fleming H. Freeland;
H. R. 14500. An act granting an increase of pension to Margaretta E. Hutchins;
H. R. 15063. An act granting an increase of pension to Henry W. Brown;
H. R. 15105. An act granting an increase of pension to Jacob Sheill;
H. R. 15542. An act granting an increase of pension to Charles E. Tompkins;
H. R. 16371. An act granting an increase of pension to Peter Eberts;
H. R. 16399. An act granting an increase of pension to James H. Warford;
H. R. 16807. An act granting an increase of pension to Isabella Ellis;
H. R. 16836. An act granting an increase of pension to David C. Winebrener;
H. R. 16857. An act granting an increase of pension to Jeremiah Y. Antrim;
H. R. 16875. An act granting an increase of pension to John K. Hart;
H. R. 16973. An act granting an increase of pension to John H. Smith;
H. R. 17015. An act granting an increase of pension to Osbert D. Dickey;
H. R. 17271. An act granting an increase of pension to James D. Taylor;
H. R. 17332. An act granting an increase of pension to Joseph H. Truax;
H. R. 17393. An act granting an increase of pension to George S. Green;
H. R. 17528. An act granting an increase of pension to Edgar Slater;
H. R. 17603. An act granting an increase of pension to George E. Yager;
H. R. 651. An act granting an increase of pension to Robert Brandan, alias Brandon;
H. R. 675. An act granting an increase of pension to Daniel Morrissey;
H. R. 1148. An act granting an increase of pension to Marion F. Halbert;
H. R. 2014. An act granting an increase of pension to Enoch McCabe;
H. R. 7254. An act granting an increase of pension to Isum Gwyn;
H. R. 8215. An act granting an increase of pension to Ira Palmer;
H. R. 10808. An act granting an increase of pension to Michael Kearns;
H. R. 11217. An act granting an increase of pension to Jordan H. Banks;
H. R. 11422. An act granting an increase of pension to George B. True;
H. R. 11655. An act granting an increase of pension to Theodore Cole;
H. R. 11780. An act granting an increase of pension to Charles Stair;
H. R. 11811. An act granting an increase of pension to John Kamerer;
H. R. 11888. An act granting an increase of pension to Heman A. Harris;
H. R. 12183. An act granting an increase of pension to Arantha J. Livingston;
H. R. 12347. An act granting an increase of pension to Samuel Palmer;
H. R. 12400. An act granting an increase of pension to Charles H. Sweeney;
H. R. 13032. An act granting an increase of pension to Stewart McKeney;
H. R. 13058. An act granting an increase of pension to Thomas J. Baum;
H. R. 13075. An act granting an increase of pension to Pardon B. Lamoreux;
H. R. 13318. An act granting an increase of pension to Odom Butler;
H. R. 13466. An act granting an increase of pension to Albert H. Bradish;
H. R. 13609. An act granting an increase of pension to Charles H. Guile;
H. R. 13631. An act granting an increase of pension to James H. Morrill;
H. R. 13652. An act granting an increase of pension to William O. Tobey;
H. R. 13949. An act granting an increase of pension to Mary A. Duryea;
H. R. 13998. An act granting an increase of pension to John C. Barnwell;
H. R. 14107. An act granting an increase of pension to Isaac Maines;
H. R. 14163. An act granting an increase of pension to Jerome Lang;
H. R. 14323. An act granting an increase of pension to Thomas Thornton;
H. R. 14345. An act granting an increase of pension to Peter Noblet;
H. R. 14505. An act granting an increase of pension to John L. Clifton;
H. R. 14544. An act granting an increase of pension to William A. Carroll;
H. R. 14554. An act granting an increase of pension to John Welch;
H. R. 14558. An act granting an increase of pension to Martha L. Wood;
H. R. 14705. An act granting an increase of pension to Alva Beebe;
H. R. 14774. An act granting an increase of pension to Levy M Hall;
H. R. 14919. An act granting an increase of pension to Maria C. Sheppard;
H. R. 15502. An act granting an increase of pension to Harmon Houck;
H. R. 15547. An act granting an increase of pension to Henry D. Duffield;
H. R. 15653. An act granting an increase of pension to Eliza J. Hudson;
H. R. 15674. An act granting an increase of pension to Susan Campbell;
H. R. 15676. An act granting an increase of pension to Samuel B. Smith;
H. R. 16411. An act granting an increase of pension to Newton Moore;
H. R. 16571. An act granting an increase of pension to Mary L. Oberley;
H. R. 16613. An act granting an increase of pension to William C. Fox;

H. R. 17632. An act granting an increase of pension to John Frick;
H. R. 17652. An act granting an increase of pension to Joseph Lawrence;
H. R. 17673. An act granting an increase of pension to Jacob H. Heck;
H. R. 17705. An act granting an increase of pension to John A. Lovens;
H. R. 17732. An act granting an increase of pension to Joseph Scott;
H. R. 17896. An act granting an increase of pension to James K. Dickinson;
H. R. 17901. An act granting an increase of pension to Douglas A. Hunt;
H. R. 18092. An act granting an increase of pension to Andrew M. Logan;
H. R. 18109. An act granting an increase of pension to Abraham E. Sheppard;
H. R. 18124. An act granting an increase of pension to Theodore T. Davis;
H. R. 18125. An act granting an increase of pension to Wilhelm Griese;
H. R. 18165. An act granting an increase of pension to Jacob Stauff;
H. R. 18320. An act granting an increase of pension to Jonathan M. Hunter;
H. R. 18360. An act granting an increase of pension to Fanny G. Pomeroy;
H. R. 18284. An act granting an increase of pension to James F. Young;
H. R. 18398. An act granting an increase of pension to Susan R. Freeman;
H. R. 18409. An act granting an increase of pension to Joel Gay;
H. R. 18428. An act granting an increase of pension to James L. Gamble;
H. R. 18432. An act granting an increase of pension to David Dirck;
H. R. 18451. An act granting an increase of pension to Alexander B. Wilson;
H. R. 18462. An act granting an increase of pension to Samuel Dailey;
H. R. 18475. An act granting an increase of pension to Joseph F. Cook;
H. R. 18504. An act granting an increase of pension to James T. Rambo;
H. R. 18523. An act granting an increase of pension to Hugh Reid;
H. R. 18543. An act granting an increase of pension to James M. Follin;
H. R. 18544. An act granting an increase of pension to John W. Coates;
H. R. 18606. An act granting an increase of pension to Marla A. Maher;
H. R. 18609. An act granting an increase of pension to Henry Delong;
H. R. 18623. An act granting an increase of pension to John H. Bradberry;
H. R. 18624. An act granting an increase of pension to Robert L. Fulton;
H. R. 18631. An act granting an increase of pension to Daniel Whalen;
H. R. 18656. An act granting an increase of pension to George W. Gordon;
H. R. 18657. An act granting an increase of pension to Nicholas Schue;
H. R. 18694. An act granting an increase of pension to Eliza Rebecca Sims;
H. R. 18720. An act granting an increase of pension to Ella Donnald;
H. R. 18764. An act granting an increase of pension to Mary M. Stone;
H. R. 18769. An act granting an increase of pension to Louisa Story;
H. R. 18772. An act granting an increase of pension to Lorenzo G. Tomaselli;
H. R. 18784. An act granting an increase of pension to Patrick Fitzgerald;
H. R. 18790. An act granting an increase of pension to James Murphy;
H. R. 18813. An act granting an increase of pension to Sarah A. Dawson;
H. R. 18816. An act granting an increase of pension to Harriet Weatherby;
H. R. 18829. An act granting an increase of pension to William Fox;
H. R. 18833. An act granting an increase of pension to Henry Horton;
H. R. 18836. An act granting an increase of pension to John N. Burton;
H. R. 18869. An act granting an increase of pension to Ellis L. Ayers;
H. R. 18876. An act granting an increase of pension to Lemuel Hand;
H. R. 18888. An act granting an increase of pension to Samuel Lambert;
H. R. 18896. An act granting an increase of pension to Samuel Smith;
H. R. 18903. An act granting an increase of pension to Julia A. Abney;
H. R. 18904. An act granting an increase of pension to Henrietta G. Carter;
H. R. 18911. An act granting an increase of pension to Frances Becker;
H. R. 18954. An act granting an increase of pension to John E. Minnick;
H. R. 18956. An act granting an increase of pension to Joseph Scattergood;
H. R. 18974. An act granting an increase of pension to Minna Hildebrand;
H. R. 18997. An act granting an increase of pension to Josephine Hardester;
H. R. 1909. An act granting an increase of pension to Lafayette H. McClung;
H. R. 19010. An act granting an increase of pension to Charles Edwards, alias St. Clair Acuff;
H. R. 19014. An act granting an increase of pension to Elizabeth A. Waller;
H. R. 19025. An act granting an increase of pension to Milton McFarland;
H. R. 19026. An act granting an increase of pension to Mary Navy;
H. R. 19033. An act granting an increase of pension to Moses S. Rockwood;
H. R. 19043. An act granting an increase of pension to Sarah V. Malone;
H. R. 19053. An act granting an increase of pension to John T. Heaney;
H. R. 19061. An act granting an increase of pension to Mary E. Mundy;
H. R. 19068. An act granting an increase of pension to William Adams;
H. R. 19091. An act granting an increase of pension to Ernest Langeneck;
H. R. 19099. An act granting an increase of pension to Columbus Cox;
H. R. 19100. An act granting an increase of pension to Asa G. Brooks;
H. R. 19118. An act granting an increase of pension to Effingham Vanderburgh;
H. R. 19121. An act granting an increase of pension to Isaac Overton;
H. R. 19130. An act granting an increase of pension to Larsey Bolt;
H. R. 19177. An act granting an increase of pension to Jane Elizabeth Kerr;
H. R. 19179. An act granting an increase of pension to Eliza A. Smith;
H. R. 19217. An act granting an increase of pension to William H. Burns;
H. R. 19220. An act granting an increase of pension to Calvin Corsine;
H. R. 19221. An act granting an increase of pension to Emma Byles;
H. R. 19222. An act granting an increase of pension to Catherine Warnock;
H. R. 19238. An act granting an increase of pension to Daniel S. Conover;
H. R. 19242. An act granting an increase of pension to Anthony W. Miller;
H. R. 19245. An act granting an increase of pension to William C. Hoover;
H. R. 19249. An act granting an increase of pension to Lorenzo W. Shedd;
H. R. 19253. An act granting an increase of pension to Charles H. Thompson;
H. R. 19255. An act granting an increase of pension to John Bradford;

H. R. 19262. An act granting an increase of pension to John Wickline;
H. R. 19272. An act granting an increase of pension to Alice Merrill;
H. R. 19276. An act granting an increase of pension to Ann W. Whitaker;
H. R. 19279. An act granting an increase of pension to Peter Cramer;
H. R. 19301. An act granting an increase of pension to Caroline L. Hodgdon;
H. R. 19305. An act granting an increase of pension to Almus Harrington;
H. R. 19317. An act granting an increase of pension to Samantha B. Marshall;
H. R. 19337. An act granting an increase of pension to Elizabeth C. Kennedy;
H. R. 19351. An act granting an increase of pension to William C. Mankin;
H. R. 19352. An act granting an increase of pension to Philip Killey;
H. R. 19389. An act granting an increase of pension to Lewis Marquis;
H. R. 19408. An act granting an increase of pension to Elisha Brown;
H. R. 19457. An act granting an increase of pension to Charles H. Prince;
H. R. 19495. An act granting an increase of pension to Andrew P. Glaspie;
H. R. 19533. An act granting an increase of pension to Mary A. Hall;
H. R. 19538. An act granting an increase of pension to Sarah Jane Dougherty;
H. R. 19604. An act granting an increase of pension to Beverly McK. Lacey;
H. R. 19662. An act granting an increase of pension to Joseph Kircher;
H. R. 19686. An act granting an increase of pension to Orrin S. Rarick;
H. R. 1238. An act granting a pension to Susan R. Stalcup;
H. R. 1420. An act granting a pension to John Nay;
H. R. 2212. An act granting a pension to John B. Johnson;
H. R. 6336. An act granting a pension to Elizabeth A. Ames;
H. R. 6893. An act granting a pension to Augusta C. Reichburg;
H. R. 7546. An act granting a pension to Edna Buchanan;
H. R. 7635. An act granting a pension to Delia Gibbs;
H. R. 7763. An act granting a pension to James S. King;
H. R. 8140. An act granting a pension to Lucy A. Thomas;
H. R. 8660. An act granting a pension to William Mabery;
H. R. 10998. An act granting a pension to Helen G. Powell;
H. R. 12013. An act granting a pension to Emma Fox;
H. R. 12531. An act granting a pension to Charles Collins;
H. R. 13967. An act granting a pension to Sophie M. Staab;
H. R. 14798. An act granting a pension to Lucinda Brady;
H. R. 15856. An act granting a pension to Gordon A. Thurber;
H. R. 15945. An act granting a pension to Cynthia A. Compton;
H. R. 16575. An act granting a pension to Taylor Bates, alias Baits;
H. R. 17102. An act granting a pension to Katherine Studdert;
H. R. 17809. An act granting a pension to William Barrett;
H. R. 18235. An act granting a pension to Ida M. Warner;
H. R. 18324. An act granting a pension to Charles H. Lunger;
H. R. 18587. An act granting a pension to Catherine Bausman;
H. R. 18725. An act granting a pension to Nancy V. J. Ferrell;
H. R. 18732. An act granting a pension to James J. Christie;
H. R. 19120. An act granting a pension to Eliza E. Whitley;
H. R. 19128. An act granting a pension to Alexander McAlister;
H. R. 19670. An act granting a pension to Maria Rogers;
H. R. 130. An act authorizing the extension of Kalorama road NW.;
H. R. 15071. An act to provide means for the sale of internal-revenue stamps in the island of Porto Rico;
H. R. 18666. An act to provide for the reassessment of benefits in the matter of the extension and widening of Sherman avenue, in the District of Columbia, and for other purposes;
H. R. 20266. An act to amend an act entitled "An act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May 16, 1906;
H. J. Res. 178. Joint resolution providing for the improvement of the harbor at South Haven, Mich.;
H. J. Res. 179. Joint resolution providing for the improvement of a certain portion of the Mississippi River;
H. R. 5998. An act creating the Mesa Verde National Park;
H. R. 7083. An act to repeal section 5, chapter 1482, act of March 3, 1905;
H. R. 11030. An act to authorize the counties of Yazoo and Holmes to construct a bridge across Yazoo River, Mississippi;
H. R. 17186. An act granting to the Territory of Oklahoma, for the use and benefit of the University Preparatory School of the Territory of Oklahoma, section 33, in township No. 26 north of range No. 1 west of the Indian meridian, in Kay County, Okla.;
H. R. 17600. An act to grant authority to change the names of certain sailing vessels;
H. R. 18713. An act to validate certain certificates of naturalization;
H. R. 18900. An act correcting the military record of E. J. Kolb, alias E. J. Kulb;
H. R. 20097. An act to authorize the board of supervisors of Coahoma County, Miss., to construct a bridge across Cold Water River;
H. R. 16384. An act regulating the speed of automobiles in the District of Columbia, and for other purposes;
H. R. 17452. An act to provide for payment of damages on account of changes in grade due to the elimination of grade crossings on the line of the Philadelphia, Baltimore and Washington Railroad Company;
H. R. 19522. An act establishing regular terms of the United States circuit and district courts of the northern district of California at Eureka, Cal.;
H. R. 17133. An act to amend section 558 of the Code of Law for the District of Columbia;
H. R. 14511. An act amendatory of an act entitled "An act to provide for payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia," approved April 22, 1904;
H. R. 18596. An act to enable the Secretary of War to permit the erection of a lock and dam in aid of navigation in the White River, Arkansas, and for other purposes;
H. R. 18024. An act for the control and regulation of the waters of Niagara River for the preservation of Niagara Falls, and for other purposes;
H. R. 7065. An act to amend section 858 of the Revised Statutes of the United States;
H. R. 1572. An act for the relief of Thomas W. Higgins;
H. R. 15442. An act to establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States; and
H. R. 12987. An act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

On June 30:

H. J. Res. 153. Joint resolution directing the Interstate Commerce Commission to investigate and report on block-signal systems, and appliances for the automatic control of railway trains;
H. R. 7099. An act to amend section 2871 of the Revised Statutes;
H. R. 10610. An act for the relief of James N. Robinson and Sallie B. McComb; and
H. R. 20461. An act to reinstate Kenneth G. Castleman as a lieutenant in the Navy.

JAMESTOWN EXPOSITION.

Mr. JONES of Virginia. Mr. Speaker, I desire to ask unanimous consent for five minutes in order to make a statement.

The SPEAKER. Is there objection?

There was no objection.

Mr. JONES of Virginia. Mr. Speaker, the distinguished gentleman from New York [Mr. PAYNE], who is my very good friend, made a statement on yesterday which did great injustice to the friends of the Jamestown Exposition in this House and elsewhere. I am perfectly sure that the gentleman did not intend to mislead the House or to impute any misconduct to those who in the last Congress advocated the measure which appropriated $250,000 in aid of the naval, military, and marine display in celebration of the Jamestown settlement. His memory, however, as to what took place here in respect to that appropriation is greatly at fault, and his statement on yesterday that the assurance was given Congress that no further sum would be asked at any future time in aid of this great celebration is wholly and absolutely incorrect. In order therefore to correct the erroneous impression made by the gentleman from New York upon those Members of this House who were not in the last Congress and to set the friends as well as the managers of the Jamestown exhibition right before the

country, it is my purpose to call attention to what actually took place when the $250,000 proposition was before this body in the Fifty-eighth Congress. I am sure my friend will admit when I have read what actually occurred that he was totally mistaken. The bill which carried that comparatively small appropriation was passed under a suspension of the rules. The gentleman from Maine [Mr. LITTLEFIELD] controlled the time against the measure and led the opposition to it. Let me now read from his speech. He said, among other things:

Although I believe we ought not to go further in this line of expositions or celebrations, I would have been willing to withdraw my objection to this measure on account of the great interest my distinguished friend has in it and the feeling that he has for it, together with the fact that it is located in Jamestown, Va., a location that appeals to every patriotic impulse, if the people interested in the measure would have agreed to limit the demands on the United States Treasury to this $250,000.

Later on in his speech, Mr. LITTLEFIELD said further—I again read from his remarks as printed in the RECORD:

I say that the provisions of this bill as it now stands practically invite a condition that will enable these people to come here later and call for a larger appropriation. And the practical conditions surrounding this question absolutely demonstrate that and justify the suggestion. If it was only $250,000, that is one thing, and if they only want two hundred and fifty thousand, and are willing to limit it to two hundred and fifty thousand, there would be no objection to this provision that I have suggested. But none of the gentlemen interested feel at liberty to agree that they would not come here later for an additional appropriation.

It will be observed that the gentleman from Maine distinctly stated that the gentlemen interested in that appropriation did not feel at liberty to agree not to ask for any further or additional appropriation. But to make it as plain as possible that a further and larger sum would be asked for the gentleman from Maine further said:

And I give this House notice now that this will happen after the proclamation is made: That after the $250,000 have been exhausted we will be responsible for one of the principal features of this exposition. The fact that they refuse to accept this limitation demonstrates that they insist upon being in a position where they can make another demand on the Treasury.

At a later stage in the debate, the gentleman from Iowa [Mr. HEPBURN], who like the gentleman from Maine [Mr. LITTLEFIELD], was opposed to appropriating the $250,000 carried in the bill unless some assurance was given that no further sum would be asked, said:

The gentleman from Maine has wisely said, I think, that this is but the beginning, but the entering wedge. No Member of this House expects that the Treasury will escape with this meager depletion of $250,000.

Mr. Speaker, these were the declarations made by Mr. LITTLEFIELD, of Maine, and Mr. HEPBURN, of Iowa, both of whom, as I have stated, opposed the $250,000 appropriation upon the ground, and almost wholly upon the ground, that there was nothing in the bill which limited the obligation of the Government to the "meager" sum of $250,000, and no one who supported the measure would agree not to ask more of this Congress.

Mr. PAYNE. Will the gentleman allow me to ask him a question?

Mr. JONES of Virginia. Certainly.

Mr. PAYNE. Was there anything in the bill except for the naval display?

Mr. JONES of Virginia. A naval, military, and marine display. It directed the President of the United States to issue his proclamation and to invite the nations of the world to participate in the celebration.

Mr. PAYNE. To invite the nations of the world to send ships to the naval display?

Mr. JONES of Virginia. Yes; that is my statement. There was nothing in the bill that provided for an exposition.

Mr. PAYNE. Nothing in the bill that had any reference to the exposition?

Mr. JONES of Virginia. Nothing.

The SPEAKER. The time of the gentleman has expired.

Mr. JONES of Virginia. I ask that I may have two or three minutes more.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. JONES of Virginia. Mr. Speaker, I wish to say in addition to this, that when this measure came up in the Senate it was in charge of the senior Senator of Virginia [Mr. DANIEL], who was asked the direct question if it was not the purpose of the Jamestown Exposition Company, in the event the bill then before the Senate was passed, to come to this Congress and ask for a further and larger sum. Senator DANIEL replied that he would not undertake to give the Senate any assurance that such would not be the case.

Now, Mr. Speaker, that is all I care to say upon the subject. So far from giving the assurances alleged by the gentleman from New York, the very reverse appears from the record to be the case.

I do not intend at all to reflect upon my friend from New York, because I am satisfied he was under that impression or else he would never have made the statement. Now that this Congress has been so liberal, so very generous, toward the celebration of this great event in the history of the American Republic, it may be thought that the subject of my remarks is a "dead issue."

My only object in calling attention to it is that I am not willing that a statement which so unjustly, although I am sure quite unintentionally, reflected upon the fair dealing and good faith of those interested in the Jamestown celebration should go to the country unchallenged and unrefuted. I feel, Mr. Speaker, that I can say for my colleagues, as well as for myself and the Jamestown Exposition Company, that we all feel grateful to Congress for the liberality and great generosity displayed in the appropriation just made. My colleague, Mr. MAYNARD, who has labored so indefatigably, so faithfully, and so intelligently to secure this substantial recognition by Congress of one of the very greatest and most significant events in all our glorious history, feels, I know, profoundly grateful to every Member of this House who has given him aid and encouragement. He is to be congratulated that his arduous and unremitting labors have at length been crowned with such signal success. It is but simple justice to him to say that but for his ceaseless and untiring efforts this measure could never have commanded sufficient support to carry it through this House. The honor is his, and to him we all freely accord it.

Mr. PAYNE. Mr. Speaker, I ask permission to address the House for five minutes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I do not know that I shall need more than one minute.

When my attention was first directed to this bill, of which the gentleman from Virginia has just spoken, I was surprised to know that the committee had reported it out, because I had understood that the committee was against it. I made some inquiries about the bill, and I was assured that there was nothing in the bill referring to the exposition or anything that could spell out the future liability of the Government or upon which the Government could be appealed to to enter into the matter.

I had the bill, which, I think, was in typewriting. I do not know that it had been printed then. I saw the bill, and all through it there were allusions to the exposition—I will not say an endeavor to mix the Government up in it so as to make it responsible—but there were some places in it that might be interpreted in that direction. I went to the members of the committee and also to the Speaker of the House, and said to them that my impression of this bill was that it did commit the Government to the exposition. I was told to go through the bill and strike out every such reference at that time, which I did. The bill was afterwards put through the House, not exactly in the form in which I left it, but substantially in that form. Now, I had at the same time expressed my belief, as I did last night, that that was not the end of it; that the Government would be asked for further appropriations. I was assured that it would not. At the same time other gentlemen of of the House had the same impression—that they would ask for further aid and a further appropriation. My friend from Virginia will say——

Mr. JONES of Virginia. Will the gentleman permit me to interrupt him?

Mr. PAYNE. Certainly.

Mr. JONES of Virginia. Was that assurance given to the balance of the House at that time?

Mr. PAYNE. No; I do not think so. I do not think anything was stated in the House.

Mr. JONES of Virginia. Because the RECORD does not show that it was.

Mr. PAYNE. Oh, no. It was in the course of my negotiations, trying to eliminate from the bill any possible responsibility on the Government. But I expressed myself apprehensive then, at least, that the Government would be called upon for further appropriations, and I must say that I was not disappointed as it has turned out. I expect now, notwithstanding I have full faith in my friend from Florida, who is a man of high character and was my friend before he came to Congress—he is a gentleman whom I have always respected—I still think that the Government will be called upon for an appropriation for that exposition. It is the case with all these expositions; they eventually come to Congress. They endeavor to float these enterprises by private subscriptions and by money

appropriated by States and municipalities. That gives out, and they come to Congress. It is the history of all these expositions, and my idea from the beginning has been to cut them out at the root. I wanted to cut out this Jamestown business. I did not want that bill to pass, any more than I wanted my friend's bill last night to pass, but I did not propose to put myself in the position of dog in the manger, or of making a single objection, when I knew that a large majority of the House were in favor of the passage of the joint resolution.

Mr. SPARKMAN. Does not the gentleman think our action yesterday was a pretty good precedent to establish?

Mr. PAYNE. Well, I think the precedent is a good deal like the precedent in the Jamestown matter. We provided for a naval display in the James River in certain months, without referring to the exposition in any way. The bill as originally drawn did refer to the exposition, and the exposition was all mixed up with it; but as it finally passed the House it did not refer at all to the exposition. If it did it escaped my eye and my lead pencil. Now, that is all there is of it.

Mr. SPARKMAN. I do not think the gentleman need have any fear of our coming back here for more money at any time.

Mr. PAYNE. I hope my friend is right, and I hope he will be able to control it. I know if he can he will do so.

Mr. GRAHAM. Do I understand my friend from New York to encourage them to come back?

Mr. PAYNE. I do not. I have already stated my position on that subject.

Mr. MAYNARD. Mr. Speaker, I ask unanimous consent for five minutes.

The SPEAKER. The gentleman from Virginia asks unanimous consent for five minutes. Is there objection?

There was no objection.

Mr. MAYNARD. Mr. Speaker, it was not my intention to have one word to say regarding the passage of the bill. The bill has passed; we have been generously dealt with by this House, and I want to express my deep gratitude, on behalf of myself and the people whom I represent, and the Virginia delegation, for the generous treatment accorded to us by the House of Representatives in the matter of the Jamestown Exposition. [Applause.] In doing this, Mr. Speaker, I desire to say that the victory we have achieved here in procuring this appropriation to celebrate this great national event—the birth of this nation at the place of its birth—would be robbed of half its sweetness if an imputation that I have dealt in bad faith with this House was allowed to go unchallenged.

Yesterday my distinguished friend from New York [Mr. PAYNE], in his argument against the Tampa Exposition, said that assurances had been given that if the bill that was passed last winter appropriating $250,000 for this purpose was passed, there would be no further appeal to this House for more aid in behalf of the Jamestown Exposition. I want to disclaim emphatically for myself any promise of any kind as to the future action of myself or my colleagues on that subject. I do not believe that the gentleman from New York [Mr. PAYNE] desired in the least to be unfair. We know that he is opposed to all expositions and appropriations of this kind, and in the ardor of his desire to defeat it he may have gathered somewhere, I know not where, such an idea; but no one received such an assurance from me. The Speaker of the House and I had many conversations about it. The bill that was passed was put into such shape so as to represent the wishes of the Speaker in the matter, being drawn in the form in which it was presented by the gentleman from Minnesota [Mr. TAWNEY], and I had no part or parcel in drawing it. On the day the bill came before this House for passage I was approached by the gentleman from Maine [Mr. LITTLEFIELD]. He asked me to insert in the bill an amendment providing that we should not come back to this House for further aid for that enterprise. After consultation with my colleagues I emphatically declined to accept such an amendment. Mr. LITTLEFIELD said to me at the time that if we would accept that amendment and incorporate it in the bill, the opposition to that particular bill would be withdrawn. I refused to do it. Later, in conversation with the Speaker, he said to me that he was somewhat surprised at the vote, but would not have been had I incorporated in the bill the amendment of Mr. LITTLEFIELD, which provided that we should not come back here again. I do not know where the gentleman from New York [Mr. PAYNE] got his assurances. I am willing to take his word that he got them somewhere, but I do not believe that it came from any of the Virginia Members, because we were all a unit in our determination to make no promises as to what the future would bring forth, because we knew that to celebrate this great national event in a way creditable to the Government it would be necessary for the Congress of the United States to make further appropriations for this purpose.

The gentleman from New York [Mr. PAYNE] has always occupied the position toward other expositions, I believe, that he did toward our enterprise. He does all he can to defeat them, but after casting his conscientious vote on the matter I do not see why the gentleman should worry so much about what the rest of us do with the Government's money. [Applause and laughter.]

His attitude on this matter reminds me of a conversation which took place between two colored men in the town where I live. They met on the street, and one of them said to the other: "Sam, do you know I am pestered nearly to death; my wife pesters the life out of me; it is money, money, money, all the time. It is a dollar to-day and two dollars to-morrow and two dollars and a half the next day; she pesters my life out of me." "Jim," says Sam, "what in the world does your wife do with all that money?" Jim says, "I don't know; I never done give her any." [Laughter.] That is the attitude of the gentleman from New York. Whenever a bill of this kind comes up it just pesters the life out of the gentleman from New York; it is money, money, money, all the time; it is money for the exposition—except the exposition in Buffalo—and after it is all over, if anyone asks him what became of the money, the gentleman from New York don't know, because "he never done give them any." [Laughter.]

Mr. PAYNE. Mr. Speaker, as long as there does not seem to be anything else before the House, we might as well have a post-mortem. I am the best loser in the world when I am beaten. I try to be cheerful. I have been beaten on the show business for the United States, and still I am no more in favor of it than when we set out in the business. The gentleman delights to refer to the Buffalo case. After they had had their show and the United States had given out to the world that they were behind it, they came in here with $500,000 of claims for the contractors and laborers and people in and about Buffalo which they had no means to pay. That was after the thing was all over, just as I think this gentleman from Virginia will be in here next year.

Mr. MAYNARD. I make no promises. [Laughter.]

Mr. PAYNE. Oh, no; just as I think the gentleman will come here in the aftermath on this subject. I said "post-mortem" a moment ago; we haven't yet got to the post-mortem stage, but in all human probability he will be here when it is all over. Where you have to build docks in order to get near the blamed thing, it is not apt to be a financial success. And yet, when it comes to that, I shall still vote against it, and even if the whole House votes for it, I shall vote against it. While I have not been guilty of giving this money, the House has, and so the negro story hardly applies to me. That is all I care to say upon this, and I regret very much that the country is mixed up in other expositions, as I was when it got mixed up in the town fair in Charleston. I do not know where the next town fair will be located. I do not know but that the fair at Jacksonville, Fla., will be in here for an appropriation for a naval display, all in the interest of inaugurating the digging of the canal across the Isthmus of Panama. They go so far to get something to celebrate; they go so much out of the way to bring the country into it.

I did think, and I think now, that we ought to have had only a fine monument at Jamestown; they ought to have been contented with that, and then if they wanted a show at all, they ought to have had a show at some great center. I would have opposed it, but that would be my advice. They would not accept my advice; the House does not accept my advice as to any of these things, and still I go along making protests and bowing to the will of the House. [Applause.]

Mr. OLMSTED. I hope the gentleman from Virginia will accept the apologies of the gentleman from New York. [Laughter.]

Mr. MAYNARD. I will—and the appropriation. [Laughter.]

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for ten minutes.

The motion was agreed to; accordingly (at 11 o'clock and 36 minutes) the House was in recess for ten minutes.

At 11 o'clock and 46 minutes a. m., the recess having expired, the House was called to order by the Speaker.

BRIDGE ACROSS COPPER RIVER, ALASKA.

Mr. JONES of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 6523) to authorize the Alaska Pacific Railway and Terminal Company

to construct a bridge across the Copper River, in the Territory of Alaska, a similar House bill having been reported as being upon the Calendar, and that it may be put upon its passage.

The SPEAKER. The Clerk will report the bill.

The Clerk reported the bill.

The SPEAKER. Under the statement of the gentleman, the Chair will state that the bill is privileged under the order. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, read the third time, and passed.

On motion of Mr. JONES of Washington, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT.

The SPEAKER laid before the House the following message from the President of the United States, which, with the accompanying documents, was referred to the Committee on Invalid Pensions:

To the House of Representatives:

In compliance with the resolution of the House of Representatives, the Senate concurring, of the 29th instant, I return herewith House bill No. 1947, entitled "An act granting an increase of pension to Susan C. Smith."

TOWN SITES IN HEYBURN AND RUPERT, IDAHO.

The SPEAKER laid before the House from the Speaker's table the bill (S. 4862) allowing the settlers with permanent improvements on the town sites of Heyburn and Rupert, in Idaho, to buy the lots on which said improvements are located at an appraised price for cash.

Mr. FRENCH. Mr. Speaker, a bill similar to this has been already passed, and I move that this bill, with the amendments, be laid upon the table.

The SPEAKER. According to the statement of the gentleman from Idaho [Mr. FRENCH], legislation has been enacted similar to that provided in this bill, and the question is on the motion of the gentleman from Idaho that the bill, with amendments, do lie on the table.

The question was taken; and the motion was agreed to.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess for five minutes.

The motion was agreed to; and accordingly (at 12 o'clock and 1 minute p. m.) the House took a recess for five minutes.

At 12 o'clock and 6 minutes p. m., the recess having expired, the House was called to order by the Speaker.

RECESS.

Mr. PAYNE. Mr. Speaker, I move that we take a recess for fifteen minutes.

The motion was agreed to; and accordingly (at 12 o'clock and 10 minutes p. m.) the House took a recess for fifteen minutes.

The recess having expired, the House was called to order.

Mr. TAWNEY. Mr. Speaker, I offer the following privileged joint resolution, and ask unanimous consent for its immediate consideration.

The SPEAKER. The Clerk will report the joint resolution.

The Clerk read as follows:

Joint resolution (H. J. Res. 189) to correct an error in enrollment of, and repealing, a certain provision in the bill (H. R. 19844) making appropriations for the sundry civil expenses for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906.

Resolved, etc., That the provision in the bill (H. R. 19844) making appropriations for the sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906, appropriating $3,000,000 for the acquisition by purchase, condemnation, or otherwise of a site for the erection of a building for the Departments of State, Justice, and Commerce and Labor, be, and the same is, hereby repealed.

The SPEAKER. In the opinion of the Chair, the joint resolution is privileged.

Mr. TAWNEY. Mr. Speaker, I wish to say a word in respect to the resolution. This is to correct an error in the enrollment of the sundry civil appropriation bill. The sundry civil bill was amended in the Senate by incorporating a provision for the purchase or by condemnation of a site for a departmental building, and in conference the Senate receded from the amendment, striking the provision from the bill. The conference report showed that the Senate had receded, and up to the point of the enrollment of the bill all of the papers concerning the sundry civil bill eliminated this item, but by some error or mistake in the enrollment of the bill, or in the comparison of the enrolled bill with the bill as finally agreed upon in conference, the item was included, and the bill was thus signed by the President a few moments ago. Just after the signature of the President was attached to the bill it was discovered, and the attention of the Committee on Appropriations was called to the fact that this provision was in the bill as it became a law by the signature of the President. After a conference with the chairman of the Committee on Appropriations of the Senate and the President, it has been deemed best to adopt this method in order to correct the error.

Mr. MANN. Mr. Speaker, will the gentleman yield for a question?

Mr. TAWNEY. Certainly.

Mr. MANN. How long an item on the page was this original item?

Mr. TAWNEY. The item was a complete paragraph covering, I would estimate, about eight or nine lines.

Mr. MANN. Well, was it not longer than that?

Mr. TAWNEY. Well, possibly it may have been longer than that.

Mr. MANN. How is it possible for the officers of the House to make a mistake like that in enrolling a bill; and if it was, as it was in this case, possible, what assurance have we that there are not forty other mistakes in the bill?

Mr. TAWNEY. I can not answer the question of the gentleman from Illinois. I only know in this case I have, together with the Clerk of the Committee on Appropriations, traced all of the papers. The conference report eliminates this item, and all of the papers down to the enrollment of the bill have eliminated the item, but by some mistake the bill was enrolled including that item, and it was signed by the President with the item as it was enrolled in the bill, notwithstanding both Houses rejected the item.

The SPEAKER. Will the gentleman indulge the Chair for a single remark? The Chair is informed, as happens in such cases, that in the great bills and in the press for adjournment the bills very frequently are enrolled prior to their final disposition; and then when they are finally buttoned up, so to speak, by agreement between the House and Senate, sheets are taken out if there be error, and the Chair's information is that in the hurry of work pressing upon the enrolling office that this matter was overlooked and the sheet containing the item was not corrected.

Mr. MANN. Will the gentleman yield?

Mr. TAWNEY. I yield to the gentleman from Illinois.

Mr. MANN. It is undoubtedly true, of course, as the Speaker has suggested, that bills are often enrolled before they are finally passed, a very proper practice in order to save the time of the House in the final hours of the session, but it seems to me that after a bill is thus enrolled and the conference report is agreed upon there ought to be some method by which there can be a comparison. I have no desire to criticize the gentlemen who are doing the enrolling work. I appreciate the hard labor they have on their hands at the closing days of the session, but we ought to have some method by which we know whether an item is in an enrolled bill or out of an enrolled bill when signed. In this case this item was discovered by accident by one of the Cabinet officers who happened to be looking at it, and if it had not been thus discovered would have gone into the law.

The SPEAKER. The question is on agreeing to the joint resolution.

The joint resolution was ordered to be engrossed and read a third time; was read a third time, and passed.

On motion of Mr. TAWNEY, the motion by which the resolution was agreed to, was laid upon the table.

PUBLIC BUILDINGS BILL.

Mr. BARTHOLDT. Mr. Speaker, I desire to present a conference report and ask for its adoption, and ask that the statement be read by the Clerk.

The SPEAKER. The gentleman from Missouri [Mr. BARTHOLDT] presents a conference report and asks that the statement may be read in lieu of the report. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20410) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The conference report is as follows:

CONFERENCE REPORT.

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) entitled "An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes," having met, after full and free conference have agreed to recommend and do recommend

to their respective Houses as follows: That the Senate recede from its amendments numbered 5, 14, 17, 27, 30, 38, 40, 58, 66, 70, 92, and 159.

That the House recede from its disagreement to the amendments of the Senate numbered 120, 146, 149, 150, 151, 152, 154, 161, 163, 164, and 165; and agree to the same.

Amendment numbered 11: That the House recede from its disagreement to the amendment of the Senate numbered 11, and agree to the same with an amendment as follows: On page 5, after line 8 of the bill, insert:

"United States post-office and court-house at Evanston, Wyo., five thousand dollars."

And the Senate agree to the same.

Amendment numbered 21: That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment as follows: Transfer lines 1 and 2, page 12 of the bill, to page 6, after line 14 of the bill; also transfer lines 1, 2, and 3, page 14 of the bill, to page 7, after line 26 of the bill; and the Senate agree to the same.

Amendment numbered 54: That the House recede from its disagreement to the amendment of the Senate numbered 54, and agree to the same with an amendment as follows: On page 11, after line 20 of the bill, insert the following:

"United States post-office at Albuquerque, New Mexico, one hundred thousand dollars."

And the Senate agree to the same.

Amendment numbered 84: That the House recede from its disagreement to the amendment of the Senate numbered 84, and agree to the same with an amendment as follows: Transfer the matter inserted by amendment No. 88 to page 11, after line 22; and the Senate agree to the same.

Amendment numbered 108: That the House recede from its disagreement to the amendment of the Senate numbered 108, and agree to the same with an amendment as follows:

On page 5 of the bill, line 17, after the word "dollars," insert the following: "and for additional amount fifteen thousand dollars."

Also, on page 17 of the bill, after line 18, insert the following:

"United States post-office at New Ulm, Minnesota, thirty-five thousand dollars."

Also, transfer the matter inserted by amendment No. 90 to page 11, after line 26.

And the Senate agree to the same.

Amendment numbered 153: That the House recede from its disagreement to the amendment of the Senate numbered 153, and agree to the same with an amendment as follows: On page 35 of the bill, after line 4, insert the following:

"SEC. 18. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire, by purchase, condemnation, or otherwise, a suitable site for the United States post-office and other governmental offices at Oklahoma City, Territory of Oklahoma: *Provided*, That thirty thousand dollars of the fifty thousand dollars heretofore appropriated for the acquisition of a suitable site and the erection and completion of a building thereon at said city shall be available for the acquisition, by purchase, condemnation, or otherwise, of a site only at Oklahoma City, Territory of Oklahoma."

And the Senate agree to the same.

Amendment numbered 155: That the House recede from its disagreement to the amendment of the Senate numbered 155, and agree to the same with an amendment as follows: On page 37 of the bill, line 14, after the word "condemnation," insert the words "or otherwise;" and the Senate agree to the same.

RICHARD BARTHOLDT,
EDWIN C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

N. B. SCOTT,
F. E. WARREN,
C. A. CULBERSON,
Managers on the part of the Senate.

The statement was read. as follows:

STATEMENT.

The managers on the part of the House at the conference of the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain buildings, etc., submit the following written statement:

The disagreeing votes of the two Houses were with reference to the following amendments:

No. 5. New York custom-house.
No. 11. New York assay office.
No. 14. Government building, Detroit, Mich.
No. 17. Government building, Columbus, Ohio.
No. 21. Government building, Chattanooga, Tenn.
No. 27. Government building, Cedar Rapids, Iowa.
No. 30. Government building, Duluth, Minn.
No. 38. Government building, Ocala, Fla.
No. 40. Government building, Des Moines, Iowa.
No. 54. Government building, Fernandina, Fla.
No. 58. Government building, Moscow, Idaho.
No. 70. Government building, Boston, Mass.
No. 108. Site for Government building, Denver, Colo.
No. 120. Site for Government building, Minneapolis, Minn.
No. 146. Government building, Richmond, Va.
No. 159. Purchase of a site in the city of Washington for a Department building.

The last amendment was the main obstacle in the way of an agreement, but the managers on the part of the House are now in a position to report an agreement on this item, the Senate having receded.

As to the other fourteen amendments in dispute, the managers on the part of the Senate agreed to the restoration of the House items, and the managers on the part of the House agreed to the items inserted or increased by the Senate. In other words, the Senate recedes on amendments Nos. 5, 14, 17, 27, 30, 38, 40, 58, 66, 70, 92, and 159.

The House recedes on amendments Nos. 11, 21, 54, 84, 108, 120, 146, 149, 150, 151, 152, 154, 161, 163, 164, and 165.

RICHARD BARTHOLDT,
E. C. BURLEIGH,
J. H. BANKHEAD,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The question was taken; and the conference report was agreed to.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 20410) to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

The message also announced that the Senate had passed without amendment joint resolution of the following title:

H. J. Res. 189. Joint resolution to correct an error in enrollment of and repealing a certain provision in the bill (H. R. 19844) making appropriations for the sundry civil expenses for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906.

The message also announced that the Senate had passed bill of the following title, in which the concurrence of the House of Representatives was requested:

S. 1473. An act for the relief of Milinda S. Gray.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the joint resolution (S. R. 72) fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect.

APPROPRIATIONS FOR PUBLIC BUILDINGS.

Mr. TAWNEY. Mr. Speaker, I wish to state for the information of the House that in a few minutes the bill making the appropriations to carry into effect the public-building bill will be prepared and ready to be presented to the House.

Mr. PAYNE. In about how long?

Mr. TAWNEY. About ten minutes.

RECESS.

Mr. PAYNE. Mr. Speaker, if there is no other business, I move a recess of ten minutes.

The motion was agreed to.

Accordingly (at 1 o'clock and 20 minutes p. m.) the House was declared in recess.

The recess having expired.

Mr. TAWNEY. Mr. Speaker, I present the following appropriation bill and ask for its immediate consideration.

The SPEAKER. The gentleman from Minnesota [Mr. TAWNEY] presents an appropriation bill and asks for its immediate consideration. The Clerk will read the title.

The Clerk read as follows:

A bill (H. R. 20511) making appropriations for certain public buildings authorized by the act approved June 30, 1906, and for other purposes.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. WILLIAMS. This is just to make good the amount required——

Mr. TAWNEY. I will state to the gentleman from Mississippi [Mr. WILLIAMS] that this bill carries the appropriations estimated by the Treasury Department to be necessary in order to carry into effect the public-building bill which has just been agreed to, and also including the purchase of sites, and also including the appropriations for the work that must be done under the bill during the next fiscal year, which begins to-morrow.

Mr. WILLIAMS. Made necessary by the changes in the public-building bill as adopted by the house?

Mr. TAWNEY. Yes; it was made necessary by that fact.

Mr. Speaker, I ask unanimous consent that the bill may be considered in the House as in Committee of the Whole.

The motion was agreed to.

The bill was read at length for amendment.

Mr. TAWNEY. Mr. Speaker, my attention has been called to an error in the bill. The word "city" should be stricken out after the word "Pontiac." Also, the word "city" should be stricken out after the word "Dowagiac," Mich. I do not know in what page the places are named. I understand that the public-building bill made this correction by omitting the word "city." There are no places by those names, and the word "city" should be stricken out where those places are stated as being in the State of Michigan.

The SPEAKER. Dowagiac does not seem to be in the bill.

Mr. TAWNEY. I can not verify the statement I made a moment ago that it was in the bill.

The SPEAKER. Without objection the word "city" will be stricken out in connection with "Pontiac."

The amendment was agreed to.

The bill as amended was ordered to be engrossed for a third reading; and being engrossed, it was accordingly read the third time, and passed.

On motion of Mr. TAWNEY, a motion to reconsider the vote by which the bill was passed was laid on the table.

RECESS.

The SPEAKER. The House will indulge the Chair for a moment. The Chair is informed, unofficially, that the Senate has taken a recess until 5 o'clock. The Chair supposes it will take an hour or two hours to engross the bill which we have just passed, and probably not much time would be lost. The Senate has yet to act upon this bill, upon the presumption that they will pass it without amendment or with few amendments, and with the work that is to be done on the public-building bill, after inquiry, the Chair is satisfied that the earliest possible moment at which the work could be done, and done properly, would be 6 o'clock; but as the Senate has taken a recess until 5 o'clock, and they might or might not accept the bill without amendment which we have just passed, the Chair recognizes the gentleman from New York.

Mr. PAYNE. Does the Chair suggest that we take a recess until 6?

The SPEAKER. Better make it 5 o'clock.

Mr. PAYNE. I move that the House take a recess until 5 o'clock.

The question was taken; and the motion was agreed to.

Accordingly (at 2 o'clock and 14 minutes p. m.) the House was declared in recess until 5 o'clock.

The recess having expired,

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had passed bills of the following titles; in which the concurrence of the House of Representatives was requested:

S. 318. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota;

S. 744. An act for the relief of Edward H. Ozmun;

S. 6166. An act for the relief of Edwin S. Hall;

S. 4926. An act for the relief of Etienne De P. Bujac; and

S. 4421. An act for the relief of S. W. Langhorne and H. S. Howell.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 318. An act to provide for the purchase of a site and the erection of a public building thereon at Huron, in the State of South Dakota—to the Committee on Public Buildings and Grounds.

S. 744. An act for the relief of Edward H. Ozmun—to the Committee on Claims.

S. 6166. An act for the relief of Edwin S. Hall—to the Committee on Claims.

S. 4926. An act for the relief of Etienne De P. Bujac—to the Committee on Claims.

S. 4421. An act for the relief of S. W. Langhorne and H. S. Howell—to the Committee on Claims.

S. 1473. An act for the relief of Malinda S. Gray—to the Committee on Claims.

PUBLIC BUILDINGS COMMISSION.

The SPEAKER. The Chair announces as members of the Commission appointed by virtue of the provision in the bill authorizing appropriations for public buildings enacted at this session upon the part of the House the following: Mr. BARTHOLDT, Mr. BURLEIGH, and Mr. BANKHEAD.

EXPENDITURES.

Mr. TAWNEY. Mr. Speaker, this morning I made a request to print a certain statement in the RECORD concerning the appropriations made by Congress at this session. I have since learned that information has been given out to the public regarding the aggregate appropriations for the session; which statement is inaccurate both as to the amount of the appropriations and as to the estimated revenues for the next fiscal year. While I do not wish to modify the request made this morning, I do desire, if the House will indulge me for a moment, to make a very brief statement and comparison of the appropriations in the aggregate, in order to correct any misinformation that may have been given to the public concerning this very important subject. I ask unanimous consent for that purpose.

The SPEAKER. The gentleman has the floor.

Mr. TAWNEY. I will therefore say, for the information of the House, that the total appropriations made at this session of Congress, including those carried in the regular annual appropriation acts, all deficiencies, miscellaneous matters, and permanent annual appropriations, aggregate $880,183,301.32.

This is an apparent increase of $60,000,000 over the appropriations made at the last session of Congress.

This apparent excess in appropriations at this session over those made last session is more than accounted for in the three following items:

For the isthmian canal, $42,447,000; under the statehood bill, $10,250,000; toward the construction of new buildings authorized at this session, $10,321,000, making a total of $63,018,000. To these three items I might add an item of not less than $5,000,000 on account of the earthquake and fire at San Francisco.

Other notable increases are $3,000,000 on the agricultural bill for inspection of meat products and $10,600,000 on account of the postal service.

The total apparent appropriations made at this session, $880,183,301.32, do not constitute in their entirety a charge against the revenues of the Government for the next fiscal year, for the reason that there must be deducted from this sum deficiencies that are chargeable to the service of the current year and to meet expenditures already incurred on account thereof approximating at least $35,000,000. This sum includes $16,000,000 for the isthmian canal.

There should also be deducted $57,000,000 for the sinking fund, which may or may not be met in whole or in part, as it is purely a matter of discretion with the Secreary of the Treasury to utilize the surplus in the Treasury for that purpose.

There should also be deducted the sum of $22,000,000, which is estimated and included in the whole sum of appropriations to be paid out of deposits of national banks in redemption of circulating notes of banks. The deposits are not credited as a part of the revenues of the Government, and therefore redemptions made from the fund thus arising should not be charged to expenditures.

The amount of $25,456,415.08 appropriated for work on the isthmian canal during the next fiscal year is payable from or reimbursable to the Treasury out of proceeds of bonds that are authorized to be sold for that purpose and should also be deducted from the sum of appropriations for 1907.

The sums mentioned amount to more than $139,000,000, and when deducted leave apparent appropriations of only $741,000,000 to be met out of the revenues of the next fiscal year.

In my judgment, the ordinary revenues of the Government the next fiscal year will amount to at least $600,000,000. The postal revenues are estimated at $181,573,000 for 1907, making the total apparent resources of the Government next year of not less

than $781,573,000, or at least $40,000,000 in excess of appropriations that may be charged against them. [Loud applause.]

Mr. LIVINGSTON. Mr. Speaker, I regret that the chairman of the Appropriations Committee has been forced to make this statement. It is a partial statement only. It can not carry to the country, in justice to himself and to the committee and to the Congress, as full an explanation of the appropriations and disbursements of money by this Congress as should go to the country. The sum total mentioned by the chairman is not questionable—more than $800,000,000 of money. And, by the way, let me suggest to you gentlemen who are interested that this is hard on the heels of the appropriations and disbursements of 1896, that carried the bulk of the war expenses. More than $800,000,000 were the disbursements of that Congress through your Appropriations Committee. This is very near to it. I am not prepared or disposed now to apologize for the expenditures of this Congress. I do not think it is necessary to go into detailed statements of expenditures or appropriations in this impromptu manner; but the agreement between the chairman of the committee and myself was that our statements should go out hand in hand together. This will be done on next Tuesday morning, which will be as soon as he can get his statement prepared. Mine is ready now. I want to say this, that his statement here this afternoon is conclusive evidence of one thing, that our friends on the other side of the aisle will not be in favor of revising the tariff soon. If the revenues of the Government should come to the figures that the gentleman from Minnesota has just suggested, more than $700,000,000, it will still be very close to your expenditures. The margin even then between the revenues and disbursements will be too slight to be comfortable to those who insist that our present schedules of taxation must neither be raised nor lowered—stand-patters. You must raise more revenue in some way, either by an income tax or an increase in internal revenues. I put you on notice now that you must do something, and I think my statement will show you your best remedy when you read it.

The estimates referred to by the gentleman are not to be questioned either. I wish to say that your Committee on Appropriations, headed by the gentleman from Minnesota, have done everything within our power to lessen these appropriations for 1907; but you must remember that when you give a committee—the Military Committee, for instance—power to legislate and appropriate also, you take the question entirely out of the hands of the Appropriations Committee, and you must hold them responsible. And then when you take the ten or twelve other committees and give them power to legislate and appropriate, all those committees have to do is to frame their legislation and then appropriate to meet that legislation, without any reference to what other committees are doing. The Military Committee, the Naval Committee, the Post-Office Committee never stop to inquire what other committees are doing in the way of expending money. There is no community or effort between them to keep down expenses or to keep within the limits of the revenue. And yet you expect the Appropriations Committee to do it, when we are absolutely without power.

Mr. HULL. Would it bother the gentleman if I ask him a question?

Mr. LIVINGSTON. No.

Mr. HULL. I do not understand this is the formal statement of the gentleman, and I would like to ask the gentleman if he thinks the Committee on Appropriations would meet the appropriations under the law and appropriate what the law required?

Mr. LIVINGSTON. If the Committee on Appropriations had the appropriations of all the committees this year we would have saved this Government $150,000,000, in my opinion.

Mr. HULL. Would you appropriate under the law all the law requires?

Mr. LIVINGSTON. We would not have appropriated all that you legislated in your bill.

Mr. HULL. Why do you give the deficiency? You put in $500,000 this year, so we must have cut down reasonably well.

Mr. LIVINGSTON. Well, as the gentleman at the head of the Military Committee has put himself into the debate, I want to say to him that the most reckless expenditure of money comes from that committee and the Naval Committee of any committees in this House, or that ever has been since the organization of the Government. That committee does not seem to care whether we get $6,000,000 or $10,000,000 of revenue; it has no regard for the amount of money or revenue that we have to draw from.

Mr. GAINES of Tennessee. Will the gentleman yield for a question?

Mr. LIVINGSTON. Yes; although I do not like to be interrupted.

Mr. GAINES of Tennessee. Did I understand the gentleman to say that this was a characteristic of this committee always?

Mr. LIVINGSTON. No, sir; not always.

Mr. GAINES of Tennessee. Then it must be the fault of this particular committee.

Mr. LIVINGSTON. No; I want to say that the Committee on Military Affairs is just as able, in my opinion, and just as honest as anybody on the Appropriations Committee. I make no reflection on the committee, either for the want of ability, honesty, or patriotism, but I am finding fault with the whole system of allowing different committees in this House who have no close connection, no understanding as to what the revenues of the Government are, indiscriminately appropriating without regard to the sources from which they must draw. You can not hold the Appropriations Committee responsible for these expenditures under present methods.

The distinguished Speaker of this House that sits in the chair this afternoon in the Forty-ninth Congress demonstrated what I now say beyond the question of a doubt. So did Mr. Randall; so did Mr. Garfield; so did Mr. Edmunds; so did Mr. Beck, and so did many other distinguished Senators and Members on the floor of the House. They begged the House then not to go into these wild and untried methods in their anxiety to divide up the appropriations between twelve or thirteen committees. They foretold then exactly what would happen, what happened to-day, and what will happen in the next Congress and the next, and so on, until you change this system. You never can control your finances under this method of doing business.

The two great committees of the House, one represented by the distinguished gentleman from New York, the Ways and Means Committee, and the other represented by the gentleman from Minnesota, the Appropriations Committee, stand back to back, and they ought to know each what the other is doing. One provides the revenue and the other disburses it, and without some understanding or close connection between these two committees this House has no control of its expenditures.

Mr. GAINES of Tennessee. Will the gentleman pardon me for another question?

Mr. LIVINGSTON. Yes.

Mr. GAINES of Tennessee. I take it that the Bureau of Standards is here under the guardianship of the Appropriations Committee. The law creating it limited the expenditure to $27,500 a year, and this year they appropriated about $170,000. What made it grow so?

Mr. LIVINGSTON. Mr. Speaker, I am not here to go into details as to the propriety of this or the impropriety of that appropriation. That is a question the gentleman can answer as well as I can.

Mr. GAINES of Tennessee. Well, I thought the gentleman was perfectly familiar with it and he might give us the answer.

Mr. LIVINGSTON. I will answer it, but I don't want to answer any more questions. The Bureau of Standards was in its infancy four years ago. Two years ago it was a lusty stripling, and now it has got to be a young man, it requires a new suit of clothes. It has grown now to manhood.

Mr. GAINES of Tennessee. Yes; but we had a law which limited it to $27,500, and the appropriation has piled up to about $170,000, and there is no law for it.

Mr. LIVINGSTON. Mr. Speaker, there is another thing I want to suggest to the House. When your Appropriation Committee finds in their investigations where we can save a little bit of money and where it ought to be saved, and we put a paragraph into the appropriation bill and come to the floor of this House, every man stands ready—from the Military Committee, or from the Naval Committee, or from some other committee—to jump on it and make a point of order, and out it goes. If you will give us the power to legislate and appropriate as you give the Post-Office Committee, as you give the Military Committee, and as you give the Naval Committee and the other committees, we will take care of it; but you rob us of the power to legislate, and you give it doubly to the other committees to legislate and to appropriate.

Mr. Speaker, I have spoken of the sum total of over eight hundred millions appropriated. The sum total appropriated in 1899, which Congress carried the bulk of the cost of the Spanish war to this Government, was only nine hundred and eighty-three million, and in my statement I shall not compare the expenditures of this Congress for 1907 with that of the last Democratic Congress, because it would look ridiculous—$500,000,000 more. I am going to take up the peace term of Mr. McKinley—1898—and compare it with 1907, the peace term of Mr. Roosevelt. I want to say to my Republican friends that this is comparing a Republican administration with a Republican administration, and if you can draw any comfort out of it

or give any excuse for it other than that forty-two millions have gone to Panama, you are welcome to do so. But the fact is there all the same. Our extravagance is increasing, if you will pardon the use of that expression, constantly, term after term, and when you meet next winter, somebody on that side of the House, some committee on that side of the House—for it would be no use to try it on this side—should get up some system by which you can not only keep your expenditures within your revenues and get a little surplus on hand for fear we may some day have to tackle some great power with this great Navy of ours that you are preparing, and with which you are walking about, up and down, to and fro, over the earth, with a chip on your shoulder. You will bring it certainly one of these days.

There is one other thought, Mr. Speaker, and I am through. Come back here next winter, my friends on that side of the House—and I hope the chairman of the Committee on Ways and Means will listen—come back here with a determination to provide more revenue or cut expenses. You must do one or the other, or resort to a bond issue.

Mr. HULL. Mr. Speaker, I would not trespass upon the House if it were not for the fact that the gentleman from Georgia [Mr. LIVINGSTON] seems to have gone out of his way to take a little throw at all the other committees of the House having appropriations, and I was very much astonished at the statement of the gentleman that the proper way to know how much to appropriate for a given purpose was for some committee to have all of the appropriations, and then, I suppose, draw straws or divide it up equally among all the different branches of the Government. I have been laboring under the impression that every committee having appropriations to report to this House was bound somewhat by the law in each case making necessary the appropriations. So far as the Military Committee is concerned, we are bound by law. We are bound by law to pay the salaries of officers and the wages of the enlisted force of the Army. Would not the Appropriation Committee be bound by the same law? We are bound to provide for the clothing, we are bound to provide for the transportation, we are bound to provide for the food; and it is all under the law. You can not feed an army by a lump sum guessed at by the amount of money the Government may have on hand to distribute. You have got to calculate it by the number of rations, at so much a ration, fixed by law for the number of men entitled to rations, and that is the way the appropriation is made in every other case.

Mr. LIVINGSTON. Will the gentleman permit an interruption?

Mr. HULL. Certainly.

Mr. LIVINGSTON. I desire to suggest to the gentleman that his committee is constantly slipping into the bill new legislation providing for more appropriations. That is what I complain of.

Mr. HULL. What? The gentleman ought to know.

Mr. LIVINGSTON. Oh, I am not going into details now.

Mr. BURLESON. Oh, a number of them were stricken out this year on points of order raised by the gentleman from Minnesota [Mr. TAWNEY].

Mr. HULL. That is not a correct statement at all.

Mr. BURLESON. Which gave great offense to the Committee on Military Affairs, and because of which they inaugurated a filibuster against the legislative bill.

Mr. HULL. If the gentleman from Texas [Mr. BURLESON] will possess his soul in patience, I will try and enlighten him. There were clerks stricken out to the amount of $300,000 a year. Those clerks were carried on the Army bill when the Committee on Appropriations had the Army bill. It was for division and department headquarters, and Headquarters of the Army. When the Committee on Appropriations had charge of the bill they legislated in their appropriation bill creating a service of enlisted men, and I think it was when Mr. Randall was chairman of that committee that he thought these men got too much wages, and when they reached a certain age they were retired. With their retired pay and pay of new men who took the places of those retired at higher wages than any other enlisted force of the Army had, the cost was considered excessive, and under the leadership of the Committee on Appropriations that law was changed to what it stands to-day—civil-service clerks. That went out on a point of order this session after all these years. There was no law outside of the appropriation bill that had created it. It was created as it stands to-day by the Committee on Appropriations.

Mr. LIVINGSTON. Will the gentleman tell me how the General Staff came into existence, that carries fifty-two line officers of the Army stationed in Washington City, and carries about one and three-quarter million dollars of expense to this Government? How did that get in here?

Mr. HULL. It got in here on a law that passed the Congress independent of an appropriation bill.

Mr. LIVINGSTON. Who put it in here?

Mr. HULL. Why, we have legislated. Why, Mr. Speaker, while the gentleman from Georgia is talking of economy, let me say to him and to the House that if the Committee on Military Affairs had listened to his arguments, and they were most persuasive, at least $500,000 would have been legislated for the benefit of Atlanta.

Mr. GAINES of Tennessee. What are these sixty officers stationed here doing?

Mr. HULL. Why, they are performing the duties of a General Staff; they are studying the different plans in regard to the mobilization of the Army, and they are preparing plans for encampments and all the details of military affairs.

Mr. GAINES of Tennessee. How many more officers now are doing that in a time of absolute peace than we had stationed here in the war of 1812, the civil war, or the Spanish war?

Mr. HULL. We did not have any General Staff in the Spanish war. We had simply the bureau officers, and we had simply the general officers. And I will say to the gentleman that the cry all over this country, from the South and the North, was a demand for a better Army organization, so that in case of a war in the future this country would not witness the spectacle of unpreparedness that we had in the case of the Spanish war.

Mr. GAINES of Tennessee. Well, now, will the gentleman state a single instance where the South or the East or the West, or any other section of this country, called for the stationing of sixty officers in the city of Washington to prepare for war in time of peace?

Mr. HULL. I do not think there are sixty officers preparing for war here.

Mr. GAINES of Tennessee. That is what the gentleman from Georgia says.

Mr. HULL. These officers are detailed. I will say to the gentleman I think it is fifty-two, but no matter whether fifty or a hundred, let me say to the gentleman every officer here would be paid exactly the same salary whether he was here or not, whether he is here or in the field. The General Staff does not increase the number of officers.

Mr. GAINES of Tennessee. Who is doing his duty in the field while he is here?

Mr. HULL. The subordinates there. If a captain is detailed here, the first lieutenant then is in command. If he is a major, a captain is in command. There is no increase in the Army on account of the details to what is called "the General Staff."

Mr. LIVINGSTON. Mr. Speaker, I want to say to the gentleman that 55 per cent of all the money collected as revenues in this Government to-day is appropriated for the Army and Navy in 1907.

Mr. HULL. Mr. Speaker——

Mr. LIVINGSTON. Now, wait a moment.

Mr. HULL. Mr. Speaker, I want to say to the gentleman——

Mr. LIVINGSTON. Wait a moment. This is a larger percentage used for that purpose than any other nation or kingdom under heaven.

Mr. HULL. We do not have any such percentage. I think the English navy alone takes a much larger per cent of the revenue of England than our Army and Navy combined takes of the revenues of the United States.

Mr. PARKER. Will the gentleman permit a question?

Mr. HULL. Certainly.

Mr. PARKER. I know perfectly well that a great many things are counted against the Army which do not have to do with the Army; but the appropriations for the Army are only $70,000,000, a thousand dollars per man, on an average. That is all there is of it.

Mr. GAINES of Tennessee. How many officers constitute this staff, and where do they work?

Mr. HULL. I think it is fifty-five.

Mr. GAINES of Tennessee. And they are formulating plans that the little subordinates out in the woods and thickets of the Philippine Islands are carrying out?

Mr. HULL. No; I think the gentleman, when he gets a little time, ought to go and look over their work.

Mr. GAINES of Tennessee. Where?

Mr. HULL. At the General Staff offices.

Mr. GAINES of Tennessee. I am sure I can tell more about what the troops do out in the thickets of the Philippines than I can as to these officers.

Mr. HULL. I think the gentleman could soon learn. I give the gentleman credit for a great deal more ability than would be required for that. As to expenses, we have here an Army of about 60,000, counting all branches and all departments. We

have it scattered so it is a little more expensive than it would otherwise be, but the expenses of your Army are about $70,000,000, or, $71,000,000 is about the accurate amount, out of $80,000,000 expended. I am not discussing what the Navy has done. They are not expending a dollar that Congress has not ordered spent.

Mr. BURLESON. We all understand that.

Mr. HULL. When you come to the Army, it seems to me that there is not a man on this floor that represents a constituency—I know that there is not a man on the floor who makes such statements because he believes in the talk—but there is not a man on this floor, in my judgment, that represents a constituency that demands this constant fling at the American Army. Do you know, Mr. Speaker, as I have said so often, the Army of the United States is composed of citizens of the United States, boys that are born and raised in the United States? Under the law that was passed twelve years ago a man can not get into the Army unless he is a native-born citizen or naturalized citizen of this country.

Mr. BURLESON. Will the gentleman yield?

Mr. HULL. Why, certainly.

Mr. BURLESON. There has been no criticism of the Army, as I understand it. The criticism was directed against the appropriation made for the support of the Army. Now, will the gentleman deny that from Congress to Congress the appropriation being made for the support of the Army is constantly increasing? Do you deny that?

Mr. HULL. Mr. Speaker, from the time of the Spanish war to the present the appropriations have been decreasing. They did increase enormously during the Spanish war.

Mr. BURLESON. Does the gentleman mean to say that the military appropriation bill from year to year carries a less amount?

Mr. HULL. A less amount. We increased the Army after the war. During the Spanish war it was an immense increase.

Mr. BURLESON. I am not speaking with reference to the Spanish-American war.

Mr. HULL. Just one minute. You can not keep the expenses of the Army down to a level of Europe when you pay six, eight, or ten times as much to your soldiers as they pay to theirs. If you want to reduce the expense of your Army, you have to cut down the pay of your soldiers.

Mr. BURLESON. Well, is that being done?

Mr. HULL. It ought not to be done.

Mr. BURLESON. Is it being done?

Mr. HULL. No.

Mr. BURLESON. Then you admit that you have not decreased the appropriation.

Mr. PAYNE. I want to say just a few words. The gentleman from Georgia [Mr. LIVINGSTON] has his annual apprehension about the revenues of the Government and fears we are going to have a deficit. He predicted that a year ago, as he has predicted every year. Now, the fiscal year closes to-day with a surplus of receipts over expenditures of something over $25,000,000. [Applause on the Republican side.] And that is notwithstanding the fact that we have had an extraordinary expense for the Isthmian Canal, for which no bonds have yet been issued, of $25,000,000.

Now, Mr. Speaker, I move that the House take a recess until 7 o'clock.

Mr. GAINES of Tennessee. Indulge me just a minute, please. I want to make a statement about another matter that has not been discussed here.

Mr. PAYNE. Will not the gentleman wait until after recess? Let us go to dinner.

Mr. GAINES of Tennessee. Just a minute, and I will confine myself to the minute.

The SPEAKER. Does the gentleman from New York [Mr. PAYNE] yield a minute to the gentleman from Tennessee [Mr. GAINES].

Mr. GAINES of Tennessee. I want to commend the efforts of the gentleman from Minnesota [Mr. TAWNEY] for his efforts toward economy, and I want to criticise the gentleman who is chairman of the Post-Office Committee—I am glad he is present—because the gentleman from Minnesota [Mr. TAWNEY] reported a reform measure here on the transportation of notes, bonds, silver coin, securities, and other matters that the Treasury Department has to send by the express companies.

The gentleman from Minnesota [Mr. TAWNEY] brought in a reform measure providing that these things should be sent by mail, by which thousands and thousands of dollars would be saved. The gentleman from Indiana [Mr. OVERSTREET] approved the proposition. He said it was a reform that was needed; that this expense was exorbitant. Yet the gentleman from Indiana made the point of order against the reform measure of the gentleman from Minnesota, and he has let five or six months of this Congress go by without bringing in a bill here to cover this proposed reform, so that Congress might pass it as a bill. He contents himself by agreeing that the reform ought to be made; yet he made the point of order against it, and then does not report any bill here to bring about this reform.

Mr. PAYNE. Mr. Speaker, I insist on my motion.

The SPEAKER. The gentleman from New York [Mr. PAYNE] moves that the House take a recess until 7 o'clock p. m.

Mr. OVERSTREET. Mr. Speaker, just one word. I merely wanted to quote the saying of Josh Billings, that "It is better not to know so many things than to know so many things that ain't so." [Laughter.]

Mr. GAINES of Tennessee. It is so, and the RECORD will show that I have substantially stated the case.

RECESS.

The SPEAKER. The question is on the motion of the gentleman from New York [Mr. PAYNE], that the House take a recess until 7 o'clock p. m.

The motion was agreed to.

Accordingly (at 5.45 p. m.) the House took a recess.

The recess having expired,

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment bill of the following title:

H. R. 20511. An act making appropriations for certain public buildings, authorized by the act approved June 30, 1906, and for other purposes.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent that the House take a recess for five minutes.

The SPEAKER. The Chair hears no objection.

The recess having expired,

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles; when the Speaker signed the same:

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 15673. An act for the relief of Harry A. Young;

H. R. 17842. An act granting a pension to Josephine V. Sparks;

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes;

H. J. Res. 186. A joint resolution relative to the printing of 12,000 copies of the Report on the Progress of the Beet-Sugar Industry;

H. R. 18537. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907;

H. J. Res. 187. A joint resolution authorizing the purchase of the manuscript of a digest of the United States laws and decisions;

H. J. Res. 183. A joint resolution providing for the printing of reports ordered by the river and harbor act of March 3, 1905;

H. R. 8825. An act for the relief of Thomas H. Kent;

H. J. Res. 177. A joint resolution authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas;

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

H. R. 19926. An act granting an increase of pension to Andrew Leopold;

H. R. 19241. An act granting an increase of pension to Henry A. Conant;

H. R. 18545. An act granting an increase of pension to David Upham;

H. R. 19163. An act granting an increase of pension to Margaret Munson;

H. J. Res. 188. Joint resolution making an additional appropriation for expenses under the Interstate Commerce Commission;

H. J. Res. 189. Joint resolution to correct an error in enrollment of, and repealing a certain provision in the bill (H. R. 19844) making appropriations for the sundry civil expenses for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906; and

H. R. 20511. An act making appropriations for certain public

buildings authorized by the act approved June 30, 1906, and for other purposes.

The SPEAKER announced his signature to enrolled bills of the following titles:

S. 88. An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious food, drugs, medicines, liquors, and for other purposes;

S. 5301. An act to extend the time for completion of the Alaska Central Railway, and for other purposes;

S. 1812. An act for the relief of Lieut. James M. Pickrell, United States Navy, retired;

S. 4774. An act relating to the movements and anchorage of vessels in Hampton Roads and harbors of Norfolk and Newport News, and adjacent waters in the State of Virginia;

S. 2188. An act granting to the city of Durango, in the State of Colorado, certain lands therein described for water reservoirs;

S. R. 72. Joint resolution fixing the date upon which the act to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, approved June —, 1896, shall go into effect;

S. 6283. An act granting an increase of pension to Clara A. R. Devereux;

S. 4163. An act to authorize the sale of certain real estate in the District of Columbia belonging to the United States; and

S. 6523. An act to authorize the Alaska Pacific Railway and Terminal Company to construct a bridge across the Copper River in the Territory of Alaska.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following bills and joint resolutions:

H. R. 19241. An act granting an increase of pension to Henry A. Conant;

H. R. 19163. An act granting an increase of pension to Margaret Munson;

H. R. 18545. An act granting an increase of pension to David Upham;

H. R. 19026. An act granting an increase of pension to Andrew Leopold;

H. R. 17972. An act to extend the time for the construction of a bridge and approaches thereto across the Missouri River at or near South Omaha, Nebr.;

H. J. Res. 183. Joint resolution providing for the printing of reports ordered by the river and harbor act of March 3, 1905;

H. J. Res. 177. Joint resolution authorizing the Secretary of War to furnish a bronze cannon, with its carriage, limber, and accessories, to Junction City Post, No. 132, Grand Army of the Republic, Department of Kansas;

H. R. 8825. An act for the relief of Thomas H. Kent;

H. R. 18337. An act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1907;

H. J. Res. 187. Joint resolution authorizing the purchase of the manuscript of a digest of the United States laws and decisions;

H. R. 3933. An act granting a pension to James P. Flewellen;

H. R. 19755. An act to authorize the Secretary of the Navy to loan temporarily to the Philippine government a vessel of the United States Navy for use in connection with nautical schools of the Philippine Islands;

H. R. 8867. An act granting an increase of pension to George Stillman;

H. R. 7235. An act granting an increase of pension to Abel W. Payne;

H. J. Res. 186. A joint resolution relative to the printing of 12,000 copies of the report on the progress of the beet-sugar industry;

H. R. 12080. An act granting to the Siletz Power and Manufacturing Company a right of way for a water ditch or canal through the Siletz Indian Reservation, in Oregon;

H. R. 15673. An act for the relief of Harry A. Young;

H. R. 17842. An act granting a pension to Josephine V. Sparks;

H. R. 20403. An act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes; and

H. R. 19844. An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 5119. An act authorizing the extension of W and Adams streets NW.—to the Committee on the District of Columbia.

S. 5221. An act to regulate the practice of osteopathy, to license osteopathic physicians, and to punish persons violating the provisions thereof in the District of Columbia—to the Committee on the District of Columbia.

FINAL ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I offer the following resolution for immediate consideration.

The Clerk read as follows:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 30th day of June, 1906, at 10 o'clock p. m.

The SPEAKER. Without objection, the resolution will be considered as agreed to.

Mr. WILLIAMS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILLIAMS. Why is it necessary to remain in session until 10 o'clock? Is not everything about closed up?

Mr. PAYNE. Well, I will state to the gentleman that after the business is concluded, and the last bill sent to the President, in accordance with the usual custom a committee will be sent to wait upon the President, who is now at the White House; and to get all that through it seems necessary to fix the hour at 10.

Mr. WILLIAMS. Is not the President in the Capitol?

Mr. PAYNE. He has returned to the White House.

Of course this resolution is subject to amendment in the Senate; and if the business is got through with and they see that we can adjourn earlier the resolution can be amended.

Mr. LIVINGSTON. After it is disposed of here the bill has to be signed by the President. Why would it not be the best to wait until everything is through and then adjourn. You may lose a bill or two, or half a dozen bills.

Mr. PAYNE. I do not think there is any great danger of that occurring.

Mr. LIVINGSTON. What is the use of having any danger of it?

Mr. PAYNE. I think we had better fix the time, so that we can work to that. I think if we had fixed the time for 6 o'clock it could have been worked to.

Mr. WILLIAMS. So far as that is concerned, if we find later on we have fixed the hour too early we can change it.

Mr. PAYNE. I think the House better pass the resolution.

Mr. LIVINGSTON. What is the object of that?

Mr. PAYNE. It will give the Senate some definite time to work to.

Mr. WILLIAMS. I have no objection.

Mr. PAYNE. I ask for a vote on the resolution.

The question was taken; and the resolution was agreed to.

COMMITTEE TO WAIT ON THE PRESIDENT.

Mr. PAYNE. Mr. Speaker, I offer the following resolution:

The Clerk read as follows:

Resolved, That a committee of three Members be appointed by the Chair to join a similar committee to be appointed by the Senate to wait upon the President of the United States and inform him that the two Houses have completed the business of the present session and are ready to adjourn unless the President has some other communication to make to them.

The question was taken; and the resolution was agreed to.

The SPEAKER. The Chair announces the following committee: Mr. PAYNE, Mr. BURTON of Ohio, and Mr. WILLIAMS.

RECESS.

Mr. PAYNE. I move that the House take a recess until ten minutes to 9 o'clock.

The SPEAKER. Without objection, it is so ordered.

There was no objection; and accordingly (at 7 o'clock and 45 minutes p. m.) the House was declared in recess.

The recess having expired, the House (at 8 o'clock and 50 minutes p. m.) was called to order.

On motion of Mr. PAYNE (at 8 o'clock and 55 minutes p. m.) the House took a recess until ten minutes past 9 o'clock.

AFTER THE RECESS.

The recess having expired, the House was called to order at ten minutes past 9.

ENROLLED BILLS SIGNED.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bill of the following title; when the Speaker signed the same:

H. R. 20410. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes.

Mr. PAYNE. Mr. Speaker, I move that the House take a recess until ten minutes of 10.

The motion was agreed to.

Accordingly (at 9 o'clock and 15 minutes p. m.) the House was in recess until ten minutes of 10 o'clock.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following House concurrent resolution:

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate and the Speaker of the House of Representatives be authorized to close the present session by adjourning their respective Houses on the 30th day of June, 1906, at 10 o'clock p. m.

The message also announced that the Senate had passed the following resolution:

Resolved, That a committee of two Senators be appointed by the Vice-President to join a similar committee appointed by the House of Representatives to wait upon the President of the United States and inform him that the two Houses, having completed the business of the present session, are ready to adjourn unless the President has some other communication to make to them.

And that in compliance with the foregoing the Vice-President had appointed as said committee Mr. NELSON and Mr. BLACKBURN.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WACHTER, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States for his approval the following bills and joint resolutions:

H. J. Res. 189. Joint resolution to correct an error in enrollment of, and repealing a certain provision in the bill (H. R. 19844) making appropriations for sundry expenses of the Government for the fiscal year ending June 30, 1907, and for other purposes, approved June 30, 1906;

H. J. Res. 188. Joint resolution making an additional appropriation for expenses under the Interstate Commerce Commission;

H. R. 20410. An act to increase the limit of cost of certain public buildings, to authorize the purchase of sites for public buildings, to authorize the erection and completion of public buildings, and for other purposes; and

H. R. 20511. An act making appropriations for certain public buildings authorized by the act approved June 30, 1906, and for other purposes.

AFTER THE RECESS.

The recess having expired, the House (at 10.50 p. m.) resumed its session.

REPORT OF COMMITTEE TO WAIT ON PRESIDENT.

Mr. PAYNE. Mr. Speaker, the committee appointed by the House to join a similar committee appointed by the Senate to wait upon the President of the United States and inform him that the two Houses of Congress had completed their business, and to ascertain whether he had any further communication to make, report that they have performed that duty, and the President announces that he has no further communication to make.

The SPEAKER. The hour is at hand when under the terms of the concurrent resolution the first session of the Fifty-ninth Congress is to close.

I desire to return my thanks to each and all of the membership of the House for the uniform courtesy extended to myself as Speaker.

It is proper for me to say that in thirty years' service in the House of Representatives its membership has never been more able, more industrious, or more devoted to the performance of its duties for the best interests of the country than during the session about to close. The differences at times have been sharp and decisive, but I take pleasure in saying that at all times in our deliberations courtesy has abounded and that our differences have been sincere from the individual and from the party standpoint.

No session of Congress has, in my judgment, for thirty years accomplished so much that is valuable in legislation for the best interests of all the people as has been enacted during the present session. I believe that this will be the verdict of history.

I trust that during the vacation you may remain in health, and return to your duties in December next with renewed strength.

Nothing remains but for me to declare the first session of the Fifty-ninth Congress adjourned without day.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Mildred Turley, administratrix of estate of John Turley, against The United States, was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BARTHOLDT, from the Committee on Public Buildings and Grounds, to which was referred the bill of the Senate (S. 5773) to provide a site and buildings for the Departments of State, Justice, and Commerce and Labor, reported the same without amendment, accompanied by a report (No. 5095); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARDNER of New Jersey: A bill (H. R. 20509) to enact the common law in so far as applied to commerce among the States—to the Committee on the Judiciary.

By Mr. CLAYTON: A bill (H. R. 20510) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across Choctawhatchee River, in Geneva County, about 6 miles above the town of Geneva, Ala.—to the Committee on Interstate and Foreign Commerce.

By Mr. TAWNEY: A bill (H. R. 20511) making appropriations for certain public buildings authorized by the act approved June 30, 1906, and for other purposes—to the Committee on Appropriations.

By Mr. KENNEDY of Nebraska: A bill (H. R. 20517) to reestablish the weights in which manufactured tobacco and snuff shall be put up in packages for sale—to the Committee on Ways and Means.

By Mr. BISHOP: A bill (H. R. 20518) to authorize the Secretary of the Navy to establish and cause to be maintained two free public schools for children under 17 years of age, at the town of Warrington, on the naval reservation on Pensacola Bay, in the State of Florida—to the Committee on Naval Affairs.

By Mr. BURLESON: A concurrent resolution (H. C. Res. 41) directing the Secretary of War to furnish the adjutant-general of the State of Texas a certified copy of the muster rolls of the Texas Rangers, and so forth—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. CALDERHEAD: A bill (H. R. 20512) granting an increase of pension to William Massey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 20513) for the relief of John B. Haney—to the Committee on War Claims.

By Mr. GREENE: A bill (H. R. 20514) granting an increase of pension to Fletcher Sullivan—to the Committee on Invalid Pensions.

By Mr. LAMAR: A bill (H. R. 20515) granting an increase of pension to Robert Gamble—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 20516) granting an increase of pension to Henry Mason—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. GRAHAM: Petition of citizens of Pennsylvania, for investigation into affairs in Kongo Free State—to the Committee on Foreign Affairs.

Also, petition of D. S. Thomson, Allegheny, Pa., for the Littlefield original-package bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of Association of Manufacturers and Jobbers of Plumbing Supplies, Central Supply Association, Pittsburg Supply Company, and Anchor Sanitary Company, against the eight-hour bill—to the Committee on Labor.

By Mr. BURKE of Pennsylvania: Petition of Pittsburg Supply Company and Anchor Sanitary Company, against eight-hour bill—to the Committee on Labor.

By Mr. LACEY: Paper to accompany bill for relief of John B. Ackley—to the Committee on Military Affairs.

By Mr. LORIMER: Petition of employees of Miller Hill & Son, of Chicago, for a tax of 25 per cent on all prison-made goods—to the Committee on Ways and Means.